

# Zoning Ordinance Knox County, Indiana

Knox County  
Area Plan Commission

March, 2006  
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Zoning Ordinance  
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## Section 1 General Provisions

### Section 1.1 Scope

This document is written as a county-wide zoning ordinance for Knox County, Indiana. It is intended that all cities and towns included in Knox County are to be regulated by this Ordinance. This includes incorporated and unincorporated communities.

### Section 1.2 Purpose

This Ordinance is adopted for the following purposes:

- A. Promoting the public health, safety, comfort, morals, convenience, and general welfare;
- B. Encourage employment of the principles of good design in community development;
- C. To enhance economic development and growth;
- D. Securing adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
- E. Lessening or avoiding congestion in public ways;
- F. Implementing the Comprehensive Plan; and
- G. Otherwise accomplishing the purposes of IC 36-7-4.

To that end, this Ordinance does the following:

- A. Regulates the location, height, bulk, area and use of buildings, structures and land.
- B. Regulates the size of yards, setbacks, courts and other open spaces.
- C. Provides for adequate off-street parking spaces.
- D. Guides the density and distribution of population and the orderly use and intensity of use of land for residences, trades, industries, public activities and other specified purposes.
- E. Provides for reasonable standards assuring the use and enjoyment of property to all.
- F. Creates districts of such kind, character, number, shape and area as may be necessary to carry out such purposes, and establishing the boundaries thereof.
- G. Establishes a Board of Zoning Appeals.
- H. Provides for the method of administration, amendment and enforcement of this Ordinance.
- I. Establishes penalties for the violation of this Ordinance.

### Section 1.3 Authority

This Ordinance is adopted in accordance with the provisions of IC 36-7-4, the 600 Series.

### Section 1.4 Definitions

ACCESSORY USE: A use located on the same lot as a principal use, related to and clearly subordinate to the principal use.

**ADVERTISING STRUCTURE:** Any off premise notice, advertisement, billboard, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services. These structures are considered Conditional Uses in every district except R-1, in which they are not permitted. Furthermore, these structures shall meet all building and sign requirements. The term "advertising structure" under this Ordinance does not include a "sign" as defined later in this Section.

**AGRICULTURE:** The production, keeping, cultivation, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; llamas, chinchilla, ostrich and other specialty animals; fish for commercial sale (aquaculture); trees and forest products; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**AGRICULTURAL BUILDING:** A structure utilized for the conduct of farming or agricultural operations, but not a dwelling.

**AIRCRAFT:** Any contrivance, now known or hereinafter invented, for use or designed for navigation of or flight in the air or outer space, including missiles.

**AIRPORT:** Any area, which is used or intended to be used either publicly or privately for the taking off and landing of aircraft, including helicopters; and any appurtenant areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

**ALLEY:** A right-of-way, other than a street, road, sidewalk, or easement, that provides secondary access to an abutting property.

**AUTOMOBILE SERVICE STATION:** Any building, structure or land used for the dispensing, sale or offering for retail sale of vehicular fuels, oils or accessories. This use may include lubrication or washing of automobiles and replacement or installation of minor parts and accessories; but does not include major repair work such as motor replacement, body and fender repair, or spray painting, (See GARAGE, AUTOMOBILE REPAIR). It may also include a convenience store as an accessory use.

**BED AND BREAKFAST UNIT:** A room or group of rooms forming a single habitable unit used or intended to be used for compensation by transients for living and sleeping, but not for cooking or eating purposes.

**BED AND BREAKFAST USE:** An operator-occupied residence that:

1. provides sleeping accommodations to the public for a fee;
2. has no more than 8 guest rooms
3. provides breakfast to its guests as part of the fee; and
4. provides sleeping accommodations for no more than 30 consecutive calendar days to a particular guest.

This term does not include hotels, motels, boarding houses, tourist homes, or food service establishments.

**BLOCK:** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, watercourses, or any other barrier to the continuity of development.

**BOARD:** The Knox County Area Board of Zoning Appeals, or the Vincennes City Board of Zoning Appeals, whichever jurisdiction applies.

**BOARDING OR LODGING HOUSE:** A dwelling or part thereof in which for compensation, lodging and meals are provided to at least three but not more than 30 persons other than transients.

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**BUILDING, ACCESSORY:** A building or structure that is located on the same lot as a principal building and is clearly subordinate to the principal building.

**BUILDING AREA:** The total ground floor area of all buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than 2 feet in width.

**BUILDING HEIGHT:** With respect to a building, means the vertical distance from the lot ground level to the highest point for a flat or shed roof; to the deck line for a mansard roof; and to the mean height between eaves and ridges for a gable, hip, or gambrel roof.

**BUSINESS:** The engaging in the purchase, sale, barter or exchange of goods, merchandise or services; the maintenance or operation of offices or recreational and amusement enterprises for profit.

**CEMETERY:** Land dedicated or used for the burial of the dead, including columbaria and mausoleums when operated in conjunction with and within the boundaries of such premises.

**CAMP GROUND:** A parcel of land used or intended to be used for temporary occupancy by campers, or for temporary occupancy by or of recreational vehicles, travel trailers, tents, cabins, or other temporary accommodations.

**CAR WASH:** A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices; and shall include a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.

**CHILD OR ADULT CARE HOME:** A residential structure in which at least six children or other individuals at any time receive care from a provider, not including those for whom the provider is a parent, stepparent, guardian, custodian, or other relative; but no more individuals may receive care than the maximum allowed by appropriate state regulations.

**CHILD CARE SERVICE:** A service conducted as a "home occupation" by an individual that provides for the care, health, safety, and supervision of not more than five children at any one time, including his/her own minor children, for less than 24 continuous hours in his/her own residence.

**CHURCH:** Any church, temple, chapel or other building dedicated or used for public worship, ceremonies or other organized religious services

**CITY:** The City of Bicknell, Indiana, or the City of Vincennes, Indiana.

**CLUB:** An establishment operated for social, recreational or educational purposes that is open only to members and not to the general public.

**CLINIC:** An establishment in which patients are admitted on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

**COAL EXTRACTION:** This definition includes the activities associated with both surface and underground coal mining or coal extraction, including other preparations customarily done at a mine site or as part of a coal mining or coal extraction activity.

**COMMERCIAL CENTER:** A group of four or more separately operated commercial establishments, planned, developed, owned, and managed as a unit, with common off-street parking provided on the property.

**COMMERCIAL RECREATION:** Establishments primarily engaged in providing recreational services to the general public, including auditorium, theater, bowling alley, billiard rooms, dance studios and amusement facilities.

**COMMISSION:** The Knox County Area Plan Commission.

**CONDITIONAL USE:** A Conditional Use is a use that would not be appropriate generally or without restriction throughout the zone district, but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety,



convenience, prosperity or general welfare. Such uses may be permitted in such zone districts as Conditional Use, if specific provision for such Conditional Use is made in this Ordinance.

CONVENIENCE STORE: Any retail establishment not exceeding 3,500 square feet in area offering for sale prepackaged food products, household items, newspapers and magazines, along with other convenience items such as sandwiches, donuts, salads, coffee, and fountain drinks.

COUNTY: Knox County, Indiana.

DETACHED BUILDING: A building that has no structural connection with another building.

DEVELOPMENT OF BROAD SIGNIFICANCE: A land use, development, or project having the potential to affect the county in a significant manner. Effects include but are not limited to significant impacts on traffic, the environment, future development patterns, and economic development. Examples of such uses include but are not limited to amphitheaters, race tracks, landfills, theme parks or other large recreational developments, and prisons.

DRIVE-IN RESTAURANT: A food service establishment where food is consumed on the premises outside of fully enclosed buildings or structures.

DRIVE-THROUGH ESTABLISHMENT: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle, which is usually left running, during such business transactions.

DWELLING: A building or part of a building that is used primarily as a place of abode, including mobile home as defined herein, but not including a hotel, motel, lodging house, boarding house, or tourist home.

DWELLING, FARM: A single-family dwelling, located upon a farm and occupied or used by the owner, farm tenant or other person employed thereon.

DWELLING, SINGLE-FAMILY: A detached building designed for or occupied by one family exclusively.

DWELLING, TWO-FAMILY: A detached building designed for or occupied by two families. A duplex dwelling has one family unit above the other, and a double dwelling has one family unit beside the other.

DWELLING, MULTIFAMILY: A building designed for or occupied by three or more families.

DWELLING UNIT: A dwelling or part of a dwelling used by one family as a place of abode.

EXISTING USE: The use of a lot or structure at the time of enactment of this zoning ordinance.

FAMILY: A group of individuals, not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit under a common management plan based on an intentionally structured relationship providing organization and stability. This definition does not include a group occupying a hotel, motel, club, adult care home, child care home, group home, nursing home, dormitory, or a fraternity or sorority house.

FARM: An area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry except as defined under “farm, confinement feeding,” or the processing of farm products produced on the farm by the resident owner or tenant; but it does not include commercial or custom slaughtering. (See AGRICULTURE)

FARM, CONFINEMENT FEEDING: Any operation involving the production of livestock or fowl or related operations, indoors or outdoors, wherein more than 100 head of livestock or 5,000 fowl are kept within buildings or structures or in paved or unpaved feed lots, wherein 5 square feet or less of feed lot area is provided per laying hen, or 8 square feet or less per hog weighing 225 pounds or less, or 15 square feet or less per lamb or ewe, or 50 square feet or less per sow, or 50 square feet or less per feeder steer, or 100 square feet or less per dairy cow, provided that this definition shall not apply to operations involved with the processing of products of confinement feeding operations.

GARAGE, PRIVATE: A detached accessory building, or a portion of a main building on the same lot as a dwelling, used for the housing of vehicles of the occupants of the dwelling, including carports.

GARAGE, AUTOMOBILE REPAIR: Any building, structure or land used for major repair work or equipment of automobiles, including but not limited to motor replacement, body and fender repair, or spray painting.

GROUP HOME: A residential facility, licensed by the appropriate state agency, that provides residential services for not more than eight developmentally disabled persons, none of whom has a history of violent or antisocial behavior, and such staff, not to exceed two at any one time, as are necessary to adequately manage the home.

HOME OCCUPATION: Any use conducted within a dwelling or appropriate accessory building and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the property for residential purpose and does not change the character thereof. No commodity shall be sold upon the premises except that

which is produced thereon or essential and incidental to the services offered. In no event shall a two-station barber shop, two-station beauty shop, restaurant, animal hospital, commercial warehouse or similar uses including junk yards, or major automotive repair be construed as a "home occupation".

HOSPITAL: An institution or facility where the ill or injured may receive medical, surgical or psychiatric treatment, nursing care, etc.

IMPROVED BLOCK: Any block that contains at least three existing lots or parcels, each containing a legally established building. For the purposes of this definition, a block consists of one side of the street, not interrupted by any streets. In any case where a proposed building site has no buildings within 300 feet in either direction on the same side of the street, the property shall be considered to be in an unimproved block.

INDUSTRIAL USE, GENERAL: Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw material, manufactured products or wastes, in which operations, other than transportation, may be performed in either open or closed areas.

INDUSTRIAL USE, LIGHT: Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.

INSTITUTIONAL USE: Fraternal, philanthropic and charitable uses, private clubs, lodges, social centers and athletic clubs, religious establishments, museums.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. This definition includes but is not limited to unregistered or inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.

JUNK YARD: Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

KENNEL: A place primarily for keeping a total of 4 or more dogs or other small animals that are ordinarily kept as pets and are at least 4 months old.

LOT: A parcel, tract or area of land accessible by means of a street or place. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the Knox County Recorder, or it may include a combination of parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street shall be included.

LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT, INTERIOR: A lot other than a corner lot or a through lot.

LOT, THROUGH: A lot fronting on two parallel or approximately parallel streets, or a lot fronting on both a street and a watercourse or lake.

LOT COVERAGE: The percentage of the lot area that is represented by the building area together with any other physical improvements including but not limited to decks, patios and driveways.

LOT GROUND LEVEL (ELEVATION).

1. For a building having walls abutting (that is, generally parallel to and not more than 5 feet from) one street only, means the elevation of the sidewalk at the center of the wall abutting the street;
2. For a building having walls abutting more than one street, means the average of the elevations of the sidewalk at the centers of all walls that face streets; and
3. For a building having no wall abutting a street, means the average level of the ground adjacent to the exterior walls of the building.

LOT LINE.

1. Front: For an interior lot, the line marking the boundary between the lot and the abutting street; and for a corner lot or a through lot, means the lines marking the boundaries between the lot and the abutting streets on each side.
2. Rear: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly shaped lot, it means the line 10 feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line;
3. Side: A lot boundary line other than a front or rear lot line.

LOT WIDTH: The distance between the side lot lines as measured along the front lot line.

MANUFACTURED HOME: Pursuant to IC 22-12-1-16, has the meaning set forth in 42 USC 5402 as it existed on January 1, 2003, as follows: "A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC 5401 et seq; and

except that such term shall not include any self-propelled recreational vehicle." According to this definition, "manufactured home" is the term used under this Ordinance for a structure built entirely in the factory after June 15, 1976, under the Federal Manufactured Home Construction and Safety Act of 1974, according to standards administered by the United States Department of Housing and Urban Development (commonly known as the HUD Code) or an older model structure that has obtained the above mentioned certification. The term "manufactured home" under this Ordinance does not include a "mobile home" or a "recreational vehicle" as defined later in this Section.

**MANUFACTURED HOME PARK:** A parcel of land containing two or more spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes.

**MANUFACTURING:** The manufacturing, processing, fabrication or repairing of any goods, product or materials where no continuous process involved will produce fire hazard, electrical disturbance, noise, vibration, odor, air pollution, heat, glare, water pollution or waste matter which will disturb or endanger any neighboring property and where such operations and storage are enclosed.

**MECHANICAL UNITS:** Mechanical units located on the outside of buildings, including but not limited to, generators, walk-in freezers, heating, ventilation, and air conditioning units.

**MINING OR MINERAL EXTRACTION:** The extraction of minerals, including solids, such as ores, sand and gravel; liquids, such as crude petroleum; and gases, such as natural gas, from the ground, excluding coal (See Coal Extraction). This definition includes the activities associated with mining or mineral extraction, including milling, such as crushing, screening, washing and flotation; and other preparations customarily done at a mine or excavation site or as part of a mining or excavation activity.

**MOBILE HOME:** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall not include any self-propelled recreational vehicle. Under this Ordinance, "mobile home" is the term used for manufactured homes produced before June 15, 1976, prior to the Federal Manufactured Home Construction and Safety Act of 1974, and have not been certified to comply with the standards established under 42 USC 5401 et seq (the HUD Code) as required by the Secretary of Housing and Urban Development. These "mobile homes" were built according to voluntary industry standards that may not have been enforced by various states. The term "mobile home" under this Ordinance does not include a "manufactured home" or a "recreational vehicle" as defined elsewhere in this Section.

**MOBILE HOME PARK:** A parcel of land containing two or more spaces, with required improvements and utilities, that are leased for the long-term placement of mobile homes.

**NONCONFORMING USE:** Any building or land lawfully occupied by a use at the time of passage of this Ordinance which does not conform after the passage of this Ordinance with the use regulations of the district in which it is situated. Existing improvements which do not meet required lot size, setback lines, height, intensity, off-street parking and loading, signs and other regulations for the district in which they are currently situated are not nonconforming uses as defined herein.

**OPERATING AUTHORITY:** Any private utility company that owns, operates or maintains any electric, gas, water, sewer, telecommunications, or any other utilities serving or located within a given area. In the case of public improvements, this includes any entity of a county, city, town or other unit of government that owns, operates and maintains such utilities or any roads, streets, parks, schools or other public systems serving or located within a given area.

**PERMITTED or PERMITTED USE:** Uses, structures or other items that are allowed as specified under the terms of this Ordinance that typically require an Improvement Location Permit or Conditional Use Permit, unless the use and context of said term as used in this Ordinance denotes otherwise.

**PERSON:** An individual, corporation, company, association, society, firm, partnership, joint stock company, or any organized group of persons whether incorporated or not, or any agent, representative or instrumentality thereof.

**PERSONAL SERVICES:** Establishments primarily engaged in providing services for a person or his or her personal goods or apparel. These uses include but are not limited to laundry, dry cleaning, beauty or barber shops, diaper service, and shoe repair.

**PLANNED UNIT DEVELOPMENT:** An area planned for one or more uses as an integrated and harmonious unit displaying desirable and fitting site design characteristics, the use requirements of this Ordinance being generally applicable to the area as a whole rather than to the individual components.

**PLAT:** A map or chart that shows a division of land and is intended to be filed for record.

**PRINCIPAL BUILDING:** A building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling).

**PROFESSIONAL OFFICE:** An office used by members of a recognized profession such as architects, artists, dentists, engineers, surveyors, lawyers, musicians, physicians, and surgeons.

**RECREATIONAL VEHICLE:** A vehicle which is (1) built on a single chassis; (2) 400 square feet or less; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

**RECYCLING:** The process by which waste products are reduced to raw materials and transformed into new and often different products.

**RECYCLING FACILITY:** A lot or parcel of land, with or without buildings, upon which used materials are collected, separated or processed for shipment or on which recycling occurs.

**RETAIL USE, GENERAL:** Establishments primarily engaged in the sale of goods or the provision of services to the general public; including but not limited to hotels, package liquor stores, taverns, nightclubs, restaurants and catering establishments; drugstores, department stores, variety stores, newsstands, book, stationery and office supply stores; paint, wallpaper, furniture, carpet, interior decorating, upholstering and furrier stores; candy, ice cream, jewelry, florist, gift, antique, art, music, toy and hobby shops; quick print shops, mail and package services; and storage, processing and/or conditioning when incidental to any of these uses.

**RETAIL USE, BIG BOX:** A single retail establishment containing 75,000 square feet or more.

**SCHOOL:** Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

**SCHOOL, ELEMENTARY:** Any school licensed by the state and that meets the state requirements for elementary education.

**SCHOOL, PAROCHIAL:** A school supported and controlled by a church or religious organization.

**SCHOOL, PRIVATE:** Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education, and which does not secure the major part of its funding from any governmental agency.

**SCHOOL, PROFESSIONAL OR VOCATIONAL:** A secretarial, trade or business school or college; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hair dressing, or drafting; or for teaching industrial or technical arts. This definition excludes schools that are publicly owned or those owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization.

**SCHOOL, SECONDARY:** Any school licensed by the state and that is authorized to award diplomas for secondary education.

**SETBACK**: The line that establishes the minimum permitted distance on a lot between the exterior face of a building and the front, side or rear lot line. For lots or tracts with property lines running to the centerline of the street, the setback line is measured from the street right-of-way line, not the lot or property line in the center of the street.

**SIGN**: Any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is exhibited. The term "sign" under this Ordinance does not include an "advertising structure" as defined earlier in this Section.

**SPECIAL SERVICES**: Establishments or institutions providing social or human services, including but not limited to child care centers, day care centers, kindergartens, nursing homes and neighborhood social centers.

**STREET**: A right-of-way that is established by a recorded plat or deed to provide the principal means of access to abutting property.

**STREET, COLLECTOR**: A street, which primarily collects traffic from local streets and feeds it to the arterial street network. Collector streets provide circulation between neighborhood areas.

**STREET, LOCAL**: A street used primarily for access to abutting properties, usually residential property.

**STREET, MINOR ARTERIAL**: A street, which feeds and distributes moderately high volume traffic to Principal Arterials. Arterial streets may provide controlled access to abutting property.

**STREET, PRINCIPAL ARTERIAL**: A street that serves high volume traffic corridors and connects major population centers and traffic generators, with access limited or controlled.

**STREET, PUBLIC**: A street established for or dedicated to the public use.

**STRUCTURAL CHANGE**: A substantial change or repair, excluding normal and usual repair, in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

**STRUCTURE**: Anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground.

**TOURIST HOME**: A building in which not more than 5 guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

**TOWN**: The Town of Bruceville, or Decker, or Edwardsport, or Monroe City, or Oaktown, or Sandborn, or Wheatland, Indiana, as may be applicable.



**TRANSITIONAL SETBACK:** An area that acts as a buffer between two land uses of different intensity and compatibility.

**TRUCK GARDEN:** A farm or garden devoted to the cultivation of vegetables for the market.

**TRUCK SERVICE CENTER:** Any building, structure or land used for the servicing, care, repair, or equipment of trucks over one ton; or where such vehicles are parked or stored for remuneration, hire, or sale.

**USE:** The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**VARIANCE:** Permission granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance to depart from the Development Standards of this Ordinance.

**VISIBILITY OR SIGHT TRIANGLE:** A triangular space at street intersections, free from any obstruction to vision as specified in Section 2.3.

**WORKER HOUSING:** Communal living quarters containing a community kitchen and living room as well as sleeping quarters (which may be individual) for persons employed on the premises on which the housing is located.

**YARD:** A space on the same lot with a principal building that is open and unobstructed by structures except as otherwise authorized by this Ordinance.

**Section 1.5 Establishment of Districts**

- A. The area within the jurisdiction of the Commission is hereby divided into the following zoning districts:

| <b>EXHIBIT 1.1. DISTRICT SUMMARY</b> |                             |
|--------------------------------------|-----------------------------|
| <b>District Abbreviation</b>         | <b>District Designation</b> |
| A-1                                  | Exclusive Agriculture       |
| A-2                                  | Non-exclusive Agriculture   |
| R-A                                  | Rural Residential           |
| R-1                                  | Single-Family Residential   |
| R-2                                  | Mixed Residential           |
| C-1                                  | Local Business              |
| C-2                                  | Central Business            |
| C-3                                  | General Business            |
| I-1                                  | Light Industry              |
| I-2                                  | General Industry            |

- B. The Official Zoning Maps of Knox County, together with any explanatory text thereon, are hereby adopted and incorporated herein by reference. Said maps are available for public inspection in the Area Plan Office during regular business hours.
- C. The subdivision or division of land is allowed in all zoning districts subject to the provisions and requirements of the Knox County Subdivision Control Ordinance.

## **Section 1.6 Interpretation**

### **A. Meanings and Intent**

All provisions, terms, phrases and expressions contained in this Ordinance shall be construed according to the purpose and intent set out in Section 1.2.

### **B. Headings, Illustrations and Text**

In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control. In the event that any sections of the text appear to conflict with each other, the Executive Director is hereby authorized to interpret the intent of the Ordinance. The Executive Director's interpretation may be appealed to the Board.

### **C. Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

### **D. Computation of Time**

#### **1. General**

All references to "days" are to Knox County working days unless otherwise expressly stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the county, that day shall be excluded.

#### **2. Date of Decision**

The date of a decision or recommendation of the Commission or the Board of County Commissioners shall be the date of the public meeting or hearing at which such decision or recommendation is made. If the Administrative Official makes the decision, the date of the decision shall be the date specified on the property owner's notification letter in the application file.

### **E. References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

### **F. Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

#### G. Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

#### H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Knox County, unless otherwise expressly stated. Whenever reference is made to a public official's Ordinance or name of a public agency, that reference shall be construed as referring to the most up-to-date Ordinance or agency name, or to the relevant successor official or agency.

#### I. Mandatory and Discretionary Terms

The words "shall," "will," and "must" are mandatory. The words "may" and "should" are advisory and discretionary terms.

#### J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

"And" indicates that all connected items, conditions, provisions, or events apply; and

"Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

#### K. Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

#### L. Minimum Requirements

The standards of this Ordinance are minimum requirements. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of responsibility for complying with all other applicable requirements of any other county, state or federal agency.

#### M. Conflicting Provisions

##### 1. Conflict with State or Federal Regulations

If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

##### 2. Conflict with Other Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of a county, city, town or other unit of local government, the more restrictive provision will control. No text amendment, rezoning, zoning variance or condition attached to any form of development approval shall have the effect of nullifying, abrogating or diminishing the provisions of any other local ordinance.

##### 3. Conflict with Private Easements, Agreements or Covenants

This Ordinance is not intended to abrogate, annul, or otherwise interfere with any private easement, agreement, covenant, restriction or other legal private

relationship. The Planning Department is responsible for enforcing this Ordinance; it does not enforce private agreements, easements, covenants or restrictions.

#### N. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following section lines, corporate limit lines or platted lot lines shall be construed as following such lines.
3. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
5. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 4 of this Section shall be so construed.
6. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 through 5 of this Section, the Board shall interpret the district boundaries.
7. The vacation or relocation of right-of-way and lot lines shall not affect the location of district boundaries; provided, that whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended according to the reversion rights of the abandoned right-of-way.
8. When the precise location of a Town or City corporation line is in doubt, the Commission may determine the location of the boundary as defined by the appropriate authority or jurisdiction and revise the Zone Maps accordingly, without conducting a public hearing. This only affects the district boundary line and not the corporate limit line.
9. In the event of annexation of lands to a Town or City, the zoning classification existing at the time of annexation shall remain until changed by amendment procedures.
10. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board, upon appeal, shall interpret the applicable regulations for either portion of the lot not to exceed 50 feet beyond the district boundary line into the remaining portion of the lot.

### Section 1.7 Administration and Enforcement

#### A. Administration

The administration of this Ordinance shall be in accordance with IC 36-7-4-et seq.

**B. Commission's Duties**

The Commission is hereby authorized to perform those duties and functions specified in IC 36-7-4-400 et seq. and any other applicable section of the Indiana Code along with such other responsibilities as may be assigned to it, from time to time, by the County Commissioners. The Commission shall adopt written rules of procedure for the administration of the affairs of the Commission, its staff, and for investigations and hearings.

**C. Board's Duties**

The Board is hereby authorized to perform those duties and functions specified in IC 36-7-4-900 et seq. and other applicable sections of the Indiana Code. The Board shall adopt written rules of procedure for the administration of the affairs of the Board, its staff, and for investigations and hearings.

**D. Staff Duties**

1. The Executive Director of the Commission is hereby designated as the "Administrative Official" responsible for administration of this Ordinance.
2. The staff shall have the authority to take those lawful actions necessary to enforce the terms of this Ordinance on behalf of the Commission and the Board. These authorities shall include, but are not necessarily limited to, the following:
  - a. The authority to take any action to correct any violations of this Ordinance.
  - b. The authority to review applications and issue permits.
  - c. The authority to perform inspections of all lands located within the jurisdiction of the Commission in order to enforce this Ordinance.
    - (1) To execute inspections, the staff shall have the right to enter upon any premises, land or structure, at a reasonable time, for the purpose of carrying out their duties in the enforcement of the regulations contained within the Ordinance.
    - (2) To make application to any Judge of the Circuit or Superior Court of Knox County, for the issuance of an administrative search warrant should the owner or occupant of the land, premises or structure refuse to permit entry to undertake inspections.
  - d. The authority to issue a stop work order for any activity, which is commenced without a permit or any activity being carried out in a manner that violates this Ordinance.
  - e. The authority to perform those duties specified in IC 36-4-700 et seq. and other applicable sections of the Indiana Code as well as any other duties that may be assigned to them from time to time by the Commission, Board, or legislative body.

**E. Improvement Location Permits**

1. No structure, land or premises shall be occupied or used for excavation, demolition, construction, alteration, or any other purpose whatsoever, either in whole or in part, without an Improvement Location Permit, except for the raising of crops.
2. Improvement Location Permits issued on the basis of plans and applications approved by the staff authorize only the use, occupancy, arrangement and construction set forth in such approved plans and applications, and no other use, occupancy, arrangement or construction is permitted. Any use, occupancy,

- arrangement or construction, which is inconsistent with that authorized by the permit shall be deemed a violation of the Ordinance.
3. Any improvement Location Permit issued by the staff for the occupancy or use of any structure, land or premise, unless otherwise stipulated on the face of the permit shall expire twelve (12) months after the date of its granting, unless the permit holder or his agent has put into effect the use for which the permit was issued.
  4. If the staff determines that the construction or development under any permit is not in compliance with this Ordinance, the permit may be revoked by providing written notice to the permit holder or any agent of the permit holder. The Permit shall be considered revoked upon service of the written notice of revocation upon the permit holder or his agent. Any use or occupancy of the structure, land or premises in contravention to this Ordinance following the revocation of the permit shall be deemed a violation of this Ordinance.
  5. Any decision by the staff relating to this Section may be appealed to the Board in accordance with the rules and regulation concerning administrative appeals. Nothing in this Section shall be deemed to prevent an applicant or holder of a permit from applying to the Board for a variance or conditional use as provided in this Ordinance.
  6. No approval for an Improvement Location Permit shall be granted until all application fees and other information required by this Ordinance have been properly submitted to the staff.

#### F. Violations

1. Common Nuisance:
  - a. Any structure erected, raised or converted, or land or premises used in contravention of this Ordinance, is a common nuisance and shall be deemed a violation of this Ordinance.
  - b. Any landowner or possessor of any structure, land or premises deemed to have violated this Ordinance shall be liable for maintaining a common nuisance.
2. Violator:

Any person, who commits, participates in, assists in, or maintains a violation of this Ordinance may each be found guilty of a separate offense and suffer the penalties provided for in this Ordinance.
3. Filing Complaint:
  - a. Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint.
  - b. The written complaint shall be filed with the Administrative Official and shall set forth the causes and basis of the violation.
  - c. The Administrative Official shall properly record the complaint and undertake an immediate investigation of the complaint.
  - d. If upon investigation, it is determined by the Administrative Official that a reasonable belief exist that a violation of this Ordinance has occurred, the Administrative Official shall provide written notice to the alleged violator and thereafter may file or caused to be filed a complaint against such violator as provided for in this Ordinance and under Indiana Law.

### G. Enforcement

1. In accordance with IC 36-7-4-1014, or as amended thereafter, the Commission or any enforcement official designated in the Ordinance, may bring an action in the Circuit or Superior Court of Knox County to invoke any legal, equitable or special remedy for the enforcement of this Ordinance. If the Commission or designated enforcement official is successful in the act, the violator shall bear the cost of the action. A change of venue from Knox County may not be granted in such an action.
2. In accordance with IC 36-7-4-1015, or as amended thereafter, the Board or any enforcement official designated in the Ordinance, may bring an action for injunction in the Circuit or Superior Court of Knox County to restrain a person from violating this Ordinance or for a mandatory injunction directing a person to remove a structure erected in violation of this Ordinance. If the Board or any designated enforcement official is successful in its action, the violator shall bear the cost of the action. A change of venue from Knox County may not be granted in such an action.

### H. Penalties

1. Any person who violates this Ordinance or fails to comply with any of its requirements, including but not necessarily limited to, violations of conditions and safeguards established in connection with this Ordinance, shall be fined a sum of at least Five Hundred Dollars (\$500.00), but not more than Two Thousand Five Hundred Dollars (\$2,500.00) for the first violation of the Ordinance, and not more than Seven Thousand Five Hundred Dollars (\$7,500.00) for a second or subsequent violation of this Ordinance.
2. Each calendar day a violation remains uncorrected it is a distinct and separate ordinance violation subject to an additional citation and fine in the amount prescribed.

### I. Amendments

#### 1. Ordinance Text:

The text of this Ordinance may be amended or partially repealed from time to time as provided in IC 36-7-4-607 or as amended thereafter. Notice shall be given to interested parties and the hearing conducted in accordance with the Commission's Rules of Procedure.

#### 2. Official Zoning Maps:

The zoning map may be changed from time to time as provided in IC 36-7-4-608 or as amended thereafter. Notice shall be given to interested parties and the hearing conducted in accordance with the Commission's Rules of Procedure.

#### 3. Written Commitments:

As specified in IC 36-7-4-615, when considering an amendment to the Official Zoning Maps, the Commission may require or allow written commitments that restrict the use(s) and/or developmental standards of the proposed zoning district in accordance with the following:

##### a. Initial Rezoning

- (1) Written commitments may be initiated by the Commission, the petitioner, or by the legislative body.

- (2) The legislative body or petitioner shall refer the new commitments or modifications to the Commission for consideration.
  - (3) The Commission must address the new commitment during the scheduled public hearing on the rezoning matter, or at their next available meeting, in order to take and consider public input on the new commitment.
  - (4) After the public hearing, the Commission must agree or disagree with the action of the new commitment.
  - (5) The legislative body then makes the final approval or disapproval at their next available meeting.
- b. After the initial rezoning, the Commission may modify or terminate written commitments relating to the Development Standards after notice is provided in accordance with the Commission's Rules of Procedure. The modification may be initiated by the owner of the property, by the Commission, or by the legislative body.
  - c. Modifications or termination of commitments involving permitted uses may be allowed only through the same procedure as the initial rezoning. In approving, modifying, or terminating commitments, the Commission shall consider the factors listed in Subsection 4 of this Section.
  - d. The written commitments shall be recorded in accordance with the IC 36-7-4-615. Recorded commitments are binding on the owner of the parcel, a subsequent owner of a parcel, and any person who acquires an interest in the parcel. Any rezoning ordinance amending the Official Zoning Maps that includes written commitments shall not be effective until the commitments are recorded. The commitments must be recorded within 90 calendar days after the legislative body adopts the rezoning ordinance, unless the Commission grants an extension. In the event the commitments are not recorded within the specified time, the rezoning ordinance shall not take effect and shall be considered null and void.
  - e. An Improvement Location Permit shall not be issued for any property subject to written commitments unless the use and/or development on the property complies with the recorded written commitments.
  - f. Any violations associated with written commitments are subject to enforcement and penalties established under this Ordinance.
4. Considerations:
- In preparing and considering proposals to amend or partially repeal the text of this Ordinance, or to make changes in the Official Zoning Maps, the Commission and legislative body shall pay reasonable regard to:
- a. The comprehensive plan;
  - b. Current conditions in the character of current structures in use in each district;
  - c. The most desirable use for which the land in each district is adapted;
  - d. The conservation of property values throughout the jurisdiction;
  - e. Responsible development and growth.



J. Severability

1. Should any provision of this Ordinance be held invalid or unenforceable by any Court of competent jurisdiction, all other provisions shall none the less continue in full force and effect.
2. Should any Court of competent jurisdiction hold the application of any provision of this Ordinance to be invalid as to a particular structure, land or premises, then and in that event, that holding shall not effect the application of that particular provision of the Ordinance to any occupancy or use on any other structure, land or premises not specifically included within the judgement.

K. Articles and Subheadings

The headings of the several articles and subdivisions of this section are inserted solely for the convenience of reference and shall have no further meaning, force or effect.

## Section 2 General Development Standards

### Section 2.1 Public and Essential Uses

- A. Essential uses and services are permitted in all zoning districts. These include such uses as overhead or underground gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems; collection, communication, supply or disposal systems, including, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith. This definition excludes buildings and wireless communication facilities as defined in Section 10.
- B. Essential public uses that are required to be located in such a manner as to provide efficient public services are permitted in all zoning districts. These include such uses as police stations, fire stations, public or neighborhood park and recreational facilities, and public schools.

### Section 2.2 Accessory Uses

- A. Incidental Accessory Uses  
Incidental items are allowed without an Improvement Location Permit in all districts and may be installed in any yard, provided that they are clearly incidental and of customary size and type; subject to compliance with any development and performance standards contained in this Ordinance or other applicable regulations. All accessory uses not determined to be incidental will require an Improvement Location Permit. Examples of incidental items include, but are not limited to the following:
  - 1. Bird baths and bird houses
  - 2. Fences and walls up to 6 feet in height except in front setback areas in Residential zoned districts
  - 3. Fences and walls up to 42 inches in height in front setback areas in Residential zoned districts
  - 4. Lampposts
  - 5. Mailboxes
  - 6. Nameplates
  - 7. Utility installations for local service (such as poles, lines, hydrants, and telephone booths)
  - 8. Retaining walls
  - 9. Trees, shrubs, plants, flowers, and other customary landscaping materials.
- B. Agricultural Accessory Uses
  - 1. Accessory agricultural uses shall include all residential accessory uses and those accessory uses and activities customarily associated with agricultural operations, as determined by the Executive Director; subject to compliance with any development and performance standards contained in this Ordinance.
  - 2. Agricultural buildings and farm-related structures shall be allowed with the required permits on all parcels in Agricultural zoned districts, even if the subject parcel does not contain a principal structure or use.

### C. Residential Accessory Uses

The following uses and structures shall be allowed with the required permits as accessory uses and structures to principal residential uses:

1. Private garages, carports and off-street parking areas;
2. Gate houses and guard houses;
3. Patios, cabanas, porches, gazebos and incidental household storage buildings;
4. Recreational and play facilities for the use of residents including but not limited to tennis courts, swimming pools and hot tubs;
5. Accessory Dwelling Units;
6. Accessory retail sales in a multi-family building in a multi-family zoning district;
7. Other necessary and customary uses determined by the Executive Director to be appropriate and subordinate to the principal use of the property, subject to compliance with any development and performance standards contained in this Ordinance.

### D. Commercial and Industrial Accessory Uses

The following uses and structures shall be allowed with the required permits as accessory uses and structures to principal commercial and industrial uses:

1. Dwelling units for security or maintenance personnel;
2. Fences and walls over 6 feet in height;
3. Gates and guard houses;
4. Off-street parking areas;
5. Communication antennas and support structures;
6. Recreation areas and facilities for the use of employees;
7. Cafeterias, dining halls and similar food services when operated exclusively for the convenience of employees, clients, or visitors to the principal use;
8. Day care facilities when operated exclusively for the convenience of employees of the principal use;
9. Gift shops, news stands and similar commercial activities operated exclusively for the convenience of employees, clients, or visitors to the principal use;
10. Other necessary and customary uses determined by the Executive Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards contained in this Ordinance.

### E. Institutional and Civic Accessory Uses

The following uses and structures shall be allowed with the required permits as accessory uses and structures to principal institutional and civic uses:

1. Refreshment stands and food and beverage sales located in uses involving public assembly;
2. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
3. Gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
4. Recreation areas and facilities for the use of employees;

5. Other necessary and customary uses determined by the Executive Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards contained in this Ordinance.

F. Time of Establishment

No accessory use shall be established and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use or activity have been obtained. No accessory structure shall be used unless the principal structure on the lot is also being used. Agricultural buildings such as barns and silos located in agricultural districts are exempt from this provision.

### Section 2.3 Lot Sizes, Setback Areas, Encroachments and Height Exceptions

- A. The minimum lot size requirement for a particular site may be reduced by the Commission in conjunction with proposed subdivisions filed for approval under the Subdivision Control Ordinance.
- B. Setback lines established in recorded subdivisions establish the dimensions of setback areas in such subdivisions; except when such setback lines may be less restrictive than those required in the applicable district under this Ordinance.
- C. In improved blocks as defined in Section 1.4, the average setbacks or height of such buildings determines the allowable dimensions of such in the block.
- D. No part of any structure or its associated mechanical units shall project into a required front setback area except the following:
  1. An eave, cornice, overhang, awning, balcony or bay window not exceeding four feet; provided, that such encroachment shall not protrude closer than 20 feet to a front lot line.
  2. The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding 18 inches; provided, that such encroachment shall not protrude closer than 20 feet to a front lot line.
  3. Unenclosed, uncovered steps, entrance platforms, terraces or landings not over 18 inches above grade level and not to project a distance in excess of 10 feet.
- E. No part of any structure shall project into a required side or rear setback area except the following:
  1. Mechanical units associated with the principal structure only
  2. An eave, cornice overhang, awning, balcony or bay window not exceeding four feet; provided, that such encroachment shall not protrude closer than five feet to any side or rear lot line.
  3. The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding 18 inches; provided, that such encroachment shall not protrude closer than five feet to any side or rear lot line.
  4. Unenclosed, uncovered steps, entrance platforms, terraces or landings not over 18 inches above grade level.
- F. Transitional Setback Buffers
  1. Transitional setback buffers are intended to separate different land uses from each other and are intended to eliminate or minimize potential nuisances such as dirt,

- litter, noise, glare of lights, signs, and unsightly buildings or parking areas; or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Plantings provided in connection with transitional setback buffers also assist in reducing air pollution hazards.
2. Wherever a commercial or industrial use is located adjacent to a residential use, there shall be a transitional setback buffer of at least twenty-five (25) feet.
  3. No transitional setback buffer is required whenever the adjacent land has the same zoning classification as the property being developed.
  4. Transitional setback buffers shall be located at the perimeter of the building site for any given use.
  5. The transitional setback buffer shall be used only for fences, walls or landscaping according to standards outlined elsewhere in this section.
  6. Transitional setback buffer requirements shall apply to all new development and re-development.

#### G. Fences and Walls

1. Ornamental fences, walls and structural screens may be permitted in any required side or rear setback area in accordance with the accessory structure height requirements of the respective zone district. Ornamental fences, walls and structural screens may be permitted in any required front setback area in accordance with the accessory structure height requirements of the respective zone district; provided, that no fence, wall, or structural screen in a front setback area in Residential zoned districts shall be allowed to exceed 42 inches in height. The height shall be determined by measurement perpendicular from the nearest ground level. All fences, walls, and structural screens are subject to the requirements of Section 2.2.
2. Nothing contained in this Section shall be deemed to prohibit the erection or maintenance of an open fence in connection with agricultural or recreational use or a security fence in nonresidential districts.
3. The provisions of this Section shall not apply to retaining walls.

#### H. Storage

No portion of any required setback area shall be used for the storage of motor vehicles, trailers, airplanes, boats or parts thereof or of any rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Ordinance, for a period of 48 or more consecutive hours in any one-week period.

#### I. Intersection Visibility

1. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of 2 ½ feet and 10 feet above the centerline grades of intersecting streets and drives. The "visibility triangle" is hereby established as follows:
2. For corner lots, the triangle is defined as the area formed by the street center lines and a line connecting points 75 feet for local and collector streets, and 150 feet for arterial streets, as measured from the intersection of such street center lines.
3. Upon the occasion when a driveway or alley intersects with a local or collector street, the visibility triangle is formed by the center lines of driveways, alleys and

- streets and a line connecting points 40 feet for driveways and alleys and 75 feet for local and collector streets, as measured from the intersection of said center lines.
4. Upon the occasion when a driveway or alley intersects with an arterial street, the visibility triangle is formed by the centerlines of driveways, alleys and streets and a line connecting points 65 feet for driveways and alleys and 150 feet for arterial streets, as measured from the intersection of said center lines.
  5. The provisions of this Section shall not apply to official warning signs or signals necessary to the public safety.
- J. Access and Frontage
- Every building hereafter erected or moved shall be located on a lot with frontage and access on a public street, or with frontage and access to an approved private street or access easement, and all buildings shall be so located on lots as to provide for safe and convenient access, on-site circulation, fire protection, and required off-street parking.
- K. In any district, no more than one principal structure and its customary accessory uses shall be located on a single lot; except that principal structures designed and platted as a single unit under single ownership and control, such as a multi-family residential project, business shopping center or combined industrial operations, are permissible on a single lot.
- L. The height limitations contained in the zone district regulations do not apply to spires, belfries, cupolas, parapets, silos and farm structures, antennas, water tanks, ventilators, chimneys, towers or other appurtenances usually required to be placed above the roof level; provided that such appurtenances are not intended for human occupancy. Such appurtenances as towers of mechanical or structural necessity with a roof area equal to or in excess of 50% of the average floor area of the building shall be considered a part of the height of the building.

## Section 2.4 Temporary Uses

Within any zone district, no temporary use shall be used or arranged or designed to be used except in conformance with the following rules and time limits:

- A. Temporary office, model home or model apartment and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the zone district. Maximum use limited to 18 months.
- B. Construction trailers as a temporary office during the period of construction and development. Maximum use limited to 18 months.
- C. Construction trailers, including modular or manufactured structures used as a temporary office during construction, provided that the following criteria are met:
  1. The construction trailer is situated at the construction site and is occupied only by persons directly engaged in the supervision of the construction of the structure or development.
  2. All setback requirements of the district in which the construction trailer is located are met.
  3. All health and sanitary regulations of the County Health Department and the State Board of Health are met.

4. Safe temporary connection to the electrical utility system is made in compliance with the applicable building code.
  5. A validly approved Improvement Location Permit has been issued for the subject structure or development.
- D. Concrete batching plant, both incidental and necessary to a construction project. Maximum use limited to 18 months.
  - E. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the zone district. Maximum use limited to 18 months.
  - F. Parking lot designated for a special event in a zone district. Maximum use limited to 30 calendar days.
  - G. Bazaars, carnivals, rummage or garage sales, and similar temporary uses. Maximum use limited to 10 calendar days.
  - H. Sale of Christmas trees, outdoor tent theater, sale of seasonal fruits and vegetables from roadside stands, tent sales.
  - I. Parking of recreational vehicles for visitation. Maximum use limited to 7 calendar days.
  - J. Emergency or temporary parking or stopping of a recreational vehicle is permitted on any street or highway for not longer than 24 hours; provided, that such parking or stopping shall be subject to any prohibitions or limitations imposed by the traffic and parking regulations for such street or highway.
  - K. Anything herein to the contrary notwithstanding, a recreational vehicle may be temporarily parked or stored in the open in connection with the following:
    1. A public health program sponsored by a public health department.
    2. A program sponsored by any unit of government.
    3. A carnival or other public affair or function authorized by proper authority.
  - L. Other similar uses deemed temporary by the Executive Director and attached with such time period, conditions and safeguards as the Executive Director may deem necessary.

## Section 2.5 Performance Standards

- A. Operations considered by the Commission to be governed by Section 11, Coal and Other Mineral Extraction, shall only need to conform to the requirements set forth for water quality and air quality.
- B. Air Quality  
Any activity that releases smoke, particulate matter, gases or contaminants into the atmosphere shall comply with all appropriate federal and state regulations.
- C. Water Quality  
Any activity that discharges any substance to a watercourse or water body shall comply with all appropriate federal, state and local regulations.
- D. Noise
  1. At the lot or property line, the noise generated by any use or operation (other than transportation facilities or temporary construction work) shall not exceed:
    - a. The noise standard for that land use as specified on Exhibit 2.2 for a cumulative period of more than thirty minutes in any hour;

- b. The noise standard plus five decibels for a cumulative period of more than five minutes in any hour;
  - c. The noise standard plus fifteen decibels for a cumulative period of more than one minute in any hour;
  - d. The noise standard plus twenty decibels or the maximum measured ambient level, for any period of time.
2. The noise measurements shall be performed using a sound level meter according to the requirements of the American National Standards Institute.
  3. If possible, the ambient noise level shall be measured at the same location along the property line with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten decibels below the ambient in order that only the ambient level be measured.

| <b>EXHIBIT 2.2. NOISE LEVELS</b> |                    |                            |
|----------------------------------|--------------------|----------------------------|
| <b>Land Use Category</b>         | <b>Time Period</b> | <b>Average Level (dba)</b> |
| 1- or 2-family dwelling          | 7 a.m. – 10 p.m.   | 55                         |
|                                  | 10 p.m. – 7 a.m.   | 45                         |
| Multi-family dwelling            | 7 a.m. – 10 p.m.   | 55                         |
|                                  | 10 p.m. – 7 a.m.   | 50                         |
| Commercial or Light Industrial   | 7 a.m. – 10 p.m.   | 65                         |
|                                  | 10 p.m. – 7 a.m.   | 60                         |
| General Industrial               | Anytime            | 75                         |

**E. Hazardous Materials and Waste**

All activities for hazardous materials and wastes shall comply with all local, state and federal regulations, as well as the appropriate Health Department regulations and fire department regulations. For all areas within the corporate limits of the City of Vincennes or outletting into the Vincennes city sewer systems, all such activities shall comply with the City of Vincennes Pre-treatment Ordinance, if applicable.

**F. Electrical Disturbance**

Devices that radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located.

**G. Vibration.**

No persistent vibration shall be permitted for an extended period of time so as to cause a significant tremor measurable without instruments at the lot line.



#### H. Glare.

No direct or reflected glare, whether produced by floodlights, high temperature processes such as combustion or welding, or other processes so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.

### Section 2.6 Sewage Disposal

Every building hereafter constructed and every use hereafter established shall have adequate sewage disposal as specified in this Section.

- A. Uses served by public or semi-public sewer systems or by package treatment plants approved by the Indiana Department of Environmental Management are permitted, provided that such uses comply with all applicable lot size for the zone district and all other applicable requirements of this Ordinance, subject to the following requirements apply:
1. The Knox County Health Department (KCHD) or the appropriate operating authority shall review and provide the Planning Department with acceptable assurance that the proposed system or any existing receiving sewer has the capacity and capability to serve the development.
  2. If the system is private, the KCHD shall provide the Planning Department with acceptable assurance that an effective maintenance program for the system is in place. Such maintenance program shall include a method for automatic payment of fees for regular maintenance of the system.
- B. Uses served by community on-site disposal systems shall be subject to the following requirements:
1. The community system shall meet all requirements of the Indiana Department of Environmental Management and Indiana State Department of Health (ISDH)
  2. The KCHD shall provide the Planning Department with acceptable assurance that the system has the capacity and capability to serve the development.
  3. The KCHD shall provide the Planning Department with acceptable assurance that an effective maintenance program for the system is in place. Such maintenance program shall include a method for automatic payment of fees for regular maintenance of the system.
- C. Uses served by individual on-site disposal systems shall be subject to the following requirements:
1. The system shall have a permit from the KCHD. The applicant shall provide a copy of the permit to the Planning Department.
  2. If construction, development or any structural changes affecting the size of an existing structure are to take place on a parcel with an existing system, the applicant shall provide proof to the KCHD that the system exists, is functioning properly, and

- is capable of adequately serving the proposed use. The KCHD shall notify the Planning Department that such proof has been provided by the applicant.
3. The septic system, including any fingers, trenches, mounds, or similar features, shall be located on the same lot as the use it serves.
  4. The KCHD shall provide to the Planning Department a copy of a report from a certified soil scientist stating that the parcel can accommodate a septic system capable of adequately disposing of the waste from the use anticipated on the property.
- D. Notwithstanding any other requirement of this Ordinance, the minimum lot size requirement can be modified as follows for parcels served by individual on-site disposal systems:
1. The minimum lot size must be increased if the parcel contains soil types, water bodies, steep slopes, or other conditions which indicate that a larger land area is desirable to contain a sewage disposal system as determined and recommended by the KCHD.
  2. The minimum lot size may be reduced if the applicant provides evidence that soil conditions, topography, or other similar factors clearly indicate that the parcel can accommodate a properly functioning septic system with sufficient capacity for the use anticipated. Such evidence must be reviewed and approved by the KCHD followed by approval as a variance by the Board for existing parcels, or by approval of the Commission in conjunction with a proposed subdivision filed under the Subdivision Control Ordinance.

## **Section 2.7 Landscaping and Screening**

The provisions of this section do not apply to areas within the corporate limits of the City of Vincennes. Landscaping requirements in those areas must comply with the provisions and procedures as outlined in the appropriate sections of the Land Use Code of the City of Vincennes.

### **A. Purpose**

Landscaping and screening devices are required for the following purposes:

1. To reduce dust, glare and erosion
2. To provide shade
3. To assist in screening objectionable light, views and noises
4. To visually soften buildings and parking areas
5. To aid and improve air quality
6. To provide privacy

### **B. General Provisions**

1. Landscaping plantings shall not be placed so as to interfere with site drainage.
2. Landscape plantings shall not be placed in any public utility easement unless specifically permitted on the approved site plan.
3. Plantings shall not be placed where they may interfere with the maintenance of sanitary or storm structures, fire hydrants or water valves, or any other overhead or below ground public utility.

4. Landscape planting shall not be placed within any public street right-of-way unless previously approved by the appropriate legislative body.
  5. The sight "visibility triangle" requirements outlined in Section 2.3 shall be maintained at all times.
  6. All disturbed areas shall be restored with sod or seed unless specifically approved otherwise.
  7. In all districts the adjacent right-of-way shall be sodded or re-seeded unless specifically approved otherwise.
- C. Standards for Commercial and Industrial Landscaping
1. Commercial and industrial landscapes must follow the General Provisions outlined in this section.
  2. Plantings should contain a variety of specimens using plant specimens native to Indiana.
  3. Native deciduous trees: Basswood, Beech, Cherry, Crabapple, Green Ash, Honey Locust, Maple, Oak, Tulip Tree, Walnut; (8' to 10' high and 1-1/2" caliper minimum at the time of planting).
  4. Native Evergreen trees: Virginia Pine, White Pine, Eastern Red Cedar, Northern White Cedar, Eastern Hemlock, Cypress, (4' to 5' high at the time of planting).
  5. Native Shrubs: Service Berry, Black Chokeberry, Buttonbush, Ninebark, (1/3 of expected mature height at the time of planting).
  6. Other native landscaping materials found in the publication "Landscaping with Plants Native to Indiana" published by The Nature Conservancy and not listed above are also allowed. Copies of this publication are available upon request at the Area Plan Office.
  7. Additional non-native species of plants may be allowed in the landscape so long as they are a non-invasive species.
  8. Consideration should be taken when selecting trees that will eventually overhang parking lots, homes, swimming pools, or other sensitive areas. Trees that bear fruit and nuts are not desirable in these locations.
- D. Standards for Residential Landscaping
1. Residential landscapes must follow the General Provisions outlined in this section.
  2. In residential districts or uses the entire front yard, side yard and rear yard shall be sodded or re-seeded.
  3. Using plant specimens native to Indiana is encouraged.
- E. Refuse Containers
- No refuse containers or storage areas shall be located between any principal structure and either its front or corner side lot line.
- F. Maintenance
- All landscaping shall be properly maintained. Dead plant materials shall be replaced in a timely manner, and landscaped areas shall be kept free of weeds and debris. Failure to maintain landscaping properly shall constitute a violation of this Ordinance.

## **Section 2.8 Conflicting Ordinances and Interpretation**

The provisions of this Section shall be deemed as additional requirements to standards required elsewhere in this Ordinance, or by other local ordinances.

## Section 3 Use Districts

### Section 3.1 A-1, Exclusive Agricultural District

#### A. Purpose

The A-1, Agricultural District is designated for agricultural uses and is intended to protect rural areas from urban encroachment. Residential development is limited; this district is not intended as a large-lot residential zone. It is the intent of this Ordinance to allow the continuation of existing agricultural operations and to protect the use and value of both agricultural and nonagricultural land within the jurisdiction of the Commission. This district includes substantial areas of high-quality soils, well suited to farming, where little or no urbanization has taken place and is not likely to take place in the future.

#### B. Limitation on Rezoning. In order to accomplish the purpose of this district, rezoning to another classification, other than for a Development of Broad Significance or a Planned Unit Development shall be subject to the following criteria:

1. Development patterns in the area have changed to the extent that the property is likely to become urbanized.
2. The uses permitted in the new zoning district will not interfere nor conflict with neighboring agricultural operations.

#### C. Permitted Uses

The following uses shall be permitted in the A-1 District, subject to the standards set forth in this Ordinance.

1. Butcher shop or custom meat processing
2. Farm
3. Farm dwelling of 720 square feet or larger
4. Manufactured home used as a farm dwelling which is at least 24 feet wide and contains 950 square feet or larger, which shall be measured by using the outside dimensions of the structure excluding the towing mechanism
5. Greenhouses and plant nurseries
6. Home occupation
7. Kennel
8. Roadside produce sales stand
9. Oil and Gas Production (subject to the requirements of Section 12)
10. Accessory uses normally associated with permitted agricultural operations
11. Other uses deemed comparable and compatible to those set forth in this Section

#### D. Conditional Uses

The following uses are permitted only if the Board issues a Conditional Use Permit as provided for in Section 14.

1. Advertising structures
2. Airport
3. Anhydrous ammonia or similar liquefied fertilizer, commercial storage and distribution
4. Auction sales yard
5. Bait sales (live)

6. Bed and breakfast use
7. Bottled gas, storage and distribution
8. Camp ground
9. Cemetery
10. Church
11. Commercial seed processing operations
12. Contractor's storage yard
13. Country club or golf course
14. Dwelling, single family of 720 square feet or larger
15. Farm equipment sales and service
16. Farm, confinement feeding
17. Hospital
18. Institutional use
19. Manufactured home as a temporary dwelling unit, in accordance with Section 7
20. Manufactured home as a permanent dwelling of 720 square feet or larger in accordance with Section 7 (other than those specifically listed above in subsection C as permitted uses)
21. Mortuaries and funeral services
22. Riding stable
23. Rural business or services
24. Seasonal hunting or fishing lodge
25. Second dwelling unit
26. Slaughterhouse
27. Special services
28. Worker housing for persons employed on the premises
29. Fences and walls over 6 feet in height in side and rear setback areas only
30. Other uses deemed comparable and compatible to those set forth in this Section

E. Development Standards

The following property Development Standards shall apply to all land and structures in the A-1 District.

1. Lot Size  
The minimum lot size shall be 1 acre.
2. Building Height
  - a. The maximum height for any principal building or structure, other than an agricultural structure, is 35 feet.
  - b. The maximum height for accessory buildings shall be as regulated in Section 2.2.
3. Setbacks
  - a. Front
    - (1) Lots abutting a Principal or Minor Arterial shall have a minimum front setback of 50 feet.
    - (2) Lots abutting a Collector or Local Street shall have a minimum front setback of 40 feet.
  - b. Side  
The minimum side setback shall be 10 feet.

- c. Rear
  - The minimum rear setback shall be 10 feet.
- 4. Lot Coverage
  - The maximum lot coverage shall be 30%.
- 5. Off-Street Parking and Loading. As regulated in Section 8.
- 6. Signs and Advertising Structures. As regulated in Section 9.

### **Section 3.2 A-2, Non-exclusive Agriculture District**

#### **A. Purpose.**

The A-2 District is intended to protect open space and rural areas while allowing reasonable use of property generally characterized by varying topography and soils not ideally suited for croplands. Non-farm uses in this district are intended to be compatible with farming operations, and urbanization is considered unlikely.

#### **B. Permitted Uses**

The following uses shall be permitted in the A-2 District, subject to the standards set forth in this Ordinance.

- 1. All uses permitted in the A-1 District
- 2. Boat sales, service, storage and rental
- 3. Butcher shop or custom meat processing
- 4. Country club or golf course
- 5. Lodge or private club
- 6. Marina
- 7. Public camp
- 8. Riding stable
- 9. Rural business or services
- 10. Seasonal hunting or fishing lodge
- 11. Single-family dwelling of 720 square feet or larger
- 12. Manufactured home used as a permanent single family dwelling which is at least 24 feet wide and contains 950 square feet or larger, which shall be measured by using the outside dimensions of the structure excluding the towing mechanism
- 13. Uses customarily accessory and incidental to permitted uses
- 14. Other uses deemed comparable and compatible to those set forth in this Section.

#### **C. Conditional Uses**

The following uses are permitted only if the Board issues a Conditional Use Permit as provided for in Section 14.

- 1. Any Conditional Use permitted in the A-1 District (other than those specifically listed above in subsection B as permitted uses)
- 2. Tourist home
- 3. Other uses deemed comparable and compatible to those set forth in this Section

#### **D. Development Standards**

The following property Development Standards shall apply to all land and structures in the A-2 District.

- 1. Lot Size
  - The minimum lot size shall be 1 acre.

2. Building Height
  - a. The maximum height for any principal building or structure, other than an agricultural structure, is 35 feet.
  - b. The maximum height for accessory buildings shall be as regulated in Section 2.2.
3. Setbacks
  - a. Front
    - (1) Lots shall have a minimum front setback of 50 feet abutting a Principal or Minor Arterial.
    - (2) Lots shall have a minimum front setback of 40 feet abutting a Collector or Local Street.
  - b. Side

The minimum side setback shall be 10 feet.
  - c. Rear

The minimum rear setback shall be 10 feet.
4. Lot Coverage

The maximum lot coverage shall be 30%.
5. Off-Street Parking and Loading. As regulated in Section 8.
6. Signs and Advertising Structures. As regulated in Section 9.

### **Section 3.3 R-A, Rural Residence District**

#### **A. Purpose**

The purpose of the R-A District is to provide for the development of single-family residential estate homes in a semi-rural, residential environment. This district is a large-lot residential district and is located adjacent to farming areas. It is the intent of this Ordinance that rural residential developments do not interfere with adjacent or nearby farming operations and that owners of residential property recognize that there are characteristics of farming operations (such as noise, dust, and odor) that may affect their property. It is intended that the agricultural operations will continue.

#### **B. Permitted Uses**

The following uses shall be permitted in the R-A District, subject to the Development Standards set forth in this Ordinance.

1. Farm
2. Greenhouses and plant nurseries
3. Roadside produce sales stand
4. Single-family dwelling of 950 square feet or larger
5. Manufactured home used as a permanent single family dwelling which is at least 24 feet wide and contains 950 square feet or larger, which shall be measured by using the outside dimensions of the structure excluding the towing mechanism
6. Two-family dwelling
7. Truck gardens
8. Worker housing for persons employed on the premises
9. Accessory uses normally associated with permitted uses.
10. Other uses deemed comparable and compatible to those set forth in this Section



### C. Conditional Uses

The following uses are permitted only if the Board issues a Conditional Use Permit as provided for in Section 14.

1. Advertising structures
2. Airport
3. Anhydrous ammonia or similar liquefied fertilizer, commercial storage and distribution
4. Auction sales yard
5. Bait sales (live)
6. Bed and breakfast use
7. Camp ground
8. Cemetery
9. Child or adult care home
10. Church
11. Country club or golf course
12. Farm equipment sales and service
13. Greenhouses and plant nurseries
14. Group home
15. Home occupation
16. Hospital
17. Institutional use
18. Kennel
19. Manufactured home as a temporary dwelling unit, in accordance with Section 7
20. Manufactured home as a permanent dwelling of 950 square feet or larger in accordance with Section 7 (other than those specifically listed above in subsection B as permitted uses)
21. Manufactured home park, with Development Plan approval in accordance with Section 7
22. Mortuaries and funeral services
23. Multi-family dwelling
24. Oil and Gas Production (subject to the requirements of Section 12)
25. Private or parochial school
26. Riding stable
27. Rural business or services
28. Seasonal hunting or fishing lodge
29. Second dwelling unit
30. Special services
31. Worker housing for persons employed on the premises
32. Fences and walls over 6 feet in height in side and rear setback areas only
33. Other uses deemed comparable and compatible to those set forth in this Section

### D. Development Standards

The following property Development Standards shall apply to all land and structures in the R-A District.

1. Lot Size  
The minimum lot area shall be 1 acre. In improved blocks as defined in Section 1.4, the lot area may be reduced to the average size for all lots in the block.
2. Building Height
  - a. The maximum height for any principal building or structure, other than an agricultural structure, is 35 feet.
  - b. The maximum height for accessory buildings shall be as regulated in Section 2.2.
3. Setbacks
  - a. Front
    - (1) Lots shall have a minimum front setback of 35 feet abutting a Principal or Minor Arterial.
    - (2) Lots shall have a minimum front setback of 25 feet abutting a Collector or Local Street.
  - b. Side  
The minimum side setback shall be 10 feet.
  - c. Rear  
The minimum rear setback shall be 10 feet.
4. Lot Coverage  
The maximum lot coverage shall be 30%.
5. Off-Street Parking and Loading. As regulated in Section 8.
6. Signs and Advertising Structures. As regulated in Section 9.

### **Section 3.4 R-1, Single-Family Residence District**

#### **A. Purpose**

The R-1 District is intended to provide for moderate-density single-family neighborhoods.

#### **B. Permitted Uses**

1. Single-family dwelling of 950 square feet or larger
2. Manufactured home used as a permanent single family dwelling which is at least 24 feet wide and contains 950 square feet or larger, which shall be measured by using the outside dimensions of the structure excluding the towing mechanism
3. Accessory uses normally associated with permitted uses

#### **C. Conditional Uses**

The following uses are permitted only if the Board issues a Conditional Use Permit as provided for in Section 14.

1. Bed and breakfast use
2. Cemetery
3. Child or adult care home
4. Church
5. Country club
6. Group home
7. Home occupation
8. Institutional use

9. Manufactured home as a temporary dwelling unit, in accordance with Section 7
  10. Manufactured home of 950 square feet or larger in accordance with Section 7 (other than those specifically listed above in subsection B as permitted uses)
  11. Mortuaries and funeral services
  12. Private or parochial school
  13. Special services
  14. Fences and walls over 6 feet in height in side and rear setback areas only
  15. Other uses deemed comparable and compatible to those set forth in this Section
- D. Development Standards

The following property Development Standards shall apply to all land and structures in the R-1 District.

1. Lot Size

- a. The minimum lot width shall be 60 feet; provided, that any plat of a Major Subdivision submitted for plat approval in accordance with the Subdivision Control Ordinance may reduce such minimum width to at least 45 feet of frontage on a street. In improved blocks as defined in Section 1.4, the width may be reduced to the average width for all lots in the block.
- b. The minimum depth for any lot shall be 120 feet. In improved blocks as defined in Section 1.4, the depth may be reduced to the average depth for all lots in the block.

2. Building Height

The maximum height of a Principal Building shall be 30 feet.

3. Setback

The minimum setback lines in an R-1 District shall be as follows:

a. Front

- (1) Lots shall have a minimum front setback of 35 feet abutting a Principal or Minor Arterial.
- (2) Lots shall have a minimum front setback of 30 feet abutting a Collector Street.
- (3) Lots shall have a minimum front setback of 20 feet abutting a Local Street.

b. Side and rear

The minimum side and rear setback shall be 5% of the lot width, provided that the minimum required side and rear setback shall be not less than 5 feet nor more than 25 feet. However, if an alley is located along the property line, the minimum setback from the property line shall be 15 feet.

4. Lot Coverage

The maximum lot coverage in an R-1 District shall not exceed 40% of the lot area.

5. Off-Street Parking and Loading. As regulated in Section 8.

6. Signs and Advertising Structures. As regulated in Section 9.

### Section 3.5 R-2, Mixed Residence District

A. Purpose

The R-2 District is intended to provide for a variety of residence types at moderate density.

**B. Permitted Uses**

The following uses shall be permitted in the R-2 District, subject to the Development Standards set forth in this Ordinance.

1. Single-family dwelling of 950 square feet or larger
2. Manufactured home used as a permanent single family dwelling which is at least 24 feet wide and contains 950 square feet or larger, which shall be measured by using the outside dimensions of the structure excluding the towing mechanism
3. Two-family dwelling
4. Boarding or lodging house
5. Bed and breakfast use

**C. Conditional Uses**

The following uses are permitted only if the Board issues a Conditional Use Permit as provided for in Section 14.

1. Advertising structures
2. Cemetery
3. Child or adult care home
4. Church
5. Country club
6. Fraternity, sorority or student cooperative
7. Group home
8. Home occupation
9. Institutional use
10. Manufactured home as a temporary dwelling unit, in accordance with Section 7
11. Manufactured home as a permanent dwelling of 950 square feet or larger in accordance with Section 7 (other than those specifically listed above in subsection B as permitted uses)
12. Manufactured home park, with Development Plan approval in accordance with Section 7
13. Mortuaries and funeral services
14. Multi-family dwelling
15. Private or parochial school
16. Special services
17. Fences and walls over 6 feet in height in side and rear setback areas only
18. Other uses deemed comparable and compatible to those set forth in this Section

**D. Development Standards**

The following property Development Standards shall apply to all land and structures in the R-2 District.

**1. Lot Size****a. Width**

- (1) For single-family dwellings, the minimum lot width shall be 60 feet; provided, that any plat of a Major Subdivision submitted for plat approval in accordance with the Subdivision Control Ordinance may reduce such minimum width to at least 45 feet of frontage on a street. In improved blocks as defined in Section 1.4, the width may be reduced to the average width for all lots in the block.

- (2) For two-family dwellings and multi-family dwellings, the minimum lot width shall be 70 feet; provided, that any plat of a Major Subdivision submitted for plat approval in accordance with the Subdivision Control Ordinance may reduce such minimum width to at least 50 feet of frontage on a street. In improved blocks as defined in Section 1.4, the width may be reduced to the average width for all lots in the block.
  - b. The minimum depth for any lot shall be 120 feet for single-family dwellings; and 140 feet for two- or multi-family dwellings. In improved blocks as defined in Section 1.4, the depth may be reduced to the average depth for all lots in the block.
2. Building Height
    - a. For single-family and two-family dwellings, the maximum height of a Principal Building shall be 30 feet.
    - b. For multi-family dwellings, the maximum height of a Principal Building shall be 45 feet.
  3. Setbacks
    - a. For single-family and two-family dwellings, the minimum setback lines in an R-2 District shall be as follows:
      - (1) Front
        - (a) Lots shall have a minimum front setback of 35 feet abutting a Principal or Minor Arterial.
        - (b) Lots shall have a minimum front setback of 30 feet abutting a Collector Street.
        - (c) Lots shall have a minimum front setback of 20 feet abutting a Local Street.
      - (2) Side and rear

The minimum side and rear setback shall be 5% of the lot width, provided that the minimum required side and rear setback shall be not less than 5 feet nor more than 25 feet. However, if an alley is located along the property line, the minimum setback from the property line shall be 15 feet.
    - b. For multi-family dwellings, the minimum setback lines in an R-2 District shall be as follows:
      - (1) Front
        - (a) Lots shall have a minimum front setback of 35 feet abutting a Principal or Minor Arterial.
        - (b) Lots shall have a minimum front setback of 25 feet abutting a Collector Street.
        - (c) Lots shall have a minimum front setback of 20 feet abutting a Local Street.
      - (2) Side and rear

The minimum side and rear setback shall be 5% of the lot width, provided that the minimum required side and rear setback shall be not less than 5 feet nor more than 25 feet. However, if an alley is located along the property line, the minimum setback from the property line shall be 15 feet.

4. Lot Coverage
  - a. For single-family dwellings, the maximum lot coverage in an R-2 District shall not exceed 40% of the lot area.
  - b. For two-family and multi-family dwellings, the maximum lot coverage in an R-2 District shall not exceed 50% of the lot area.
5. Off-Street Parking and Loading. As regulated in Section 8.
6. Signs and Advertising Structures. As regulated in Section 9.

### **Section 3.6 C-1, Local Business District**

#### **A. Purpose**

The C-1 District is intended to provide for neighborhood-scale businesses offering convenience goods and services and meeting everyday shopping and service needs.

#### **B. Permitted Uses**

The following uses shall be permitted in the C-1 District, subject to the property Development Standards set forth in this Ordinance.

1. Convenience store
2. Mortuaries and funeral services
3. Personal services
4. Professional offices
5. Retail services
6. Special services
7. Accessory uses, which are incidental to, maintained on the same lot and commonly associated with the operation of a permitted use
8. Dwelling unit as an accessory use as a residence located on the premises. No more than two such dwelling units shall be permitted on a single parcel of land.
9. Other uses comparable and compatible to those set forth in this Section

#### **C. Conditional Uses**

The following uses are permitted in the C-1 District only if the Board issues a Conditional Use Permit as provided for in Section 14.

1. Advertising structures
2. Automobile service station
3. Camp ground
4. Car wash
5. Cemetery
6. Church
7. Kennel
8. Commercial and institutional uses not otherwise permitted in this district

#### **D. Conduct of Uses**

The conduct of permitted uses in a C-1 District shall be within completely enclosed buildings, except for accessory off-street parking and loading facilities and drive-in convenience service windows.

1. Establishments where the principal use is the drive-in type of business are not permitted.
2. A single establishment shall not exceed 12,000 square feet in total gross floor area.

#### E. Development Standards

The following property Development Standards shall apply to all land and structures in the C-1 District.

1. Lot Size

The minimum lot area in a C-1 District shall be 5,000 square feet.

2. Width

The minimum lot width in a C-1 District shall be 50 feet.

3. Setbacks

a. Front

Each lot line abutting or fronting on a public street shall have a minimum front setback of 25 feet.

b. Side and rear

No limits where the lot line abuts other business or industrial district lot lines.

4. Height

The maximum building height permitted shall be 35 feet.

5. Floor Area

The total floor area of the building shall not exceed 60% of the lot area in a C-1 District.

6. Off-Street Parking and Loading. As regulated in Section 8.

7. Signs and Advertising Structures. As regulated in Section 9.

### Section 3.7 C-2, Central Business District

#### A. Purpose

The C-2 Central Business District is intended to serve as the primary business district of urban places, where a full range of goods and services are offered and where the greatest land use intensity is located. This district is the focal point for community identification, highly accessible to the entire trade area and designed for pedestrian-oriented services.

#### B. Permitted Uses

The following uses are permitted in the C-2, Central Business District, subject to the Development Standards set forth in this Ordinance.

1. Any use permitted in the C-1 District.

2. Commercial parking lots, enclosed parking garages, and off-street parking reservoir facilities

3. Commercial recreation

4. Drive-in restaurant

5. Drive-through establishment

6. General retail services

7. Institutional uses

8. Printing, publishing, blueprinting and photostating establishments

9. Public and semipublic uses

10. Radio and television stations

11. Rooming units, tourist homes

12. Sales and display rooms for retail, wholesale and distribution of goods by retailers and wholesalers
13. Transportation facilities and accessory facilities therefore, including but not limited to waiting rooms, loading and unloading areas, storage and associated commercial uses
14. Automobile sales, truck sales, boat sales, and similar uses
15. Hospital
16. Other uses comparable and compatible to those set forth in this Section

C. Conditional Uses

The following uses are permitted in the C-2 District only if the Board issues a Conditional Use Permit as provided for in Section 14.

1. Advertising structures
2. Automobile repair garage
3. Automobile service station
4. Bed and breakfast uses
5. Butcher shop or custom meat processing
6. Camp ground
7. Car wash
8. Cemetery
9. Church
10. Greenhouses and plant nurseries
11. Kennel
12. Multi-family dwelling
13. Single-family dwelling of 950 square feet or larger
14. Two-family dwelling
15. Manufactured home as a permanent dwelling of 950 square feet or larger in accordance with Section 7
16. Commercial and institutional uses not otherwise permitted in this district
17. Other uses deemed comparable and compatible to those set forth in this Section

D. Conduct of Uses

The conduct of permitted uses in a C-2 District shall be within completely enclosed buildings, except for accessory uses that clearly demonstrate subordination to the permitted uses in area, extent and purpose. Accessory uses such as outside storage and display of merchandise for sale to the public shall be delineated if not enclosed, and may be open to the sky. Such accessory uses shall not occupy an area in excess of 30% of the total floor area used in the same building by the same firm or enterprise. Such outdoor storage and display of merchandise shall not be interpreted as meaning the stockpiling of materials that are not immediately available for purchase.

E. Development Standards

The following Development Standards shall apply to all land and structures in the C-2 District.

1. Lot Size

The minimum lot area in a C-2 District shall be 5,000 square feet. In improved blocks as defined in Section 1.4, the lot area may be reduced to the average size for all lots in the block.



2. Width  
The minimum lot width in a C-2 District shall be 50 feet. In improved blocks as defined in Section 1.4, the width may be reduced to the average width for all lots in the block.
3. Setbacks
  - a. Front  
Each lot line abutting or fronting on a public street shall have a minimum front setback of 25 feet.
  - b. Side and rear  
No limits where the lot line abuts other business or industrial district lot lines.
4. Building Height  
The maximum height permitted shall be 75 feet.
5. Off-Street Parking and Loading. As regulated in Section 8.
6. Signs and Advertising Structures. As regulated in Section 9.

### **Section 3.8 C-3, General Business District**

- A. Purpose  
The C-3, General Business District intended to provide for business and commercial establishments providing a wide variety of shopper and comparison goods and services.
- B. Permitted Uses  
The following uses are permitted in the C-3, General Business District, subject to the Development Standards set forth in this Ordinance.
  1. All uses permitted in the C-2 District
  2. Automobile repair garage
  3. Automobile service station
  4. Big box retail use
  5. Butcher shop or custom meat processing
  6. Car wash
  7. Greenhouses and plant nurseries
  8. Kennel
  9. Shopping centers
  10. Other uses comparable and compatible to those set forth in this Section
- C. Conditional Uses  
The following uses are permitted only if a Conditional Use Permit is issued by the Board as provided for in Section 14.
  1. Advertising structures
  2. Airport
  3. Auction sales yards
  4. Camp ground
  5. Cemetery
  6. Church
  7. Hotel or motel
  8. Oil and gas production (subject to the requirements of Section 12)
  9. Outdoor sales and storage (including automobile and boat sales)

10. Truck service center
11. Other uses deemed comparable and compatible to those set forth in this Section

**D. Development Standards**

The following property Development Standards shall apply to all land and structures in the C-3 District.

1. Lot Size  
The minimum lot size in the C-3 District shall be 5,000 square feet.
2. Setback
  - a. Front  
Lots abutting a public street shall have a minimum setback of 20 feet. The minimum required front setback distance may contain off-street parking.
  - b. Side and rear  
No limit where the lot line abuts other business or industrial district lot lines.
3. Building Height  
The maximum building height permitted shall be 75 feet in a C-3 District.
4. Floor Area  
The total floor area of a building shall not exceed 150% of the lot area in a C-3 District.
5. Off-Street Parking and Loading. As regulated in Section 8.
6. Signs and Advertising Structures. As regulated in Section 9.

**Section 3.9 I-1, Light Industrial District**

**A. Purpose**

The I-1, Light Industrial District, is intended to accommodate industrial operations that are conducted within completely enclosed buildings and operated in such a manner that nuisance factors are minimized.

**B. Permitted Uses**

The following uses are permitted in the I-1 District, subject to the Development Standards set forth in this Ordinance.

1. Automobile service station
2. Automobile repair garage
3. Crematory
4. Truck service center
5. Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
6. Light manufacturing, including processing, refining, fabricating, assembling, cleaning, testing or repairing of goods, materials or products; provided, that uses with objectionable characteristics are deemed to be Conditional Uses.
7. Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations and layover areas for transit vehicles and off-street parking facilities; provided, that such uses, except rights-of-way, shall not extend within 20 feet of a residential district.
8. Enclosed wholesaling, warehousing, packaging, storage or distribution facilities.

9. General offices associated with an industrial use, including service facilities for employees or guests; provided, that any service facilities shall be entirely enclosed within a building.
10. Utility installations and facilities.
11. Retail sales related to the industrial use, such as a company store.
12. Accessory uses which are incidental to, maintained on the same lot and commonly associated with the operation of a permitted use, including recreational areas for employees and lodging facilities for owners, guards or caretakers.
13. Dwelling unit as an accessory use as a residence for an operator or employee of a business located on the premises. No more than one such dwelling unit shall be permitted on a single parcel of land.
14. Other uses deemed comparable and compatible to those set forth in this Section.

C. Conditional Uses

The following uses are permitted only if the Board issues a Conditional Use Permit as provided for in Section 14.

1. Advertising structures
2. Airport
3. Cemetery
4. Church
5. Commercial recreation
6. Personal services
7. Professional offices
8. Retail services
9. Slaughterhouse
10. Other uses deemed comparable and compatible to those set forth in this Section

D. Development Standards

The following property Development Standards shall apply to all land and structures in the I-1 District.

1. Lot Size  
The minimum lot size in the I-1 District shall be 10,000 square feet.
2. Setback
  - a. Front  
Lots abutting a public street shall have a minimum setback of 25 feet. The minimum required front setback distance may contain off-street parking.
  - b. Side and rear  
No limit where the lot line abuts other business or industrial district lot lines.
3. Building Height  
The maximum building height permitted shall be 40 feet in an I-1 District, provided, that additional height shall be permitted to the maximum extent of 100 feet when additional setback distance is provided to the minimum extent of two feet for each five feet in height over such 40 feet.
4. Floor Area  
The total floor area of a building shall not exceed 200% of the lot area in an I-1 District.

5. Off-Street Parking and Loading. As regulated in Section 8.
6. Signs and Advertising Structures. As regulated in Section 9.

### **Section 3.10 I-2, General Industrial District**

#### **A. Purpose**

The I-2, General Industrial District, is intended to provide for manufacturing and other industrial operations that are for the production of materials and goods and are desirable for the economic well being of the community.

#### **B. Permitted Uses**

The following uses are permitted in the I-2 District, subject to the Development Standards set forth in this Ordinance.

1. Any use permitted in the I-1 District
2. Auction sales yard
3. Bakeries and other food processing operations
4. Concrete mixing, production of concrete blocks and shapes, cinder blocks and other similar building materials
5. Contractors yards
6. Foundries, smelting and metal forging operations
7. Manufacturing, except for those items listed in Subsection C as Conditional Uses
8. Monument works and stone cutting
9. Power plants
10. Recycling facilities
11. Sand and gravel extraction, aggregate washing or processing
12. Other uses comparable and compatible to those set forth in this Section

#### **C. Conditional Uses**

The following uses are permitted only if the Board issues a Conditional Use Permit as provided for in Section 14.

1. Airport
2. Anhydrous ammonia or similar liquefied fertilizer, commercial storage and distribution
3. Cemetery
4. Church
5. Junk yard
6. Manufacturing, storage and use of explosives
7. Oil and Gas Production (subject to the requirements of Section 12)
8. Slaughterhouse
9. Other uses deemed comparable and compatible to those set forth in this Section.

#### **D. Development Standards**

The following property Development Standards shall apply to all land and structures in the I-2 District.

1. Lot Size
  - a. The minimum lot size in the I-2 District shall be 20,000 square feet.

2. Setback
  - a. Front

Lots abutting a public street shall have a minimum setback of 35 feet. The minimum required front setback distance may contain off-street parking.
  - b. Side and rear

No limit where the lot line abuts other business or industrial district lot lines.
3. Building Height
4. The maximum building height permitted shall be 60 feet in an I-2 District, provided, that additional height shall be permitted to the maximum extent of 100 feet when additional setback distance is provided to the minimum extent of two feet for each five feet in height over such 60 feet.

Floor Area

The total floor area of a building shall not exceed 200% of the lot area in an I-2 District.
5. Off-Street Parking and Loading. As regulated in Section 8.
6. Signs and Advertising Structures. As regulated in Section 9.

## Section 4 Site Sketches and Development Plans

### Section 4.1 General Requirements

#### A. Authority

In accordance with IC 36-7-4, the 1400 Series, the staff is hereby authorized to approve or disapprove Development Plans and Site Sketches for the uses in the zoning districts for which they are required under the terms of this Ordinance; except for those Development Plans for coal and other mineral extraction activities, which require approval or disapproval by the Commission as outlined under Section 11 of this Ordinance.

#### B. Purpose

Development Plans and Site Sketches are intended to ensure that districts and uses with special needs for compatibility are developed in a responsible manner, consistent with the Comprehensive Plan and with the intent and provisions of this Ordinance; and to guide the staff in the issuance of permits.

### Section 4.2 Site Sketches

- A. In any zoning district, an application for an Improvement Location Permit shall include a detailed Site Sketch for any development of agricultural use, or residential use of two units or less, or other minor developments as determined by the staff.
- B. The Site Sketch shall be drawn legible, to scale, and the following information shall be indicated with full dimensioning:
  - 1. Lot or tract dimensions
  - 2. All existing and proposed buildings and structures with location, size, height and use indicated
  - 3. Setback lines and distance between buildings and property lines
  - 4. Off-street parking with location, number and size if spaces indicated
  - 5. Any driveways and public or private streets on and adjoining the site with location, dimensions and circulation patterns indicated
  - 6. Satisfactory evidence of sewage disposal and surface water drainage with location, type and direction of flow indicated
  - 7. Signs and advertising structures with location, size, height, lighting and other details indicated
  - 8. North arrow and scale

### Section 4.3 Development Plans

- A. An application for an Improvement Location Permit shall include a Development Plan for any development not qualified above under Section 4.2 A.
- B. The Development Plan application shall include or incorporate by reference all of the above items listed for Site Sketches, and shall also include the following:
  - 1. Legal description and accurate boundaries of the lot or parcel
  - 2. Sewage disposal plan
  - 3. Water supply plan

4. Approved drainage plan, or written waiver of such, according to the Knox County Stormwater Drainage Ordinance; except within those geographic areas included within the incorporated limits of the City of Vincennes
5. Traffic management plan
6. Any driveways and public or private streets on and adjoining the site with location, dimensions and circulation patterns indicated
7. Parking area details, including number, location and size of parking spaces
8. On-site vehicular and pedestrian circulation
9. Landscape plan, including sizes, types, and locations of plants and other landscape features
10. Outdoor lighting
11. Recreation space and uses
12. Sizes, heights, locations and style of all buildings
13. Proposed uses of buildings
14. Development standards in compliance with this Ordinance
15. Sign plan, providing for all permanent and temporary signs to be placed on the property, as regulated in Section 9
16. Certification by the appropriate licensed professional if required under state laws

#### **Section 4.4 Approval and Decision Criteria**

- A. The staff shall approve a Site Sketch or Development Plan and issue an Improvement Location Permit only if the following criteria are met:
  1. The development is compatible with surrounding land uses.
  2. The development will have adequate sewage disposal, water supply, drainage, and other utilities.
  3. Traffic will be managed in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community as described below:
    - a. The design and location of proposed street and highway access points minimize safety hazards and congestion.
    - b. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
    - c. The entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments.
  4. The staff shall obtain assistance as needed from the appropriate operating authorities or other departments of city or town units of government in making determinations and approvals of the above mentioned criteria.
  5. The development is in compliance with all relevant laws, ordinances, administrative rules and other controlling authority.
  6. The development is consistent with the spirit and purpose of the Comprehensive Plan.
- B. An applicant may appeal any decision of the staff to the Board.

**Section 4.5 Minor Modifications**

- A. Minor modifications are changes that do not do any of the following:
  - 1. Alter the basic relationship of the proposed development to adjacent property.
  - 2. Change the uses permitted.
  - 3. Increase any of the following by more than 15% (this total is cumulative for all modifications to the Development Plan):
    - a. the maximum density.
    - b. the maximum floor area.
    - c. the maximum height.
  - 4. Decrease the amount of off-street parking to an amount not adequate for the use. In determining the amount of parking that is adequate, the staff shall consider the amount otherwise required by the zoning ordinance for this use, the information available from the Institute of Traffic Engineers and empirical studies of the parking needs for the use.
  - 5. Alter site ingress or egress in any way or create a substantial change to on-site circulation.
- B. Upon receiving a request for a minor modification, the staff shall have 10 working days to respond to the petitioner, by either approving or rejecting the request.
- C. An applicant may appeal any decision of the staff to the Board.



## Section 5 Planned Unit Developments

### Section 5.1 General Requirements

#### A. Purpose

The PUD, Planned Unit Development District, is intended to implement the Comprehensive Plan and encourage a more creative approach in land development and site planning.

##### 1. Applicability

This section may apply to any tract of land where it is in the best interests of the County, City or Town to provide for added flexibility and creativity in development design.

##### 2. Permitted Uses

Uses permitted in a PUD may include any use or combination of uses that the Commission and legislative body find to be consistent with the Comprehensive Plan.

#### B. Any Development Standard in this Ordinance may be modified for a PUD, provided that the Commission and/or legislative body find(s) that such modification promotes the purposes of this Ordinance and is consistent with the spirit and intent of this Ordinance. It is the responsibility of the applicant to provide justification for modification of any Development Standard.

#### C. Application

##### 1. A petition to rezone property to PUD may be filed by any of the following:

- a. The owners of all lots or parcels within the area proposed for rezoning;
- b. In the case of a single lot or parcel with multiple owners, all those having ownership interest in the lot or parcel.

##### 2. A petition to modify an approved PUD may be filed by the following:

- a. The owners of all lots or parcels within the area proposed for modification and any other owners in the PUD affected by such modification;
- b. In the case of a single lot or parcel with multiple owners, owners having a majority ownership interest in the lot or parcel.

#### D. Hearing and Decision

##### 1. The Commission shall hold a public hearing and make a recommendation to the legislative body on the proposed PUD ordinance and PUD zoning in the same manner as for amendments to the zoning map as set forth in Section 1.7. The Commission may recommend approval or disapproval of the rezoning request.

##### 2. Approval of the design of any installed public improvements to be dedicated must be obtained from the appropriate operating authority prior to recommending the approval of a PUD Plan. Before the Commission recommends approving a PUD Plan showing park reservation(s) or land dedicated to any local governmental unit, the Commission shall obtain approval of the reservation or dedication of said land from the participating jurisdiction.

##### 3. The Commission may impose conditions on a favorable recommendation and/or request written commitments in the same manner as for amendments to the zoning map as set forth in Section 1.7.

4. The legislative body may impose reasonable conditions on a proposed PUD and allow or require the owner of the real property to make written commitments in the same manner as for amendments to the zoning map as set forth in Section 1.7.
5. Adoption of the PUD ordinance by the legislative body constitutes final approval of the Preliminary PUD Plan. After the PUD ordinance is adopted, the Commission shall exercise continuing jurisdiction. The Commission is hereby authorized to conduct secondary reviews, grant approvals, and make modifications to Approved Detailed PUD Plans. The Commission shall not modify the Preliminary PUD Plan or any condition or commitment allowed or required by the legislative body.

E. Modification Procedure

1. In the exercise of its continuing jurisdiction, the Commission may from time to time allow the petitioner to modify the approved detailed PUD in a manner consistent with the approved Preliminary PUD Plan to allow for changed circumstances and conditions unforeseen at the time of original approval. Except as provided below, such modifications shall be considered in the same manner as the secondary review, and notice shall be given to interested parties and the hearing conducted in accordance with the Commission's Rules of Procedure.
2. The staff is authorized to approve minor modifications as specified in Section 5.3.

## Section 5.2 Review Procedure

- A. An application for rezoning to PUD shall include or incorporate by reference the following:
1. Legal description of the property involved in the request.
  2. Boundaries of the tract and all existing lots or parcels within the tract.
  3. Drawing of the site and adjacent land showing the physical features, topography, drainage ways, regulated drains, easements, water bodies, tree cover, existing buildings, existing land uses, and existing zoning and the relationship of the proposed development to these features.
  4. Streets on and in the vicinity of the tract.
  5. Ingress and egress to the tract.
  6. A listing of all principal and accessory uses and all temporary uses to be permitted in the PUD district, the location of each general land use area proposed to be developed, and the land area to be devoted to each use.
  7. Proposed density levels of each residential area.
  8. Proposed square footage of nonresidential buildings and areas, if any.
  9. Preliminary plan for permanent and temporary signs.
  10. Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the Comprehensive Plan.
  11. Location of existing or proposed schools, parks and other community facility sites, if any.
  12. Time schedule of projected development and any proposed phasing of the project.
  13. An enumeration of covenants, in general terms, proposed to be made a part of the development.

14. A preliminary analysis of the traffic impact of the development and measures proposed to mitigate traffic problems.
  15. A written narrative describing the relationship and consistency of the proposed development with the Comprehensive Plan.
  16. Any other materials or information the Commission deems necessary for a fair and complete evaluation of the proposed development.
- B. The Commission shall conduct secondary review as specified in Indiana law and further described in this Section.
1. The Commission may approve a detailed PUD plan only after a public hearing. Notice shall be given to interested parties and the hearing conducted in accordance with the Commission's Rules of Procedure.
  2. Approval of the design of any installed public improvements to be dedicated must be obtained from the appropriate operating authority prior to approving or modifying such improvements under a detailed PUD Plan. Before the Commission approves a detailed PUD Plan showing park reservation(s) or land dedicated to any local governmental unit, the Commission shall obtain approval of the reservation or dedication of said land from the participating jurisdiction.
  3. No development shall take place until the Commission has approved a detailed PUD plan. If a subdivision plat is filed in conjunction with the detailed PUD plan, appropriate plans and details listed below may be included on the subdivision plat rather than on the PUD plan. The detailed PUD plan or subdivision plat shall include the following:
    - a. Accurate boundaries of all lots.
    - b. Township lines.
    - c. Approved drainage plan according to the appropriate city or county drainage ordinance.
    - d. Sewage disposal plan.
    - e. Water system plan.
    - f. Accurate location and size of recreational facilities.
    - g. Site perimeter treatment and other pertinent site development features, including parking and circulation.
    - h. Landscape plan, including sizes, types, and locations of plants and other landscape features.
    - i. Land uses on each parcel and/or in each building shown on the plan.
    - j. Locations and features of proposed buildings. Unless required by the Commission to ensure compatibility with neighboring properties, the detailed PUD plan need not show precise building locations, but the plan shall set forth the Development Standards for all buildings and uses.
    - k. Sign plan, providing for all permanent and temporary signs to be placed on the property.
    - l. Any other details needed to ensure compliance with the Preliminary PUD Plan.
  4. Approval of the detailed PUD plan shall be granted only upon a finding by the Commission that the plan is consistent with the approved Preliminary PUD Plan.

5. The Approved Detailed PUD Plan shall be marked, "Approved Detailed Planned Unit Development," be signed by the president and secretary of the Commission, and bear the Commission's seal. One copy shall be permanently retained in the Area Plan Office. No permits shall be issued until the detailed plan and all accompanying documents have been recorded in the Office of the Knox County Recorder.
  6. Any decision of the Commission to approve or deny approval of a detailed PUD plan hereunder is a final decision that may be appealed to the legislative body, provided that any refusal by the Commission to approve a detailed PUD plan shall not limit the right of the petitioner to continue to seek approval, nor shall it impair the right of the petitioner to request an extension of time for approval, if no appeal is filed.
- C. The Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the petitioner shall submit detailed PUD plans that correspond to the phases involved, and the phases shall be developed in the order approved by the Commission. Such detailed PUD plans for phases, when approved, shall be treated in the same manner as the Approved Detailed PUD Plan for an entire PUD.
  - D. Where platting, or replatting of streets within all or a portion of the land involved is contemplated, the Commission shall handle such matters in accordance with its regular procedures in accordance with law.
  - E. No construction or installation work shall be done on any public improvement until satisfactory plans and specifications therefore have been approved by the Commission as part of the Approved Detailed PUD Plan or as part of a subdivision in accordance with the Subdivision Control Ordinance.

### **Section 5.3 Minor Modifications**

- A. Minor modifications are changes that do not do any of the following:
  1. Alter the basic relationship of the proposed development to adjacent property.
  2. Change the uses permitted.
  3. Increase any of the following by more than 15% (this total is cumulative for all modifications to the PUD):
    - a. the maximum density.
    - b. the maximum floor area.
    - c. the maximum height.
    - d. Decrease the amount of off-street parking to an amount not adequate for the use. In determining the amount of parking that is adequate, the staff shall consider the amount otherwise required by the zoning ordinance for this use, the information available from the Institute of Traffic Engineers and empirical studies of the parking needs for the use.
    - e. Reduce the approved setbacks by more than 15%.
    - f. Alter site ingress or egress in any way or create a substantial change to on-site circulation, as determined by the appropriate engineering or highway department.

- B. Upon receiving a request for a minor modification, the staff shall have 10 working days to respond to the petitioner, by either approving or rejecting the request. An applicant may appeal the decision of the staff to the Commission.

#### **Section 5.4 Abandonment or Expiration**

- A. The legislative body's approval of the Preliminary PUD Plan shall be valid for two years after the date the legislative body adopts the PUD ordinance. Within this two-year period the PUD shall receive approval of the final detailed PUD plan for the first section or the entire development. Should the planned development not receive approval of the detailed PUD plan for at least one section or the entire development within the two years, the legislative body, Commission, or property owner may initiate a rezoning of the property. The Commission may extend the approval period, not to exceed five successive periods of no more than two years each. The approval of the detailed PUD plan for each section of the Preliminary PUD Plan shall extend the approval length of the Preliminary PUD Plan for two years.
- B. Commission approval of a detailed PUD plan shall expire if the plan is not recorded within six months after the approval date. Commission approval of a detailed PUD plan shall expire after a period of five years from the approval of a Detailed PUD unless the development in any phase has been substantially begun and pursued with due diligence. The Commission may grant extensions of time not to exceed five successive periods of no more than two years each. If the detailed PUD plan expires as provided in this Section, the Commission may require the plan to be resubmitted for approval, and it shall conduct a secondary review as if the plan were a new filing. Alternatively, the Commission may opt to initiate a rezoning of the property to a classification other than PUD.
- C. A development approved under this Ordinance shall be deemed to be abandoned or discontinued if it has expired under Subsection B above or when no improvements have been made pursuant to the detailed PUD plan for a period of twenty-four consecutive months. When a PUD has been abandoned or discontinued, the detailed PUD plan shall no longer be valid, and no development shall be permitted until the plan is re-approved, and/or the property is rezoned.

#### **Section 5.5 Permits and Enforcement**

- A. The staff shall not issue any permit for development or improvements in a PUD district unless all recording required by this Ordinance has been effected and unless the development complies with the approved Detailed PUD.
- B. All development shall be in conformity with the approved detailed PUD. In the exercise of its continuing jurisdiction, the Commission shall take cognizance of any material deviations from the approved Detailed PUD and take appropriate enforcement action. Only those uses shown on the Approved Detailed PUD Plan shall be permitted; all other uses are prohibited.

**Section 5.6 Covenants and Maintenance; Financial Guarantees**

- A. Covenants may be required by the Commission as an ingredient for stability and longevity of the PUD. If submitted, the covenants shall set forth in detail provisions for the ownership, administration, and maintenance of facilities held in common so as to ensure their continuity and conservation. Such covenant provisions shall include specific remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the County, City or Town, and in such event the County, City, or Town may take those remedial steps provided for such provision. The covenants shall be recorded with the detailed PUD plan.
- B. The Commission may require the recording of covenants for any reasonable public or semipublic purpose, including but not limited to the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities and other public and semipublic purposes wherever necessary in conformity with the land use plan of current adoption. Such covenants may provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within the specified period of time, the applicable elements of the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Commission a modified detailed PUD plan for such land consistent with the approved Preliminary PUD Plan. Such modified detailed PUD plans, when approved, shall be treated in the same manner as Approved Detailed PUD Plans for an entire PUD.
- C. The Commission may require the recording of covenants for any other reasonable purpose, including but not limited to imposing standards for development of property in a PUD. Such Development Standards may include, but are not limited to, requirements as to the following:
1. Lot area.
  2. Floor area.
  3. Ratios of floor space to land area.
  4. Buildable area or the area in which structures may be built.
  5. Open space.
  6. Setback lines.
  7. Building separations.
  8. Height of structures.
  9. Signs.
  10. Off-street parking and loading space.
  11. Design standards.
  12. Phasing of development.
- D. Enforcement of the covenants shall be the responsibility of the property owners, unless the County, a city, or a town is, with its consent, specifically made a party to one or more covenants. Public enforcement shall apply only to those covenants to which a public entity is a party.
- E. Adequate provision shall be made for a private organization with direct responsibility to and control by the property owners involved to provide for the operation and maintenance of all common facilities, including private streets. Assurances or

guarantees, satisfactory to the Commission shall be provided to demonstrate that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

- F. Common facilities that are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and nondiscriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- G. All private streets shall be maintained by the responsible private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that such vehicles will have adequate maneuvering area. Such private streets shall be developed in accordance with the Subdivision Control Ordinance.
- H. As a condition of approval, the Commission and/or legislative body shall require any appropriate financial guarantees, according to the same provisions as certificates and bonding of improvements in the Subdivision Control Ordinance, to insure the specifications and timely completion of any public improvements or facilities related to the PUD platting.

## Section 6 Developments of Broad Significance

### Section 6.1 General Provisions

#### A. Purpose

This Section is intended as a reasonable means for Knox County to provide for Developments of Broad Significance which are not possible to anticipate and accommodate in advance. Because of their unique characteristics, these uses cannot be properly classified in districts without consideration, in each case, of the impact of those uses upon the use and value of adjacent properties.

- B. Establishment. The legislative body may permit Developments of Broad Significance after public notice and public hearing, and determination that the use is consistent with the spirit, purpose and intent of the Comprehensive Plan and with this Ordinance. These uses, when approved, are considered to be an addition to or deviation from the underlying zoning on the property. The underlying district shall remain, and in the event that a Development of Broad Significance is not completed or is abandoned, the regulations of that underlying district shall again govern the use of the property.

### Section 6.2 Procedure

- A. The staff shall determine whether an application for an Improvement Location Permit, zone map change, or other similar application is for a Development of Broad Significance as defined in this Ordinance. The staff's determination may be appealed to the Plan Commission. If the proposed project or activity is determined to be a Development of Broad Significance, the terms of Section 6 shall apply.
- B. An applicant for a Development of Broad Significance shall submit to the staff a narrative describing the project and the reasons for the selection of the proposed location, an area location map and a site plan showing the following:
1. Proposed use of land
  2. Arrangement of all buildings and structures
  3. Location of streets and driveways, parking and loading areas
  4. Utility lines
  5. Sewerage and water facilities
  6. Approved drainage plan according to the appropriate city or county drainage ordinance
  7. Landscaping and other pertinent features
- C. The Commission shall schedule and conduct a public hearing on the proposal in the same manner as for amendments to the zoning map as set forth in Section 1.7.
- D. For each application for a Development of Broad Significance, the Commission shall report to the legislative body its findings and recommendations, including the stipulation of such conditions and guarantees as the Commission deems necessary for the protection of the public interest.
- E. The legislative body shall act on the application in the same manner as an application for amendment to the zoning map, as set forth in Section 1.7.



- F. After approval of the Development of Broad Significance, if the proposed development differs substantially from that shown on the approved site plan, application must be made to the Commission to amend the site plan. The Executive Director may authorize minor modifications that do not:
1. Alter the basic relationship of the proposed development to adjacent property;
  2. Change the uses permitted;
  3. Increase the maximum density, floor area, or height by more than 15%;
  4. Decrease the amount of off-street parking;
  5. Reduce the minimum setbacks by more than 15%;
  6. Alter site ingress or egress, or create a substantial change to on-site circulation.
- Upon submission of a request for a minor modification, the Executive Director shall have 10 working days to respond to the petitioner, by either approving or rejecting the request. An applicant may appeal the decision of the Executive Director to the Commission.
- G. Standards: The following are guidelines for the Commission in acting upon applications for Developments of Broad Significance:
1. The establishment, maintenance or operation of the Development of Broad Significance will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare.
  2. The Development of Broad Significance will not be injurious to the use and enjoyment of the other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  3. The establishment of the Development of Broad Significance will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  4. Adequate utilities, landscaping, buffering and other necessary facilities will be provided. In addition, the site plan shall indicate that the lot area and access to the site are adequate for the use contemplated.
  5. The Development of Broad Significance shall be permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development. Public utilities shall have sufficient capacity to serve the development. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Any public or private streets that will be improved to serve the Development of Broad Significance shall be developed under the same requirements as those outlined for streets in the Subdivision Control Ordinance. Drainage facilities shall be designed and approved as outlined in the appropriate city or county drainage ordinance.
  6. Approval of the design of any installed public improvements to be dedicated must be obtained from the appropriate operating authority prior to recommending, approving or modifying such improvements under a Development of Broad Significance. Before the Commission recommends or approves a Development of Broad Significance Plan showing park reservation(s) or land dedicated to any local governmental unit, the Commission shall obtain approval of the reservation or dedication of said land from the participating jurisdiction.

7. When public improvements are developed, the developer or authorized representative shall be required to post financial guarantees of performance and maintenance for such improvements under the same bond requirements as those outlined in the Subdivision Control Ordinance.
- H. Limitations: The use of every Development of Broad Significance shall be limited to the use first lawfully established therein. If such use shall thereafter be abandoned, or in the event such use has not been established within two years after the date of granting thereof, the area comprising such Development of Broad Significance shall by Commission action have such use designation declared to be extended for a specified period of time.
- I. Conditions: Prior to the granting of any Development of Broad Significance, the Commission may recommend and the legislative body may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Development as is deemed necessary for the protection of the public interest, and to secure compliance with standards and requirements. In all cases in which Developments of Broad Significance are granted, the legislative body may require such evidence and guarantees as it deems necessary as assurance that the conditions stipulated in connection therewith will be complied with.

## Section 7 Manufactured Homes

### Section 7.1 Manufactured Homes (Not Located in Manufactured Home Parks)

#### A. Temporary Dwelling Units

1. The Board may approve as a Conditional Use a manufactured home as a temporary residence for caregivers or persons in need of care, subject to the following criteria:
  - a. The Conditional Use Permit may be for a period of no more than two years
  - b. The parcel on which the manufactured home is to be placed must already contain a dwelling
  - c. The manufactured home shall remain on its wheels and not to be placed on a permanent foundation
  - d. Applicable side and front setback regulations of the district in which it is located shall be observed
  - e. Manufactured homes must be located in the side or rear yard
  - f. The manufactured home must be used either as a residence for a person acting as a care-provider for someone living in the other dwelling unit, or by a person who is being cared for by someone living in the other dwelling unit on the parcel. Documentation of the medical condition requiring care shall be submitted.
  - g. After the initial two-year period, the petitioner may renew the permit for one year by providing updated documentation of the continuing medical condition to staff.
  - h. The manufactured home must be removed as soon as it is no longer needed for the care arrangement or upon expiration of the permit.
2. The Board may approve as a Conditional Use a manufactured home as a temporary residence on a parcel where a permanent single-family dwelling is to be constructed, subject to the following criteria:
  - a. A permanent residence is intended to be built within two years.
  - b. The manufactured home shall remain on its wheels and not to be placed on a permanent foundation.
  - c. Applicable side and front setback regulations of the district in which it is located shall be observed.
  - d. Occupancy of the manufactured home is restricted to the property owner who intends to construct or have constructed a permanent residence on the site.
  - e. After the initial two-year period, the petitioner may renew the permit for one year by providing updated documentation of the continuing need to staff.
  - f. When construction of the permanent residence is completed the manufactured home must be removed within 30 calendar days after occupancy of the permanent residence begins.

#### B. Permanent Dwelling Units

The Board may approve as a Conditional Use a manufactured home, which does not qualify as a permitted use, in Districts R-1, R-A, R-2, C-2, A-1, and A-2 as a

permanent single-family dwelling in those districts in accordance with the following provisions:

1. The minimum allowable size of a manufactured home shall be 950 square feet in those districts designated as R-1, R-2, R-A and C-2.
2. The minimum allowable size of a manufactured home shall be 720 square feet in those districts designated as A-1 and A-2.

**C. Application Requirements**

1. An application for approval of a manufactured home must be completed for the Board and submitted to the staff 10 working days prior to the hearing. The manufactured home application should include the following:
  - a. Clear and recognizable photographs of the current condition of the exterior, entryways and interior of the home.
  - b. Certification of the age of the home.
  - c. A public hearing will be held to approve or disapprove the home. This hearing must be advertised in a local newspaper with general circulation and a letter must also be sent to all adjacent landowners 10 working days prior to the hearing. These letters will include contact information such as the Executive Director's name and phone number.

**D. Structural Requirements**

1. Manufactured homes may not be structurally altered in any manner, may not be combined, and no additions may be made to them unless the modifications are certified by an appropriately licensed professional to meet all applicable building codes.
2. Manufactured homes shall meet all public health and safety requirements, including water supply and sewage disposal.

## **Section 7.2 Manufactured Home Parks**

**A. Purpose**

In certain zoning districts, Manufactured Home Parks are permitted to provide decent affordable housing within standards of livability that accord with the purposes of health, safety, and general welfare.

**B. Permitted Uses**

Manufactured Home Parks may contain manufactured homes and any of the following accessory uses, provided that they are subordinate to the residential character of the park, they are located, designed and intended to serve only the needs of persons living in the park, and the establishments shall present no visible evidence of their business nature to areas outside the park:

1. Management offices
2. Storage
3. Mini-warehouses
4. Laundry and dry cleaning facilities
5. One accessory structure, such as a mini-barn, per site, in addition to a carport or a private garage

6. Model manufactured homes as sales units, provided that no more than 10% of the authorized number of units in the park may be model units
7. Other structures customarily incidental to Manufactured Home Parks

C. Development Standards

Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Regulations, and the requirements of this Ordinance.

1. Foundations

Each manufactured home must be tied down and have perimeter skirting.

2. Project and Lot Size

- a. Project Size: Five acres.
- b. Project Frontage: 50 feet.
- c. Access points: If there are 40 or more manufactured homes in a development, two access points shall be required.

3. Lot or Site Size

a. Area

The minimum manufactured site size shall be 4000 sq. ft., except that the site size may be less than 4000 sq. ft. if the amount by which the site size is reduced is devoted to common open space and the site size is not less than 3200 sq. ft.

b. Width

The minimum width of a manufactured home site shall be 30 feet.

4. Setbacks

- a. Front: Each Manufactured Home Park shall have all units and structures set back at least 25 feet from any public street bordering the park. On private interior streets, each unit or structure shall be set back at least 10 ft. from edge of pavement.
- b. Side and Rear: Five feet for a structure up to 20 ft. in height, 7 ½ feet for a structure higher than 20 feet but less than or equal to 30 ft.

5. Height

- d. The maximum height for a principal structure is 30 ft.
- e. The maximum height for accessory structures is 15 ft.

6. Open Space

A minimum of 400 sq. ft. per site shall be dedicated to open space, a portion of which shall be an active recreational area, or ¼ acre, whichever is greater. Open space shall be configured for the activity for which it is designed.

7. Off-street Parking

Two parking spaces shall be provided for each dwelling unit. Such spaces shall be adjacent to or conveniently near each manufactured home site. Guest parking spaces or overflow parking spaces shall be provided as regulated in Rule 410 IAC 6-6 and its subsequent amendments, shall be distributed evenly throughout the park.

8. Public Improvements

- a. Manufactured Home Parks shall be permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Any public or private streets

that will be improved to serve the Manufactured Home Park shall be developed under the same requirements as those outlined for streets in the Subdivision Control Ordinance. Drainage facilities shall be designed and approved as outlined in the appropriate city or county drainage ordinance. Public utilities shall have sufficient capacity to serve the development.

- b. When public improvements are developed, the developer or authorized representative shall be required to post financial guarantees of performance and maintenance for such improvements under the same bond requirements as those outlined in the Subdivision Control Ordinance.

## Section 8 Parking and Loading

### Section 8.1 General Requirements

#### A. Purpose

Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Ordinance. These regulations are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

#### B. Existing Uses.

1. No use lawfully established prior to the effective date of this Ordinance shall be required to provide and maintain the parking and loading requirements of this Ordinance;
2. For any nonconforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, reestablished or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, that in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses.
3. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other unit of measurement, parking and loading facilities as required in this Ordinance shall be provided for such increase in intensity of use.
4. Whenever the existing use of a building, structure or premises shall hereafter be changed or converted to a new use permitted by this Ordinance, parking and loading facilities shall be provided as required for such new use.
5. Accessory off-street parking or loading facilities in existence on the effective date of this Ordinance shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new use under this Ordinance.
6. Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings; provided, that all regulations herein governing the location, design and operation of such facilities are adhered to.

#### C. Location

1. Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Ordinance, and may be situated as one or more individual areas.
2. Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use; provided, that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to; provided further, that no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board.

- D. Accessory off-street parking facilities required in this Section shall be utilized solely for the parking of passenger automobiles or light trucks of less than one-ton capacity, of patrons, occupants or employees of specified uses. Such parking facilities shall not be used for the storage, display, sales, repair, dismantling or wrecking of any vehicle, equipment or material.

**Section 8.2 Parking Standards**

- A. Each required off-street parking space shall be at least nine feet in width and at least 18 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be increased to 23 feet.
- B. Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger for delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled.
- C. Except on lots occupied by one- and two-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times. In order to provide safe and efficient means of vehicular access to such parking space, the additional width and design required in parking spaces shall be in accordance with the following exhibit:

| <b>EXHIBIT 8.1. PARKING AISLE WIDTHS</b> |                    |
|--|--------------------|
| <b>Parking Angle</b>                     | <b>Aisle Width</b> |
| 45 Degrees                               | 14 feet            |
| 60 Degrees                               | 18 feet            |
| 90 Degrees                               | 24 feet            |

The parking angle shall be measured between the centerline of the parking space and the centerline of the aisle.

- D. All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that least interferes with traffic movement.
- E. The minimum required number of off-street parking or loading spaces shall be calculated as follows:
  1. If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, such fraction shall be considered as being the next unit and shall be counted as requiring one space.
  2. In sports arenas, churches and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each 20 inches of such seating shall be counted as one seat for the purpose of determining requirements hereunder.
  3. In the case of open floor areas used for temporary seating purposes, an area of 16 square feet usable for seating shall be counted as one seat for the purpose of determining requirements hereunder.



4. For uses involving more than one activity (i.e., manufacturing and office, office and retail, automobile service and convenience store), the requirements for each use shall be calculated separately and then aggregated.

### **Section 8.3 Off-Site Parking Facilities**

- A. Required off-street parking facilities shall be provided on site according to Section 8.4, except as provided in this Section.
- B. The Board is authorized to grant an off-site or shared parking facility as a Conditional Use.
  1. A site Development Plan for an off-site parking facility shall be filed with the Staff as a required exhibit accompanying the Conditional Use petition and shall be made part of the conditions of any approval therefore. Such site Development Plan shall demonstrate compliance with all applicable standards of this Ordinance and shall indicate:
    - a. Adjacent streets, alleys and lots.
    - b. All individual principal uses to be served, including the location, use and number of parking spaces for each such use.
    - c. A layout drawn to scale of aisles and driveways, entrances, exits and turnoff lanes, parking spaces, setbacks, drainage facilities and landscaping.
  2. Off-site parking facilities shall be encumbered by an instrument duly executed and acknowledged, which subject such accessory off-street parking facilities to parking uses in connection with the principal use served. Such instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Such instrument shall be recorded in the applicable zoning compliance permit files of the Commission, and placed of public record in the office of the County Recorder.
- C. In the C-2 District any or all of the parking may be off-site, provided that there are public parking lots available within 900 feet of the use to be served. On-street parking may be counted toward the parking requirements in this district.

### **Section 8.4 Minimum Off-Street Parking Space Requirements**

- A. Uses Not Specified

For uses not specified in this Section or in such instance when the requirement for an adequate number of spaces is unclear, the number of parking spaces shall be determined by the Administrative Official on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination may be appealed to the Board.
- B. In case of conflict between the provisions of this Section, the higher requirements shall govern.
- C. The minimum number of required off-street parking spaces shall be as indicated on Exhibit 8.2.

| <b>EXHIBIT 8.2. PARKING SPACE REQUIREMENTS</b>   |                              |  |
|--|------------------------------|--|
| <b>a. Use</b>  |                              | <b>Minimum No. Of Required Spaces</b>  |
| Agricultural Uses  |                              | No requirement, except for roadside stands and other commercial or similar uses, when there shall be an adequate number of spaces to serve the public  |
| Amusement Uses, including skating rinks, video arcades, pool and billiard rooms, and similar facilities  |                              | 1 space for each 500 square feet of gross floor area   |
| Automobile Repair Uses, including muffler shops, tire shops, quick lubricating, and other similar uses   |                              | 2.5 spaces for each service bay.   |
| Bowling Alleys   |                              | 4 spaces for each lane   |
| Child Care Uses, including child care homes, child care centers, day care centers, nurseries and kindergartens and similar uses  |                              | 1 space for each 5 children  |
| Church Uses  |                              | 1 space for each 3 seats in the sanctuary  |
| Commercial Centers   | Less than 50,000 square feet | 1 space for each 200 square feet of gross floor area   |
|  | 50,000 square feet or larger | 1 space for each 250 square feet of gross floor area   |
| Community Center Uses, including clubs, lodges, community centers, libraries, museums and similar places of assembly   |                              | 1 space for each 100 square feet of assembly area  |
| Drive-through Uses (other than restaurants), including banks, dry cleaners, and similar uses   |                              | 1 space for each 400 square feet of gross floor area, plus stacking spaces as required in Section 8.6  |
| Mortuaries and Funeral Services  |                              | 1 space for each 35 square feet of seating area  |
| Group Housing, including rooming and boarding houses, dormitories, fraternities and sororities, group homes, adult care homes, elderly housing, halfway houses, nursing homes and similar group quarters |                              | 1 space for each 2 beds, sleeping units, rooming units or dwelling units plus 1 space for each 100 square feet of assembly or common area  |
| Health Club Uses, including athletic clubs and spas  |                              | 1 space for each 400 square feet of gross floor area   |
| Health Uses, including hospitals, in-patient clinics, and similar uses   |                              | 1 space for each patient bed   |
| Higher Education Uses, including colleges, universities, professional schools, junior colleges, and vocational schools   |                              | 0.8 spaces for each student, based upon the maximum number of students attending classes on the premises during any 24-hour period. If the school provides on-site housing, this requirement may be reduced to 0.5 spaces for each student |

| <b>EXHIBIT 8.2. PARKING SPACE REQUIREMENTS</b>   |   |   |
|--|---|---|
| <b>a. Use</b>  |   | <b>Minimum No. Of Required Spaces</b>   |
| Hotel Uses, including hotels, motels, apartment hotels and other facilities for the transient public |   | 1 space for each guest room   |
| Industrial Uses, including manufacturing and similar uses, not catering to the retail trade          | Less than 3000 square feet                          | 1 space for each 250 square feet of gross floor area  |
|  | 3000 to 5000 square feet                            | 1 space for each 500 square feet of gross floor area  |
|  | 5001 to 10,000 square feet                          | 1 space for each 750 square feet of gross floor area  |
|  | More than 10,000 square feet                        | 1 space for each 1,250 square feet of gross floor area  |
| Open Air Business Uses   |   | 1 space for each 1,000 square feet of outdoor storage or display area   |
| Professional Office Uses   | Medical and Dental                                  | 1 space for each 200 square feet of gross floor area  |
|  | Other   | 1 space for each 300 square feet of gross floor area  |
| Residential Uses   | Single-family or two-family                         | 2 spaces per dwelling unit  |
|  | Multi-family  | 1.5 spaces for each one-bedroom or efficiency unit; 2 spaces for each 2-bedroom unit, plus 0.25 guest spaces per unit |
| Restaurant Uses  | Drive-through or fast-food                          | 1 space for each 75 square feet of gross floor area plus stacking spaces as required by Section 8.6                   |
|  | General   | 1 space for each 100 square feet of gross floor area  |
| Retail Uses  | Furniture, appliances or other large consumer goods | 1 space for each 500 square feet of gross floor area  |
|  | Convenience stores                                  | 1 space for each 200 square feet of gross floor area  |
|  | Other retail  | 1 space for each 250 square feet of gross floor area  |
| Schools  | Elementary or middle school                         | 3 spaces for each classroom   |
|  | High school   | 8 spaces for each classroom   |
| Theater Uses, including auditoriums, movie theaters, performing arts facilities, and sports arenas   |   | 1 space for each 4 seats  |

| <b>EXHIBIT 8.2. PARKING SPACE REQUIREMENTS</b> |         |  |
|--|---------|--|
| <b>a. Use</b>                                  |         | <b>Minimum No. Of Required Spaces</b>                |
| Warehouses and Storage Units                   | General | 1 space for each 750 square feet of gross floor area |

**Section 8.5 Loading Requirements**

- A. Uses and buildings with a gross floor area of less than 5,000 square feet shall provide adequate receiving facilities, so as not to obstruct the free movement of pedestrians and vehicles over a sidewalk, street or alley.
- B. Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with the following exhibit.

| <b>Article II. EXHIBIT 8.3. LOADING SPACE REQUIREMENTS</b>  |   |  |
|---|---|--|
| <b>Article III. Use</b>   | <b>Article IV. Floor Area (sq. ft.)</b> | <b>Article V. Min. No. of Loading Spaces</b> |
| Article VI. Manufacturing, distribution, wholesaling, storage and similar uses                      | Article VII. 5,000 – 25,000             | Article VIII. 1                              |
|   | Article IX. 25,001 – 60,000             | Article X. 2                                 |
|   | Article XI. 60,001 – 100,000            | Article XII. 3                               |
|   | Article XIII. Each additional 50,000    | Article XIV. 1                               |
| Article XV. Office buildings, hotels, retail sales, commercial centers, hospitals, and similar uses | Article XVI. 5,000 – 60,000             | Article XVII. 1                              |
|   | Article XVIII. 60,001 – 100,000         | Article XIX. 2                               |
|   | Article XX. Each additional 100,000     | Article XXI. 1                               |

**Section 8.6 Vehicle Stacking Areas**

- A. Number of Spaces  
Vehicle stacking spaces shall be provided as specified on Exhibit 8.4.

| <b>EXHIBIT 8.4. STACKING SPACES</b> |                                |                      |
|-------------------------------------|--------------------------------|----------------------|
| <b>Activity Type</b>                | <b>Minimum Stacking Spaces</b> | <b>Measured From</b> |
| Bank teller lane                    | 4                              | Teller or Window     |
| Automated teller machine            | 3                              | Teller               |

| <b>EXHIBIT 8.4. STACKING SPACES</b> |                                |                             |
|-------------------------------------|--------------------------------|-----------------------------|
| <b>Activity Type</b>                | <b>Minimum Stacking Spaces</b> | <b>Measured From</b>        |
| Restaurant drive-through            | 6                              | Order Box                   |
| Restaurant drive-through            | 4                              | Order Box to Pick-Up Window |
| Car wash stall, automatic           | 6                              | Entrance                    |
| Car wash stall, self-service        | 3                              | Entrance                    |
| Gasoline pump island                | 2                              | Pump Island                 |
| Other                               | Minimum of 2 per window        |                             |

**B. Stacking Space Specifications**

**1. Size**

Stacking spaces must be a minimum of 8 feet by 20 feet in size.

**2. Location**

Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.

**Section 8.7 Accessible Parking for Physically Challenged Persons**

A. A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical challenges.

**B. Number of Spaces**

The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following exhibit. Parking spaces reserved for persons with physical challenges shall be counted toward fulfilling off-street parking standards.

| <b>EXHIBIT 8.5. ACCESSIBLE PARKING</b> |  |  |  |
|--|--|--|--|
| <b>Total Parking Spaces Provided</b>   | <b>Minimum Number of Accessible Spaces</b> | <b>Minimum Number of Van-Accessible Spaces</b> | <b>Minimum Number of Car-Accessible Spaces</b> |
| 1-25                                   | 1  | 1  | 0  |
| 26-50                                  | 2  | 1  | 1  |
| 51-75                                  | 3  | 1  | 2  |
| 76-100                                 | 4  | 1  | 3  |

| <b>EXHIBIT 8.5. ACCESSIBLE PARKING</b> |  |  |  |
|--|--|--|--|
| <b>Total Parking Spaces Provided</b>   | <b>Minimum Number of Accessible Spaces</b> | <b>Minimum Number of Van-Accessible Spaces</b> | <b>Minimum Number of Car-Accessible Spaces</b> |
| 101-150                                | 5  | 1  | 4  |
| 151-200                                | 6  | 1  | 5  |
| 201-300                                | 7  | 1  | 6  |
| 301-400                                | 8  | 1  | 7  |
| 401-500                                | 9  | 2  | 7  |
| 501-1,000                              | 2% of total spaces                         | 1 out of every 8 accessible spaces             | 7 out of every 8 accessible spaces             |
| Over 1,000                             | 20 + 1 per each 100 spaces over 1,000      |  |  |

**C. Minimum Dimensions**

All parking spaces reserved for persons with physical challenges shall comply with the parking space dimension standards of this Section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

1. **Car-Accessible Spaces**

Car-accessible spaces shall have at least a 5-foot wide access aisle located abutting the designated parking space.

2. **Van-Accessible Spaces**

Van-accessible spaces shall have at least an 8-foot wide access aisle located abutting the designated parking space.

**D. Location of Spaces**

Required spaces for persons with physical challenges shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

**E. Signs and Marking**

Required spaces for persons with physical challenges shall be identified with signs and pavement markings identifying them as reserved for persons with physical challenges. Signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level.

**Section 8.8 Parking and Loading Space Specifications**

A. All loading areas and all off-street parking areas for four (4) or more vehicles shall be developed in accordance with the standards of this Section, except in the case of one and two-family dwellings, agricultural and rural uses and storage of vehicular merchandise not counting toward the minimum requirements of this Ordinance.

- B. Required off-street parking spaces shall be so designed, arranged and regulated as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.
- C. Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used by parking facilities on the zone lot, such building shall be treated as any major structure and subject to all requirements thereof.
- D. No repair work, sales or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the zone district.
- E. All open off-street parking and loading areas, including driveways and other circulation areas, shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with concrete or a compacted macadam base and surfaced with an asphalt pavement, to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- F. Driveway entrances or exits shall be no closer than 25 feet to an adjoining residential property line or 10 feet to an adjoining nonresidential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of 30 feet; provided, that two driveways not exceeding 30 feet in width each may constitute a single entrance-exit divider designed driveway; provided further, that such driveways shall conform to the requirements of engineering departments having jurisdiction thereof.
- G. Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare unshaded bulbs be used for such illumination.
- H. Parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks.
- I. Parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces and shall be provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required setback area or onto any adjoining property.

## Section 9 Signs and Advertising Structures

### Section 9.1 Purpose and Intent

- A. In accordance with the provisions of IC 36-7-4-601, this Section contains requirements that are intended to further the goals of the Comprehensive Plan. These regulations are intended to promote traffic safety and to protect the visual appearance of the County, specifically as follows:
1. To avoid proliferation of signs
  2. To maintain and enhance the aesthetic environment of the County
  3. To encourage signs to be compatible with the design of buildings and with the surrounding area
  4. Encourage simplicity and readability of signs
  5. Encourage employment of the principles of good design in community development
  6. To enhance economic development and growth
- B. It is the intent of this Section to encourage the design and placement of signs that are all of the following:
1. Legible and effective for communication in the circumstances in which they are seen.
  2. Appropriate to the activity that displays them
  3. Expressive of both the individual activity and the community as a whole
  4. Compatible with their surroundings

### Section 9.2 Definitions

**ADVERTISING STRUCTURE:** Any off premise notice, advertisement, billboard, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services. These structures are not allowed within any R-1 District or within the corporate limits of the City of Vincennes. These structures are considered Conditional Uses in all other areas. Furthermore, these structures shall meet all building and sign requirements. The term "advertising structure" under this Ordinance does not include a "sign" as defined later in this Section.

**AGRICULTURAL USE:** Any use qualifying as a "farm" under the terms of this Ordinance.

**AREA:** The total area of the face that is used to display a sign, not including its supporting poles or structures. If a sign has 2 faces that are parallel and supported by the same poles or structures, only one face is counted. If a sign has 2 or more faces that are supported by the same poles or structures but are not parallel, the area of the sign is the total area of all faces.

**BANNER:** A sign on a lightweight fabric, or similar non-rigid material, that is attached by at least two corners of such sign, to a building or structure. Flags of any country, state,



unit of local government, institution of higher learning, or similar institution are not considered to be banners.

COMMERCIAL CENTER: For purposes of this Section only, a commercial center is any building or combination of buildings with more than one occupant or business on a single lot.

COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, industry, product, service, or other similar activity.

COMMUNITY EVENT SIGN: A temporary sign identifying a community event. Such sign may include the place, dates and times of a community event

CONSTRUCTION SIGN: A sign containing the name(s) of an architect, contractor, financial institution, engineer, vendor, or similar information, displayed on property during construction of a building or project.

FLAG: A rectangular, square or similarly shaped piece of lightweight fabric of distinctive design that is used as a symbol of a nation, governmental entity, business, institution, organization or similar entity.

FLASHING SIGN: Any sign which in whole or in part, physically changes in light intensity or gives the appearance of such change at intervals of less than 6 seconds.

FREESTANDING SIGN: A 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.

HEIGHT (FREESTANDING SIGN): The distance measured in a vertical plane from grade at the edge of pavement of the adjacent street from which the property has immediate access to the highest point of the sign.

MONUMENT SIGN: A freestanding sign placed on a solid base directly on the ground.

NAMEPLATE: A sign containing the name of the occupant or building and/or the address of the site.

NONCONFORMING SIGN: A sign that is not in compliance with this Ordinance on either of the following dates: (1) the date of the original enactment, or (2) any date on which this Ordinance is amended.

OFF-STREET PARKING AREA: An area used solely for parking that is 40 feet or more in depth.

**PENNANT**: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERMANENT SIGN**: A sign that is attached to the ground or to a building in such a manner that it is not intended to be frequently removed or replaced and is not a portable or temporary sign as defined in this Ordinance.

**PROJECTING SIGN**: A sign attached to and projecting from the wall or similar element of a building and not in the same plane as the wall.

**SIGN**: Any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is exhibited. The term "sign" under this Ordinance does not include an "advertising structure" as defined earlier in this Section.

**TEMPORARY SIGN**: A window, wall, beacon or other sign attached to a building or placed on the ground and displayed for a fixed limited period of time.

**WALL SIGN**: A sign painted on or attached to a wall of a building in the same plane as the wall.

**WINDOW SIGN**: A sign applied, painted or affixed to, or in the window of a building and clearly visible from the street, alley, or parking area. A window sign may be temporary or permanent.

### **Section 9.3 General Provisions**

#### **A. Permits Required**

Improvement Location Permits shall be required for all new signs except those exempt signs listed in Section 9.4. Maintenance, touch-up, repainting or repair of a legal sign shall not require a sign permit.

#### **B. Location of Signs**

All signs shall be located on the same lot as the use to which it is associated.

#### **C. Setbacks for Signs and Advertising Structures**

1. All signs and advertising structures shall have a minimum setback of 8 feet on interior lots.
2. All signs and advertising structures on corner lots shall adhere to the sight "visibility triangle" requirements outlined in Section 2.3.
3. No part of any sign shall encroach upon the above minimum setbacks.

#### **D. Height and Area Limitations**

1. All signs in agricultural zoned areas shall have a maximum height of 10 feet and a maximum area of 40 square feet.
2. All signs in commercial and industrial zoned areas shall have a maximum height of 35 feet, a maximum area of 100 square feet and a maximum width of 10 feet.

**E. Permanent Signs**

1. All signs and advertising structures shall be permanent in nature except for those signs allowed as Temporary Signs in accordance with this Section.
2. On each property where signs are permitted, there shall be no more than one freestanding or monument sign per 50 feet of street frontage.
3. The number of wall signs is not limited, provided that the aggregate size of all wall signs does not exceed 100 square feet and signs to do not cover more than fifty percent (50%) of any wall.

**F. Temporary Signs**

1. Temporary signs containing commercial messages are permitted for a maximum of 90 calendar days in any 12-month period.
2. Non-commercial temporary signs, including Community Event signs are permitted for such length of time as the staff finds appropriate to the purpose of such sign.

**G. Obsolete Signs**

Signs that identify businesses, goods, or services no longer provided on the premises shall be removed within 90 calendar days after the business ceases.

**H. Illumination of all signs shall comply with the following standards:**

1. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity does not generate glare onto nearby residential areas between the hours of 8 p.m. and 8 a.m.
2. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
3. No exposed reflective type bulbs or incandescent lamps that exceed 40 watts shall be used on the exterior surface of a sign.

**Section 9.4 Exemptions**

The following signs are exempt from Improvement Location Permit requirements:

**A. Safety and Information Signs**

Signs erected by or on the order of a public officer, such as but not limited to safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, informational signs and the like.

**B. Architectural Signs.**

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal, bronze, aluminum, or other permanent type construction and made an integral part of the structure.

**C. Real Estate Signs as follows:**

1. One sign per street frontage advertising the sale or lease of the property on which the sign is located, not to exceed 32 square feet in area on the following properties:
  - a. Parcels 3 acres or larger in size
  - b. Commercial, industrial, or institutional parcels, or multi-family dwellings containing more than 4 dwelling units.

2. One sign per street frontage advertising the sale or lease of the property on which the sign is located, not to exceed 6 square feet in area, on residential parcels less than 3 acres in size.
- D. Construction signs meeting the following criteria:
1. In a commercial, institutional, industrial, or multi-family area or a subdivision containing more than 3 lots, one sign not to exceed 32 square feet in area displayed on a construction site during the construction period, not to exceed 18 months.
  2. In one or two-family residential areas, one sign not to exceed 6 square feet in area on a residential construction site displayed during construction, not to exceed 6 months. If such sign identifies more than 2 entities, the size may be increased to 16 square feet.
- E. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags. No commercial messages or logos are permitted on such flags. Flags containing commercial messages are considered to be signs and count toward the total number and area of signs allowed on the premises under the terms of this Ordinance.
- F. Flags or banners which meet the following criteria:
1. The flags or banners contain colors and/or graphic designs only, with no commercial message.
  2. For flags or banners which are displayed on poles not attached to a building, there shall be no more than one flag for each 2,500 square feet of parking or open space area, and each flag may be no more than 32 square feet in area.
  3. Flags that are attached to buildings or to poles attached to buildings may not exceed 32 square feet in area, and the flags or poles to which such flags are attached shall be spaced at least 10 feet apart.
- G. Political signs.
- H. Holiday decorations.
- I. Barber poles.
- J. Street numbers of 12 inches or less in height.
- K. Nameplates no larger than 2 square feet in area for one- or two-family dwellings and no larger than 4 square feet in area for other uses.
- L. Agricultural signs such as those indicating the types of seeds or other agricultural products used on the premises.
- M. Merchandise displays, located within buildings but which are visible from a street or parking area, provided there are no signs within the display that are designed or intended to be read from a street.
- N. Credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of 4 square feet. These are included in the percentage of temporary or permanent window signs permitted.
- O. "Help Wanted" signs not to exceed 6 square feet in area, on nonresidential parcels.
- P. Signs which are not visible or are not intended to be read from a public right-of-way or parking area.
- Q. Other signs that are determined by the staff to be similar in nature and intent to those listed in this Section.

## Section 9.5 Prohibited Signs

The following signs are prohibited in Knox County:

- A. Signs that contain or are an imitation of an official traffic sign or signal or contain the words “stop,” “go slow,” “caution,” “danger,” “warning” or similar words.
- B. Signs that are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- C. Signs that contain or consist of portable signs, tent signs and strings of light bulbs not permanently mounted on a rigid background.
- D. Signs that swing or otherwise move as a result of wind pressure because of the manner of their suspension or attachment.
- E. Signs placed in any public right-of-way (other than official government signs), on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills.
- F. Advertising structures within the corporate limits of the City of Vincennes.

## Section 10. Wireless Communications Facilities

### Section 10.1 Purpose and General Provisions

This Section is intended to regulate the construction, placement and modification of telecommunication facilities; to preserve the aesthetic character of Knox County and surrounding jurisdiction and to minimize the land use impact of such facilities while providing the community with the benefit of new technological advances in telecommunications; to promote long-range planning between the County, City, and Towns and the providers of telecommunications and among the providers of communications; and to protect the public health, safety and general welfare of the community and to further the goals and policies of the Comprehensive Plan, by:

- A. Encouraging the location of new towers in non-residential areas;
- B. Avoiding damage to the adjacent properties from tower failure by requiring structural standards and setback distances;
- C. Minimizing the adverse visual effects of towers through careful design and site standards;
- D. Maintaining and enhancing the aesthetic environment of the County;
- E. Reducing the proliferation of towers through tower-share requirements for all new construction and those existing towers that are physically capable of sharing;
- F. Encouraging the use of already existing structures, whether publicly or privately owned, such as water towers, silos, steeples and other tall structures as prime sites for new antenna sites;
- G. Discouraging the site of telecommunication facilities in residential and agricultural areas;
- H. Providing for the site of telecommunication facilities which may deviate from the regulations of this Section upon approval of the Commission or Board, as appropriate;
- I. Providing for the administration and enforcement of this Section.

### Section 10.2 Definitions

**ACT:** The Communications Act of 1934, as amended from time to time, including the Telecommunications Act of 1996, as amended from time to time.

**ALTERNATIVE TOWER STRUCTURE:** Man-made structures such as clock towers, steeples, light poles, roof tops, antennas integrated into existing architecture or similar alternative designed mounting structures or methods that camouflage or conceal the presence of antennas or towers.

**ANTENNA:** Any exterior apparatus designed to send and/or receive electromagnetic waves for the purpose of telephonic, radio or television communications.

**CELLULAR TELECOMMUNICATIONS:** A commercial wireless radio service licensed by the Federal Communications Commissions which provides telecommunications service

permitting customers to use wireless telephone technology such as, but not limited to, portable phones, pagers, faxes and computers.

CO-LOCATION: Locating telecommunication facilities from more than one provider on a single site or structure.

FCC: Federal Communications Commission, or any successor thereto.

LATTICE TOWER: A self supported three or four sided, open, steel frame structure, which is intended for receiving or transmitting any form of electronic communication.

MONOPOLE TOWER: A communication tower consisting of a single pole, constructed without guy wires and ground anchors, which is intended for receiving or transmitting any form of electronic communication.

STEALTH FACILITY: Any telecommunications facility which is designed to blend into the surrounding environment; including, but not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure or integrated into existing architectural elements, towers designed to look like trees or designed to look like light poles, silos or other man made structure.

TELECOMMUNICATIONS FACILITY: A cellular telecommunications facility consisting of any of the equipment and structures involved in transmitting signals for cellular telecommunications.

TOWER HEIGHT: The vertical distance measured from grade level to the highest point of the structure.

### **Section 10.3 Permitted Telecommunication Facilities**

- A. Telecommunication facilities meeting the following requirements shall constitute permitted uses in industrial zoning districts:
1. The telecommunications facility is designed, constructed and placed to minimize the visual impact by one of the following:
    - a. Use of an alternative tower structure
    - b. Co-location
    - c. Use of a stealth facility
    - d. If new construction, structurally designed and capable of allowing other carriers to co-locate on the tower structure
    - e. The use of color or camouflaging architectural treatment
    - f. The telecommunications facility is located on public land or in the public right of way as set forth in Section 10.8.
  2. Notwithstanding anything else in this Ordinance, the tower height for a stand-alone tower shall not exceed 60 feet if it is designed to accommodate only one service

- provider; 100 feet if it is designed to accommodate only two service providers: and 300 feet if it is designed to accommodate more than two providers.
3. Telecommunication facilities attached to other structures shall not exceed the greater of:
    - a. the height requirement in the zoning district which they are located by more than ten feet or
    - b. the height of the structure on which such facilities are attached by more than 20 feet, without a variance. The Board may grant such a variance only if the applicant provides a report from a registered professional engineer with a specialization in cellular telecommunications as to the minimum tower height needed by the applicant, evidence that there are no other suitable structures for co-location that meet the applicant's requirements, and, if requested by staff, a visual impact analysis required by Section 10.5 E.
  4. If the property is being leased, the provider shall enter into a written easement agreement with the owner of the property, which shall include a platted area for the location of the telecommunications facility, which shall be duly recorded. If the property is owned or leased by the provider, unless the telecommunications facility is attached to an already existing structure, the platted area for the tower shall be the only use permitted on the platted easement or property.
  5. All new tower construction shall be monopole towers or stealth facilities, unless the applicant provides a written report from a registered professional engineer, with a specialization in geotechnical engineering, that the cost of such a tower at such site be twice the normal cost of constructing a monopole tower due to specific conditions present at the site. Any proposed alternative shall be a lattice tower and shall meet the standards in Section 10.6. At its discretion, the Commission may hire an independent consultant at the expense of the applicant, to determine if such report is complete and correct.
- B. Alternative tower structures shall be permitted in all districts if the structures are designed and placed to minimize the visual impact of the structure, or if placed on existing structures do not exceed the height of the existing structure by more than 20 feet. In all cases, such structures shall meet all other zoning requirements.
  - C. Telecommunication facilities shall be permitted in all districts if located on public land or in the public right of way as set forth in Section 10.8 below.
  - D. All applications for an Improvement Location Permit for a telecommunication facility shall provide the staff with the following items, along with the other requirements of the zoning compliance certificate application:
    1. Written approval from, or a certified copy of any necessary application to, all relevant federal and state agencies including, but not limited to, the Federal Aviation Administration (including a copy of the FAA's response to the "Notice of Proposed Construction or Alteration" (FAA Form 7460-1) or any successor thereto), the Federal Communications Commission, the U.S. Environment Protection Agency, and the Indiana Department of Environmental Management.
    2. A list of the applicant's existing facilities within jurisdiction of Knox County, and a master plan setting forth any potential future telecommunication facilities in the County. This list shall include specific information as to the location (by address



- and State Plane Coordinates), height, design, the technical feasibility of allowing other providers to co-locate on the facility and the terms and conditions for co-location on the facility.
3. In the case of a new tower facility, the information required in Section 10.5.
  4. Any telecommunications facility required by the state, County, City or Town for emergency purposes shall be exempt from the requirements of this Section.

#### **Section 10.4 Telecommunication Facilities as an Accessory Use**

Antennas and other telecommunication facilities may constitute an accessory use in non-industrial districts if the telecommunications facilities use an alternative tower structure as defined in Section 10.2, or if such telecommunications facilities are co-located with an already existing telecommunications facility. If located on the roof of an associated principal building, the building must be at least three stories high, and the telecommunications facilities may exceed the height restrictions of the applicable district by a maximum of 20 feet.

#### **Section 10.5 Telecommunication Facilities as a Conditional Use**

All telecommunication facilities not meeting the criteria set forth in Sections 10.3 & 10.4 shall require a Conditional Use Permit. Each application for a Conditional Use shall include the following:

- A. In the case of a new tower structure, evidence demonstrating that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence shall consist of at least one of the following:
  1. Evidence that there are no existing towers or structures meeting the applicant's engineering requirements within the geographic area that the antenna is intended to serve;
  2. If there are towers or structures in the geographic area, evidence that such towers or structures do not have sufficient height or structural strength to meet the applicant's engineering requirements;
  3. Evidence that the applicant's proposed antenna would cause electromagnetic (EMF) interference with the antenna of existing towers or structures, or vice versa;
  4. A financial analysis that the fees, costs or contractual provisions required by the owner of the property in order to co-locate, or to adapt an existing tower or structure to make it suitable for co-location, exceeds the cost of new tower development. Such analysis shall include written lease/cost estimates from the owner of the tower or structure;
  5. Evidence as to the minimum height of tower needed by the applicant, taking into account the need for a higher tower for co-location purposes;
  6. The applicant demonstrates that there are other factors that render existing towers unusable.
- B. In the case of a new tower development or the use of an existing structure as a telecommunications tower for the first time, a notarized letter of intent committing the

owner and any lessee, on behalf of themselves and their successors in interest, that the tower structure shall be shared with additional users;

- C. In the case of a new tower structure, such structure shall be a monopole tower, except as provided in Section 10.3 A.5. If feasible, such tower shall be designed as a stealth facility. Any application for a telecommunications tower shall include certification by a qualified and licensed professional engineer that the design of the antenna support tower conforms to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association, including, but not limited to, certification that such tower is designed and will be constructed in such a manner that in the case of tower failure, such tower will either fold upon itself or collapse upon itself. Such certification shall take into account the proposed users of, and possible future co-locators on, the antenna structure.
- D. Commercial telecommunication service providers shall provide documentation that the proposed telecommunication facilities comply, or will on completion comply, with the latest applicable federal and state environmental, health and safety standards and regulations, including, but not limited to, those established by the Federal Communications Commission on Radio Frequency Emissions (REF).
- E. In the case of a new tower, or when an existing tower structure is being enlarged in size, a visual impact analysis shall be prepared and certified by a qualified licensed professional engineer or architect, which analysis shall include the following information:
  - 1. A site plan prepared by a registered land surveyor licensed in the State of Indiana;
  - 2. Identification of significant existing natural and manmade features adjacent to the proposed tower location, indicating those features that will buffer the proposed tower from adjacent property and rights of way;
  - 3. Identification of at least three specific points, which are reasonably equidistant, within a three-mile radius of the proposed tower from which the line of sight analysis is presented. The exact number and location of these line of sight points shall be determined after consultation with staff prior to the preparation and completion of the analysis. The applicant shall then prepare a graphic illustration of the visual impact of the proposed tower. Such graphic illustration shall be a computer enhanced photograph with the computer-generated image of the tower depicted to an accurate scale. Each photograph shall be accompanied by text describing the point where the photograph was taken and how many feet it is from the proposed tower;
  - 4. A description of the visual and aesthetic impact of the proposed tower on all adjacent properties and properties within a 2,000-foot radius of the tower. The applicant shall also provide a specific explanation of the feasibility of camouflage given the needed height of the tower;
  - 5. A site plan showing all proposed landscaping and buffering. All such plans shall provide that the lowest six feet of the tower or facility be fenced by a chain link fence and screened with an opaque buffer. Any building which is not enclosed within such fenced area shall be landscaped, as required by Section 2.7, and
  - 6. Any additional information requested by staff in order to fully review and evaluate the impact.

- F. The Findings of Fact for any decision of the Board denying an application for a telecommunications facility shall be supported by substantial evidence.
- G. Within 45 calendar days after the completion of any telecommunications facility which is being used for the first time as a telecommunications facility (including the attachment of an antenna to an existing structure), the operator or owner shall provide a certificate from a registered professional engineer to the effect that the structure meets all of the requirements set forth in the approved plans.

### **Section 10.6 Setback, Placement, Lighting and Insurance**

All telecommunication facilities shall comply with the setback requirement for structures in the zoning district in which it is located, plus any additional distance set forth below.

- A. Antennas attached to existing structures shall have the same minimum setback as the structure to which they are attached; provided that any such antenna shall be placed so as to be as inconspicuous as possible as determined in consultation with staff.
- B. The required setback for property in or within 1,000 feet of an agricultural or residential district, other than a tower complying with A above, shall be calculated by adding the required setback for the district in which such tower is located to the greater of
  - 1. 500 feet or
  - 2. The tower height.
- C. The required setback for a tower located in or within 1,000 feet of a commercial district, other than a tower complying with A above, shall be calculated by adding the required setback for the district in which such tower is located to the greater of
  - 1. 200 feet or
  - 2. The tower height.
- D. Towers shall not be illuminated by artificial means unless such lighting is required for such tower by the Federal Aviation Administration or other federal or state authority.
- E. All owners/providers of telecommunications facilities shall annually provide the Planning Department with evidence of adequate liability insurance protecting against personal injury or property damage resulting from the construction, failure or collapse of a tower, antenna or accessory equipment.

### **Section 10.7 Interference with Public Safety Telecommunications**

- A. No new or existing telecommunications facility shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, prepared by a licensed professional engineer with a specialization in telecommunications, which provides an evaluation of existing and proposed transmission and indicates all potential interference problems.
- B. Prior to the commencement of any new service or any change in any existing service, the provider shall give the Commission 10 working days advance notice of such changes, so that such changes may be monitored to ensure that there is no interference with public safety telecommunications. If such interference occurs, it shall be the obligation of the provider to eliminate such interference.

### **Section 10.8 Locating Communication Facilities on Public Land**

Antennas and towers may be located and maintained on property of the County, a City, or Town, including the public right of way, under the following provisions:

- A. If the site is to be an alternate tower structure using an already existing structure, the applicant shall provide to the Executive Director a written request setting forth the proposed site, height and evaluation of the compatibility with the existing facility.
- B. If the site is a new facility to be constructed on public land, the applicant shall provide to the Executive Director all of the above information, but also provide an analysis of the proposal's compliance with the Comprehensive Plan and the zoning ordinance.
- C. The Executive Director will review the plan within 10 working days after submission and schedule a meeting with the applicant to discuss the plan. The applicant may then make such modifications or changes to the request as the applicant deems necessary.
- D. The applicant shall then submit a request to the public body having jurisdiction over the site or facility proposed to be used, for permission to use such site.
- E. If the applicant executes a contract with the appropriate body, the applicant shall then make an application for an Improvement Location Permit or a Conditional Use Permit, as applicable. The applicant shall include a copy of the executed contract as part of the application.

### **Section 10.9 Removal**

- A. The owner of any telecommunications facility shall file annually with the Planning Department a report certifying the continuing operation of every facility located at any telecommunications facilities. Failure to so file shall be deemed to mean that the facility is no longer in operation. Each operator of a telecommunications facility shall send to the Planning Department a copy of any notice sent to the FCC of intention to cease operations. Any abandoned or unused facilities shall be removed (including the tower, support structure and buildings) within 180 calendar days of ceasing to be used as a telecommunications facility and the site shall be restored to its original state at the expense of the owner of the property. Any owner of property leased to a telecommunications provider may require the lessee to remove any tower and associated facilities upon cessation of operation of the facility as a telecommunications facility.
- B. If the site is an alternative tower structure and is used for purposes other than telecommunication facilities, only the antenna and other equipment related to the telecommunications use need to be removed, and the structure shall be restored to its original state.
- C. If the tower and associated facilities are not removed within such time, the tower and the associated facilities shall be deemed a nuisance under applicable law. If not removed within such time, the Commission may seek injunctive relief or any other remedy from a court of competent jurisdiction in Knox County, or the Commission may authorize the tower and associated facilities be removed by the County, City, or Town, and the costs billed to the owner. All costs incurred by the County, City or

Town, upon the failure of the tower to be promptly removed by the owner, including all costs of enforcement and reasonable attorney fees, may be assessed by the County, City, or Town as a lien against the property. A change of venue from Knox County shall not be granted in such a case, as provided in IC 36-7-4-1014.

### **Section 10.10 Existing Telecommunication Facilities**

Lawfully existing telecommunication facilities that do not conform with the requirements of this Section shall be considered legal nonconforming uses as provided in this Ordinance; however, placing additional antennas on a nonconforming structure in accordance with this Ordinance shall not be considered an expansion of the nonconforming use, nor shall it be considered to be an increase in the degree of nonconformity.

### **Section 10.11 Temporary Telecommunication Facilities**

Temporary telecommunication facilities or antennas shall be permitted for emergency communication, or in the event of equipment failure for a maximum period of two weeks, provided that any owner/provider of such temporary facility or antenna shall be in compliance with Section 10.9.

## Section 11 Coal and Other Mineral Extraction

### Section 11.1 General Provisions for Coal Extraction

#### A. Purpose

Regulations governing coal extraction activities within an Urban Area as defined in IC 36-7-4-1103 are for the purposes of permitting the economic recovery of the maximum amount of mineral resources while protecting public health, safety and welfare from dangers and nuisances which might be created by these activities.

#### B. Submission Requirements

The following information shall be submitted to the Commission with the application for a Development Plan for coal extraction operations:

1. A copy of the approved permit from the Indiana Department of Natural Resources (IDNR) for a coal mining permit.
2. Supporting documentation for any of the following that are not included in the IDNR permit documents noted in Item 1:
  - a. A Map of Existing Conditions showing the lands proposed to be included in the territory planned for extraction of coal, sand, gravel or other materials and the operational facility, if any, for the excavating, processing and distribution of the minerals (hereinafter called "plant area") and the lands within 1,000 feet in all directions. This map shall show the boundaries of the entire site and of the extraction area and existing conditions, including the following:
  - b. Existing contours, with a contour interval appropriate to the site, which accurately reflects the topographic condition, usually 10 feet.
  - c. Water bodies and drainage courses.
  - d. Depth of water table.
  - e. Estimate of depth and extent of deposit.
  - f. Current use of adjoining lands (residential, commercial, industrial, institutional, recreation, agricultural, etc.).
  - g. Current zoning classification of subject and adjoining lands and setback requirements.
  - h. All publicly owned lands.
  - i. Public rights-of-way and the classifications of the roads (arterial, collector, local)
  - j. Easements and railroad lines.
  - k. A copy of the Operations Map depicting the proposed plan of operations.
- l. A plan for the rehabilitation and re-use of the entire Plant Area subsequent to extraction showing the following:
  - (1) Proposed plan for landscape rehabilitation including grading, drainage, planting, and similar appropriate installations.
  - (2) Proposed water area (if any) resulting from excavation;
  - (3) Proposed plan of functional re-use of the total Plant Area showing future locations of residential, commercial, industrial, public, semi-public, and other land uses, if any, and the principal elements of a future traffic circulation system to serve the area. Sufficient information shall be

provided to enable the Commission to determine the general characteristics of proposed development such as population density ranges, types of commercial or industrial usage, and kinds of public areas.

- m. A written Statement of Operations describing the following:
    - (1) Safety and security measures to be used in the Plant Area.
    - (2) Hours of operation.
    - (3) Anticipated noise levels from the operation, the time periods and duration of the various noise levels, and any measures proposed to control noise levels.
    - (4) Any proposed methods of controlling dust or other impacts from the operation.
  - n. Screening: Indicate on a plan drawing the methods and materials that will be used to screen the mine from adjacent residential land uses when required.
- C. Development Plan Approval
- (1) Notice shall be given to interested parties and the hearing conducted in accordance with the Commission's Rules of Procedure.
  - (2) Approval shall not be final until an approved permit for the mine has been issued in writing by the IDNR and copies of the permit have been provided to the Commission.
  - (3) In the event that an approved permit has not been issued at the time of application, the applicant shall provide the Commission a copy of the permit application to the IDNR, along with any and all supporting documentation included in the IDNR Permit Application. The Commission shall issue approval contingent upon the receipt of the permit from the IDNR.

## Section 11.2 Standards for Coal Extraction

- A. The Plant Area shall be used primarily for the processing and handling of coal, and the storage, distribution, and sale thereof.
- B. The permitted uses are subject to the performance standards, prescribed in Section 2.5 of this Ordinance.
- C. The following site development requirements shall apply:
  - 1. Ingress, Egress and Traffic Safety: Access roads to any Plant Area shall be limited to one, or at most two points, and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than 80 feet therefrom; and said 80 feet of road shall be improved with a dust proof all weather surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the local highway authorities and other sections of this Ordinance.
  - 2. Off-Street Parking: Off-street parking shall be provided for all equipment and for cars of employees and visitors.
  - 3. Screens: Whenever possible, it is encouraged that screen planting be installed between the mining use and adjoining residential uses. The screen planting may consist of existing or new trees and shrubs, seed earthen mounds, or other suitable manmade screens. When requested by the residential occupants, these screens shall be constructed to form dense screens to an appropriate height to block the noise or

- view of objectionable features between residential areas and any excavation units or heavy machinery operations within 300 feet of a residence.
4. **Drainage:** Upon the completion of operations, the land shall be left in a safe condition so that sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that both natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased, as approved by the IDNR.
  5. Excavations made to water producing depths, and proposed as water areas in the Plan of Development should have a minimum depth at the deepest point of not less than 6 feet, except in approved wetlands.

### **Section 11.3 Modifications for Coal Extraction**

Because coal mining operations vary greatly in terms of their impact on neighboring land uses, the Commission is hereby authorized to approve modifications from the standards of this Section as the Commission deems appropriate.

- A. An applicant for a Development Plan for coal extraction shall include with the application an enumeration of any requested modifications and the reasons for such modifications.
- B. The Commission may grant the modification only upon findings that said modification is not injurious to the public health, safety, and general welfare and that the applicant has shown unusual circumstances relating to the proposed coal extraction that justify the modification.

### **Section 11.4 General Provisions for Other Mineral Extraction**

#### **A. Purpose**

Regulations governing mineral extraction activities other than coal within an Urban Area as defined in IC 36-7-4-1103 are for the purposes of permitting the economic recovery of the maximum amount of mineral resources while protecting public health, safety and welfare from dangers and nuisances which might be created by these activities. These sections do not apply to Coal Extraction.

#### **B. Submission Requirements**

The following information shall be submitted to the Commission with the application for a Development Plan for mineral extraction operations, including borrow pits, topsoil removal and storage areas:

1. A Map of Existing Conditions showing the lands proposed to be included in the territory planned for extraction of sand, gravel or other materials and the operational facility, if any, for the excavating, processing and distribution of the minerals (hereinafter called "plant area") and the lands within 1,000 feet in all directions. This map shall show the boundaries of the entire site and of the extraction area and existing conditions, including the following:
  - a. Existing contours, with a contour interval appropriate to the site, which accurately reflects the topographic condition, usually 2 feet.
  - b. Water bodies and drainage courses.



- c. Depth of water table.
  - d. Estimate of depth and extent of deposit.
  - e. Current use of adjoining lands (residential, commercial, industrial, institutional, recreation, agricultural, etc.).
  - f. Current zoning classification of subject and adjoining lands and setback requirements.
  - g. All publicly owned lands.
  - h. Public rights-of-way and the classifications of the roads (arterial, collector, local).
  - i. Easements and railroad lines.
2. A Plan of Operational Areas showing the following:
    - a. Area proposed for excavation.
    - b. Area proposed for settling ponds and wash water outlets.
    - c. Area proposed for processing facilities and storage.
    - d. Area proposed for production facilities (if any) for resource-related industry.
    - e. Area proposed for plant entrance, office dispatcher headquarters, off-street parking and equipment storage.
  3. A Plan of Excavation showing the following:
    - a. Boundaries of each area proposed for excavation (hereinafter called “excavation unit”), together with the proposed excavation schedule and the estimated dates for the rehabilitation of each excavation unit.
    - b. Methods to be used to minimize erosion on the entire tract.
    - c. Methods of screening the area of operations from view.
    - d. The access or haul road system.
  4. A plan for the rehabilitation and re-use of the entire Plant Area following extraction showing the following:
    - a. Proposed plan for landscape rehabilitation including grading, drainage, planting, and similar appropriate installations.
    - b. Proposed water area (if any) resulting from excavation.
    - c. Proposed plan of functional re-use of the total Plant Area showing future locations of residential, commercial, industrial, public, semi-public, and other land uses, if any, and the principal elements of a future traffic circulation system to serve the area. Sufficient information shall be provided to enable the Commission to determine the general characteristics of proposed development such as population density ranges, types of commercial or industrial usage, and kinds of public areas.
  5. A written Statement of Operations describing the following:
    - a. Safety and security measures to be used in the Plant Area.
    - b. Hours of operation.
    - c. Anticipated noise levels from the operation, the time periods and duration of the various noise levels, and any measures proposed to control noise levels.
    - d. Any proposed methods of controlling dust or other impacts from the operation.
  6. A bond or other financial guarantee satisfactory to the Commission in the amount of \$500 per acre of area proposed to be excavated, which shall run to the County Commissioners to insure the satisfactory completion of the landscape rehabilitation.

## Section 11.5 Standards for Other Mineral Extraction

- A. The Commission may permit the following uses when it determines them to be functionally beneficial to the extraction activity, appropriate to the location and environs, and not detrimental to adjoining lands:
1. Concrete batching plants;
  2. Mixing plants for either Portland cement or asphalt;
  3. Concrete block, pipe, beam, slab or panel plants.
- B. The permitted uses are subject to the performance standards, prescribed in Section 2.5 of this Ordinance.
- C. The following site development requirements shall apply:
1. Slopes: No production from an open pit shall be permitted which creates a finished slope steeper than 1 foot horizontal to 1 foot vertical for the excavation of products other than sand, except that in locations where the soil or rock content is such that vertical cuts are proven to be safe, a vertical cut up to 8 feet in depth from ground level with a shelf no less than 12 feet wide followed by a vertical cut thereafter of any depth shall be allowed.
  2. Ingress, Egress and Traffic Safety: Access roads to any Plant Area shall be limited to one, or at most two points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than 80 feet therefrom, and said 80 feet of road shall be improved with a dust proof all weather surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the local highway authorities.
  3. Off-Street Parking: Off-street parking shall be provided for all equipment and for cars of employees and visitors.
  4. Screens: Screen planting consisting of a variety of trees, shrubs or both in the same planting area, or a combination of seeded earth mounds and plant material screens shall be constructed and planted so as to form dense screens to a height appropriate to block the view of objectionable features and maintain along the perimeter of any area being operated where said perimeter abuts a public thoroughfare or a developed residential area, unless the Commission determines that the natural setting eliminates the need for such a screen.
  5. Drainage: Upon the completion of operations, the land shall be left in a safe condition so that sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that both natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.
  6. Excavations made to water producing depths, and proposed as water areas in the Plan of Development should have a minimum depth at some point of not less than 6 feet measured from low water mark.

**Section 11.6 Modifications for Other Mineral Extraction**

Because mining operations vary greatly in terms of their impact on neighboring land uses, the Commission is hereby authorized to approve modifications from the standards of Section 11 as the Commission deems appropriate.

- A. An applicant for a Development Plan for mineral extraction shall include with the application an enumeration of any requested modifications and the reasons for such modifications.
- B. The Commission may grant the modification only upon findings that said modification is not injurious to the public health, safety, and general welfare and that the applicant has shown unusual circumstances relating to the proposed mineral extraction that justify the modification.

## Section 12 Oil and Gas Production

### A. Purpose

Regulations governing mineral extraction activities within an Urban Area as defined in IC 36-7-4-1103 are for the purposes of permitting the economic recovery of the maximum amount of oil, gas and other hydrocarbon substances resources while protecting public health, safety and welfare from dangers and nuisances which might be created by these activities.

### B. Applicability

The regulations contained herein shall apply in all districts where oil and gas production is allowed, either as a permitted use or by Conditional Use Permit.

### C. Activities Permitted

The following are considered oil and gas production activities: oil well drilling, including the installation and use of such equipment, structures and facilities as are necessary or convenient for oil drilling and producing operations customarily required or incidental to usual oil field practice, including but not limited to the initial separation of oil, gas and water and for the storage, handling, recycling and transportation of such oil, gas and water to and from the premises, may be permitted, subject to all regulations of this Section.

### D. Standards

The standards listed below must be met before the Board may grant a Conditional Use Permit for oil and gas production activities. Any such use that does not comply with these standards may be permitted by the Board only through the variance process of this Ordinance. Before deciding a Conditional Use under this Section, the Board shall seek information relevant to the decision from agencies related to the oil and gas production operation. Any oil and gas production activities that are regulated by federal or Indiana law must meet all regulations. The Board may impose conditions that are more restrictive than the these regulations. When the Board approves a Conditional Use Permit for oil and gas production activities, it may require conditions or commitments to ensure that the Conditional Use is consistent with the spirit and intent of this Ordinance. The standards below apply to confinement feeding farms:

1. Within 60 calendar days after abandonment of any well or any earthen sumps used in drilling or production, or both, the earthen sump shall be filled and the drilling site restored as nearly as practicable to its original condition.
2. Any earthen sump located within 500 feet of any public street or of five or more occupied residences, shall be enclosed with a fence not less than five nor more than ten feet in height mounted on steel posts with not less than three strands of barbed wire around the top. Such fence shall be constructed of woven wire fencing or equivalent of not greater than six-inch mesh.
3. When private roads to wells or other oil field facilities are constructed, such roads shall be oiled or surfaced in such a manner that they will not create a public nuisance.
4. A permanent well hole, derrick or tank shall not be placed within seventy-five (75) feet of any public road, street or highway.

5. All drilling and producing operations shall conform to all applicable fire and safety regulations.
  6. Suitable and adequate sanitary toilet and washing facilities shall be installed and maintained in a clean and sanitary condition at all times.
  7. All drilling and production operations shall be conducted in such a manner as not to constitute a public nuisance.
  8. The operators of the drilling site shall maintain it in an orderly fashion so that it does not become unsightly.
  9. Proven technological improvements generally accepted and used in drilling and production methods shall be adopted as they may become available if such improvements are capable of reducing factors of nuisance and annoyance to surrounding properties.
  10. Adequate fire fighting apparatus and supplies shall be maintained on the site at all times during any drilling or production operation.
  11. All parking and loading shall be provided on the drilling site and in no case shall be permitted in any public right-of-way.
  12. No earthen sumps that will contaminate the surrounding or subsurface area shall be used.
- E. If the Board issues a Conditional Use Permit for oil and gas drilling activity, it shall require that the applicant comply with the items below, and may impose any necessary conditions on the approval.
1. The applicant shall agree in writing to conform with any and all conditions which may be imposed by the Board prior to the start of drilling, which conditions shall be imposed for the protection of the public health, safety and general welfare.
  2. The applicant shall post a surety bond in the sum of \$500 per well or \$2,500 for five or more wells, in favor of the County, to ensure conformance with all conditions, restrictions, and requirements herein contained.
  3. The Operators of such drilling site(s) shall remove the drilling rig and other equipment not used in producing operations from each well within 30 calendar days after the drilling of said well has been completed, and thereafter, when necessary, such completed wells shall be serviced by portable rig.
  4. Upon the granting of the permit, drilling shall begin within 90 calendar days. In the event that a producing well is not secured at the conclusion of eight months, the permittee may, by written request to the Board, be granted a hearing to extend the time limitation. Upon satisfactory evidence, the Board may extend the time limit of the permit for an additional period not to exceed one year.

## Section 13 Nonconforming Uses

### Section 13.1 General Provisions

#### A. Purpose

Within the districts established by this Ordinance or amendments that may be hereafter adopted there exist lots, uses of land, structures, uses of structures and land and characteristics of use which were lawful before this Ordinance was approved or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit such lawfully established nonconformities to continue although the same does not conform to all of the provisions of this Ordinance, but also recognize that a basic policy of zoning is their gradual elimination. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### B. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination, shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises or additional nonconforming signs, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

#### C. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance and upon which actual building construction has been carried on diligently; provided, that such building construction shall be diligently pursued to completion within three years from the effective date of adoption or amendment of this Ordinance.

1. Actual construction is hereby defined to include the erection of construction materials in permanent position and fastened in a permanent manner.

2. Where excavation or demolition or removal of an existing lawfully established building has been begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction; provided, that work shall be carried on diligently.

#### D. Notwithstanding other provisions of this Section, a lawfully established residential use rendered nonconforming by adoption of this Ordinance or future amendment may be enlarged, altered or reconstructed; provided, that:

1. Such residential use shall comply with Section 13.2

2. This provision shall not be construed to include more than one use on a lot, and shall be applicable so long as such use remains otherwise lawful.

### Section 13.2 Nonconforming Lots of Record

#### A. In any district in which a principal use is permitted, a principal use and customary accessory uses may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other

provisions of this Ordinance; provided, that such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

- B. The provision of Subsection A of this Section shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that setback dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of setback requirements shall be obtained only through action of the Board.
- C. No division of land shall be made after the effective date of this Ordinance that creates a lot with width or area below the requirements stated in this Ordinance.

### **Section 13.3 Nonconforming Structures**

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, setback lines, intensity, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- B. No such nonconforming structure may be enlarged or altered in a manner that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- C. Should such nonconforming structure or nonconforming portion of a structure be destroyed, by any means, to an extent in real value of more than 75% of its true value at the time of such destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- D. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **Section 13.4 Nonconforming Uses of Structures, Land, or Structures and Land in Combination**

- A. If lawful use involving individual structures, land, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- B. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- C. Any nonconforming use may be extended throughout any parts of a building that were arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- D. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination may be changed to another nonconforming use, provided that

the staff shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The staff or applicant may refer the determination to the Board, which then may make the findings and deem the use to be a Conditional Use to the terms of this Ordinance. In permitting such change, the Board may require appropriate conditions.

- E. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations of the district, and the nonconforming use may not thereafter be resumed.
- F. When a nonconforming use of a structure, land, or a structure and land in combination is discontinued or abandoned for 12 consecutive months, or governmental action impedes access to the premises, the structure, land, or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- G. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this Subsection is defined as damage to an extent in real value of more than 75% of its true value.
- H. Any nonconforming use of a structure which has not been abandoned, destroyed, expanded, or damaged to the extent described above, shall continue to be legally nonconforming even though it fails to comply with the Development Standards of this Ordinance, including parking, setbacks, or other site conditions. The occupancy of such nonconforming structure may be changed without jeopardizing its legal nonconforming status, except that if the new use requires more parking or loading area than the previous use, such new use shall comply with the requirements of Section 8, unless a variance from the Development Standards is granted by the Board in accordance with this Ordinance.

### **Section 13.5 Repairs and Maintenance**

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of walls, fixtures, heating, wiring or plumbing; provided, that the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use become physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt after six months of such declaration except in conformity with the regulations of the district in which it is located.
- C. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any unsafe building.



**Section 13.6 Uses Under Conditional Use  
(Provisions Not Nonconforming Uses)**

- A. Any use that is permitted as a Conditional Use in a district under the terms of this Ordinance (other than a change through Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.
- B. Any use existing at the time of adoption or amendment of this Ordinance which is permitted as a Conditional Use in a district under the terms of this Ordinance and is deemed a conforming use may without Board action be enlarged, extended or increased subject to the standards of the zone district.

## Section 14 Board of Zoning Appeals

### Section 14.1 Establishment and Jurisdiction

- A. The Knox County Area Board of Zoning Appeals is a continuation of the previous board of zoning appeals of Knox County established under Area Planning Law and in accordance with Indiana Code 36-7-4-900 et.seq.
1. The Knox County Area Board of Zoning Appeals shall be a five (5) member board appointed as follows:
    - a. One (1) citizen member appointed by the Area Planning Commission from its members.
    - b. One (1) citizen member, who may not be a member of any plan commission, appointed by the executive of the largest municipality in the County participating in the Commission.
    - c. Two (2) citizen members, of whom one (1) must be a member of the Area Plan Commission and one (1) must not be a member of any plan commission, appointed by the county legislative body.
    - d. One (1) citizen member, who may not be a member of any plan commission, appointed by the executive of the second largest municipality in the County participating in the Commission.
    - e. None of the members of the Knox County Area Board of Zoning Appeals may hold other elective or appointive office in municipal, county or state government, except as permitted by IC 36-7-4-902.
    - f. The members of the Knox County Area Board of Zoning Appeals shall serve terms pursuant to IC 36-7-4-906.
  2. The Knox County Area Board of Zoning Appeals shall have jurisdiction over all land subject to this Ordinance, concurrent with any division of the Knox County Board of Zoning Appeals; except for where exclusive jurisdiction has been granted to a division of the Knox County Area Board of Zoning Appeals.
  3. The staff of the Knox County Area Board of Zoning Appeals shall consist of the Executive Director of the Area Planning Commission and any other members of the Area Planning Commission staff as assigned by the Executive Director.
- B. The Vincennes City Board of Zoning Appeals shall be a division of the Knox County Area Board of Zoning Appeals pursuant to IC 36-7-4-901(b).
1. In accordance with IC 36-7-4-902(g), The Vincennes City Board of Zoning Appeals shall be a five (5) member board appointed as follows:
    - a. Three (3) citizen members appointed by the executive of the municipality or county, of whom one (1) must be a member of the Plan Commission and two (2) must not be a member of the Plan Commission.
    - b. One (1) citizen member appointed by the fiscal body of the municipality who must not be a member of the Plan Commission.
    - c. One (1) citizen 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 subdivision (a) of this subsection.

- d. All members must be residents of the City of Vincennes.
  - e. None of the members of the Vincennes City Board of Zoning Appeals may hold other elective or appointed offices in municipal, county or state government, except as permitted by IC 36-7-4-902.
  - f. The members of the Vincennes City Board of Zoning Appeals shall serve terms pursuant to IC 36-7-4-906.
2. The Vincennes City Board of Zoning Appeals shall have exclusive jurisdiction over all of the land subject to this Ordinance within the corporate limits of the City of Vincennes.
  3. The staff of the Vincennes City Board of Zoning Appeals shall consist of the Vincennes City Building Inspector and the staff of the Office of the Vincennes City Building Inspector, or any other employees of Vincennes City government as assigned by the Mayor of the City of Vincennes.

### **Section 14.2 Administration**

- A. The Board shall adopt Rules of Procedure concerning the filing of appeals, applications for variances, and Conditional Uses, giving of notice, conduct of hearings and other such matters as may be necessary to carry out their duties under this Ordinance. At the first meeting of each year, the Board shall elect a Chairman and Vice-Chairman from among its members.
- B. Public notice of hearings before the board in accordance with IC 5-3-1-2 and IC 5-3-1-4 and notice to interested parties shall be given at least 10 working days before the date set for the hearing. The Board shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice. The party taking the appeal or applying for the Conditional Use or variance shall be required to assume the cost of public notice and due notice to interested parties in accordance with the Board's Rules of Procedure.
- C. The staff may appear before the Board at the hearing and present evidence relevant to the effect on the Comprehensive Plan or Zoning Ordinance of the granting of a variance or the determination of any other matter.
- D. The Board shall make a decision on any matter that it is required to hear at the public meeting at which the matter is first presented unless the matter is continued to another meeting.
- E. An affirmative vote by a majority of the Board shall be required to approve or deny a petition before the Board.
- F. Any petition approved by the Board, unless otherwise stipulated, shall expire and become void one (1) year after the date of its granting unless the petitioner or his agent has put into effect the use on the property for which the petition was approved.
- G. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings and record the specifics of each vote on all actions taken. All minutes and records shall be filed in the Area Plan Office and shall be a public record.
- H. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrative Official or body from whom the appeal is taken certifies to the

Board after the notice of appeal is filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the Board or by the County Circuit or Superior Court, and such notice shall be given to the Administrative Official or body from whom the appeal is taken and the owner of the premises affected and on due cause shown.

- I. After the person in charge of the work on the premises affected has received notice that an appeal has been filed with the Board, the staff shall have full power to order such work discontinued or stayed, and to call upon the police power of the County, City, or Town to give full force and effect to the order.

### **Section 14.3 Conditional Uses**

- A. The Board shall hear and decide only such Conditional Uses as the Board is specifically authorized to act on by this Ordinance; to decide such questions as are involved in determining whether Conditional Uses should be granted and to grant Conditional Use Permits with such conditions and safeguards as are appropriate under this Ordinance, or to deny Conditional Use Permits when incompatible with the purpose and intent of this Ordinance.
- B. A Conditional Use Permit shall not be granted by the Board unless and until the following occur:
  1. An application for Conditional Use Permit is submitted indicating the Section of this Ordinance under which the Conditional Use is sought and stating the grounds on which it is requested
  2. Notice shall be given to interested parties and the hearing conducted in accordance with the Board's Rules of Procedure.
  3. The Board shall make findings that it is empowered under the Section of this Ordinance described in the application to grant the Conditional Use Permit, and that the granting of the Conditional Use Permit will substantially serve the public convenience and welfare and will not substantially or permanently injure the appropriate use of the neighboring property.
- C. Before any Conditional Use Permit shall be issued, the Board shall make written findings certifying compliance with the specific regulations governing individual Conditional Uses, and that satisfactory provision and arrangement has been made concerning the following, where applicable:
  1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
  2. Off-street parking and loading areas, and to the economic, noise, glare or odor effects of the Conditional Use on adjoining properties and properties generally in the district.
  3. Refuse and service areas.
  4. Utilities, with reference to locations, availability and compatibility.

5. As regulated under Section 9, signs and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
  6. Required setback distances, landscaping, buffering and other open space.
  7. Minimal interference with the reasonable enjoyment of adjoining properties, with reference to site Development Standards designed for their mutual protection.
  8. The environmental harmony of the district and general compatibility with the neighborhood.
- D. When it grants a Conditional Use Permit, the Board may include as conditions of approval all Development Standards not otherwise specified in the zoning district, including but not limited to setbacks, building height, floor area ratios, building size, and lot size

#### **Section 14.4 Development Standards for Conditional Uses**

- A. Second Dwelling Unit: The following standards must be met without variance before the Board may grant a Conditional Use Permit for a second dwelling unit:
1. The unit shall have an approved water supply and approved sewage disposal system.
  2. Construction of the unit must be consistent with the intent and purposes of the Comprehensive Plan and this Ordinance.
- B. Bed and breakfast use: The following standards must be met without variance before the Board grants a Conditional Use Permit for a bed and breakfast facility.
1. The residence shall be occupied as a residence by at least one of the bed and breakfast staff, but not necessarily the property owner.
  2. The bed and breakfast use shall be confined to the principal residential structure, and other existing structures that can be successfully converted to bed and breakfast units.
  3. No exterior alterations to the structure shall be made which would change the residential appearance of it.
  4. The minimum total floor area of the principal residential structure needed to establish a bed and breakfast use shall be 1,500 square feet. Each bed and breakfast unit in excess of one shall require an additional 500 square feet of total floor area.
  5. Two off-street parking spaces shall be provided for the residential occupants. One additional off-street parking space shall be provided for each bed and breakfast unit established; landscaping and/or buffering may be required. Parking requirements may be reduced if the Board finds that reducing off-street parking will not detract from the residential character of the neighborhood, and other parking is available in the immediate area.
  6. Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered bed and breakfast guests, unless the Board finds that opening the facilities to the public will not have a negative impact on the surrounding area. The Board may set any additional regulations necessary to ensure that public use of the facilities will be in harmony with the surrounding area.
  7. There shall be no more than the equivalent of one nonresident full-time employee hired solely for the purpose of working for the bed and breakfast use. However, if

- the dining and/or other facilities are open to the public, the Board may allow additional employees. In addition, the Board may allow additional employees for other reasons that are peculiar to the property (size, location) as long as the addition of more employees will not detract from the residential character of the neighborhood.
8. The applicant is responsible for obtaining all inspections, permits, licenses, etc. as may be required by law.
  9. The applicant is responsible for determining the effect, if any, of the bed and breakfast use upon any subdivision restrictions, deed covenants, etc. that may encumber his/her property.
  10. The Board must determine that the bed and breakfast use will be compatible with the neighborhood, and will not interfere with the reasonable enjoyment of adjoining properties.
- C. Child or adult care home: The following standards must be met without variance before the Board may grant a Conditional Use Permit for the establishment of a child or adult care home:
1. At least one of the individuals providing the care shall be a resident of the property.
  2. Each adult care home must be licensed by the appropriate state agency.
  3. The minimum lot area shall be the minimum size required for the zoning district in which the use is located, unless the lot is legally non-conforming in size.
  4. There shall be at least 50 square feet of usable indoor space per adult within the principal structure, exclusive of halls, bathrooms or kitchen areas and basements without a direct exit to the outside.
  5. The Board must determine that the child or adult care home use will be compatible with the neighborhood and will not interfere with the reasonable enjoyment of adjoining properties.
  6. The child or adult care home may not be operated in such a way as to become a nuisance to the surrounding neighborhood.
  7. If at any time an child or adult care home provider is found to be operating in violation of the above standards, or any other particular conditions of approval, the staff shall notify the provider that their Conditional Use is no longer valid. If the provider wishes to continue operating a child or adult care home, a new Conditional Use Permit must be obtained from the Board.
- D. Group home: The following standards must be met without variance before the Board may grant a Conditional Use Permit for the establishment of a group home:
1. Each group home must be licensed by the appropriate state agency.
  2. The minimum lot area shall be the minimum size required for the zoning district in which the use is located, unless the lot is legally non-conforming in size.
  3. There shall be at least 50 square feet of usable indoor space per adult within the principal structure, exclusive of halls, bathrooms or kitchen areas and basements without a direct exit to the outside.
  4. The Board must determine that the group home use will be compatible with the neighborhood and will not interfere with the reasonable enjoyment of adjoining properties.

5. The group home may not be operated in such a way as to become a nuisance to the surrounding neighborhood.
- E. Tourist Home: The following standards must be met without variance before the Board grants a Conditional Use Permit for a Tourist Home.
1. The residence shall be occupied as a residence by at least one of the Tourist Home staff, but not necessarily the property owner.
  2. The bed and breakfast use shall be confined to the principal residential structure, and other existing structures that can be successfully converted to bed and breakfast units.
  3. No exterior alterations to the structure shall be made which would change the residential appearance of it.
  4. The minimum total floor area of the principal residential structure needed to establish a Tourist Home shall be 1,500 square feet. Each sleeping unit in excess of one shall require an additional 500 square feet of total floor area.
  5. Two off-street parking spaces shall be provided for the residential occupants. One additional off-street parking space shall be provided for each Tourist Home unit established; landscaping and/or buffering may be required. Parking requirements may be reduced if the Board finds that reducing off-street parking will not detract from the residential character of the neighborhood, and other parking is available in the immediate area.
  6. There shall be no more than the equivalent of one nonresident full-time employee hired solely for the purpose of working for the Tourist Home use.
  7. The applicant is responsible for obtaining all inspections, permits, licenses, etc. as may be required by law.
  8. The applicant is responsible for determining the effect, if any, of the Tourist Home use upon any subdivision restrictions, deed covenants, etc. that may encumber his/her property.
  9. The Board must determine that the Tourist Home will be compatible with the neighborhood, and will not interfere with the reasonable enjoyment of adjoining properties
- F. Confinement feeding farms: The standards listed below must be met before the Board may grant a Conditional Use Permit for confinement feeding farms. Any such use that does not comply with these standards may be permitted by the Board only through the variance process of this Ordinance. Before deciding a Conditional Use under this Section, the Board shall seek information relevant to the decision from agencies related to the agricultural operation. Any confinement feeding farm that is regulated by Indiana law must meet all state regulations. The Board may impose conditions that are more restrictive than the state regulations. When the Board approves a Conditional Use Permit for a confinement feeding farm, it may require conditions or commitments to ensure that the Conditional Use is consistent with the spirit and intent of this Ordinance. The following standards apply to confinement feeding farms:
1. All operations shall be located at least 50 feet from any property line and at least 500 feet from any neighboring residence, commercial or industrial building, or any other building that is used as a place of employment or is frequented by the public, unless the Board finds that a lesser setback is sufficient for the operation.

2. Waste material handling (liquid and solid), storage, and spreading must be carried out in a manner that is in accordance with sound management practices.
  3. Adequate fencing and/or landscaping of the operation must be provided.
  4. The Board must determine that the establishment of a confined feeding operation is compatible with the general area and does not unreasonably interfere with the enjoyment of other properties in the area. In making this determination, the Board shall consider the character of the general area, historical land uses and development patterns, and the trend of development in the area.
- G. Cemeteries, columbaria and mausoleums: The following standards must be met without variance before the Board grants a Conditional Use Permit for a cemetery, columbaria or mausoleum.
1. The minimum required lot size shall be 5 acres.
  2. The minimum setback measured between structures or burial plots and any property boundary and shall be 25 feet.

### Section 14.5 Variances

- A. The Board shall hear and authorize upon appeal in specific cases a variance from the Development Standards (such as building height, setback lines, or lot area, etc.) in accordance with the criteria established in Subsection B, below. Use variances are not permitted.
- B. A variance from the terms of this Ordinance shall not be granted by the Board unless and until:
  1. An application for variance is submitted indicating the specific type of Development Standard and noting the specific terms of this Ordinance from which the variance is sought, and demonstrating:
    - a. The approval will not be injurious to the public health, safety, and general welfare of the community;
    - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
    - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property; and
    - d. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.
  2. All conditions and commitments as deemed necessary in the public interest may be required by the Board.
- C. Notice shall be given to interested parties and the hearing conducted in accordance with the Board's Rules of Procedure.
- D. The Board shall make written findings of fact that all of the requirements of Subsection B 1 of this Section have been met by the applicant for a variance.
- E. The Board shall make written findings of fact that the granting of the variance will be in harmony with the general spirit, purpose, and intent of this Ordinance, and in the interest of determining substantial justice done.



## Section 14.6 Appeals of Administrative and Staff Decisions

- A. The Board shall hear and decide appeals where it is alleged there is error in any of the requirements, decision or determination made by the staff.
- B. An appeal concerning interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the staff.
- C. An appeal shall specify the ground thereof and shall be filed within 30 calendar days of the decision alleged to be in error. The staff shall forthwith transmit to the Board all documents, plans and papers constituting the record of the action from which the appeal is taken.
- D. In exercising the powers it has, the Board may, so long as such action is in conformity with this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirements, decision or determination as in its opinion ought to be made, and to that end shall have the powers of the Administrative Official or body from whom the appeal is taken.
- E. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Official or body, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance.
- F. Whenever the decision of the Board is conditioned upon the petitioner's compliance with a requirement imposed by the Board concerning construction or site development and such condition is recited in the notice to the petitioner of the Board's decision, petitioner shall be required to notify the staff in writing of the timely fulfillment of such requirement. If the time for fulfillment of the condition is stated in the Board's decision, the written notification must be received within 90 calendar days after the commencement of the use or completion of construction authorized by the Board's decision, whichever is earlier. Failure to comply with any conditions imposed by the Board shall constitute a violation enforceable by governmental authority pursuant to the provisions of Section 1.7.
- G. If deemed advisable, the Board may require or permit the petitioner to make written commitments concerning the use or development of the subject property. The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitments shall authorize their recording by the staff in the office of the Recorder of Knox County, Indiana, upon the grant of the variance or Conditional Use Permit petition by the Board. After the recording of the commitments, the staff shall return the original recorded commitments to petitioner and shall retain a copy of the recorded commitments in its file. The Board may require in such commitment the designation of any specially affected persons or categories of specially affected persons, who (in addition to persons entitled to receive notice of the hearing under Section 14.1) shall be entitled to enforcement thereof. The commitments may be modified or terminated by a decision of the Board made at public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Board shall not be in full force and effect until reduced to writing by the present

owner(s) of the real estate, endorsed by the Board, and recorded in the office of the Recorder of Knox County, Indiana.

- H. Any person aggrieved by any decision of the Board may seek court review by certiorari procedure. A petition for certiorari shall specify the grounds upon which the petition alleges the illegality of the Board's action and must be filed in a court of competent jurisdiction in Knox County within 30 calendar days after the date of such decision.

**KNOX COUNTY ZONING ORDINANCE**

**AN ORDINANCE PROVIDING FOR ZONING REGULATIONS FOR  
THE UNINCORPORATED AREAS OF KNOX COUNTY,  
THE CITIES OF BICKNELL AND VINCENNES,  
THE TOWNS OF BRUCEVILLE, EDWARDSPOET, DECKER,  
MONROE CITY, OAKTOWN, SANDBORN, AND WHEATLAND;  
AND FOR THE REPEAL OF ORDINANCE NO. 4-1971,  
AND ANY AMENDMENTS THERETO;  
IN ACCORDANCE WITH IC 36-7-4-600 ET SEQ.**

**WHEREAS**, the County of Knox, Indiana, has heretofore adopted a Zoning Ordinance and Master Plan Ordinance under Knox County Ordinance No. 4-1971 on December 27, 1971; and

**WHEREAS**, the City of Bicknell, and the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, all subsequently adopted said ordinance at various times soon thereafter; and

**WHEREAS**, the provisions of IC 36-7-4-601, 602 and 606, empower the participating county, cities and towns to enact a replacement zoning ordinance and to repeal an existing zoning ordinance; and

**WHEREAS**, the Knox County Area Plan Commission, the Board of Commissioner's of Knox County, the Common Councils of the Cities of Bicknell and Vincennes, and the Town Boards of the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, all deem it necessary for the purpose of promoting the health, safety, convenience and general welfare of the community to enact a replacement zoning ordinance and repeal the existing zoning ordinances and any maps, appendices and amendments thereto; and

**WHEREAS**, the Knox County Area Plan Commission has made studies and prepared for consideration a replacement zoning ordinance in accordance with IC 36-7-4-601, 602 and 603; has held a public hearing on said replacement zoning ordinance in accordance with IC 36-7-4-604; and has certified a favorable recommendation for said replacement zoning ordinance to the respective legislative bodies in accordance with IC 36-7-4-605; and

**WHEREAS**, all requirements of IC 36-7-4-600 et seq., with regard to the preparation, hearing, public notice, filing, report and certification of a replacement zoning ordinance have been met.

**NOW THEREFORE, BE IT ENACTED** by the Board of Commissioner's of Knox County, the Common Council of the City of Bicknell, and the Town Boards of the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, as follows:

Ordinance No. 4-1971, and all maps, appendices and amendments thereto, known as the Zoning Ordinance and Master Plan Ordinance for the County of Knox, the City of Bicknell, and the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, are hereby repealed effective as of the 1st day of July, 2006; and

The Knox County Zoning Ordinance dated December, 2005, (comprised of 107 pages plus the Official Zoning Maps referenced therein and on file in the Knox County Area Plan Office), is hereby adopted effective as of the 1st day of July, 2006.

**ORDINANCE NO. 2005-30**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Board of County Commissioners of Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006; and on said day signed by the said County Commissioners and attested by the County Auditor.

\_\_\_\_\_  
President

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Board of County Commissioners  
Knox County, Indiana

ATTEST:

\_\_\_\_\_  
Knox County Auditor

**ORDINANCE NO. 1-2006**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Common Council of the City of Bicknell, Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
City Clerk-Treasurer

PRESENTED to the Mayor for his approval and signature at \_\_\_\_\_ o'clock a.m./p.m., on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
City Clerk-Treasurer

APPROVED AND SIGNED by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Tom Trowbridge  
Mayor of the City of Bicknell

ORDINANCE NO. 6-2005

KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Bruceville, Knox County, Indiana, on the 3rd day of January, 2006.

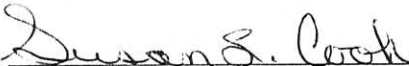
  
Town Board President

  
Member

\_\_\_\_\_  
Member

Town Board of Bruceville  
Knox County, Indiana


ATTEST:

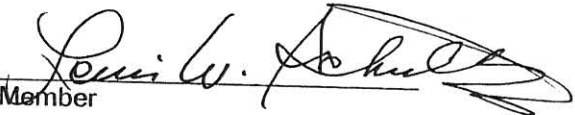
  
Town Clerk-Treasurer

ORDINANCE NO. 6-2005  
KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Decker, Knox County, Indiana, on the 7 day of JAN, 2006.

  
Town Board President

  
Member

  
Member

Town Board of Decker  
Knox County, Indiana

ATTEST:

  
Town Clerk-Treasurer

**ORDINANCE NO. 2005-3**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Town Board of Edwardsport, Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Town Board President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Town Board of Edwardsport  
Knox County, Indiana

ATTEST:

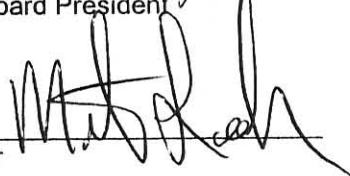
\_\_\_\_\_  
Town Clerk-Treasurer

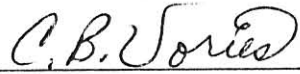


ORDINANCE NO. 12-5-2005  
KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Monroe City, Knox County, Indiana, on the 4<sup>th</sup> day  
of January, 2006.

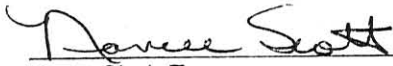
  
Town Board President

  
Member

  
Member

Town Board of Monroe City  
Knox County, Indiana

ATTEST:

  
Town Clerk-Treasurer

ORDINANCE NO. 1-2006

KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Oaktown, Knox County, Indiana, on the 4<sup>th</sup> day of June, 2006.

Paul Shpura  
Town Board President

Sharon Loudenick  
Member

\_\_\_\_\_  
Member

Town Board of Oaktown  
Knox County, Indiana

ATTEST:

Carol A. Beaman  
Town Clerk-Treasurer

**ORDINANCE NO. 2006-1**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Town Board of Sandborn, Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Town Board President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Town Board of Sandborn  
Knox County, Indiana

ATTEST:

\_\_\_\_\_  
Town Clerk-Treasurer

ORDINANCE NO. 1-2006

KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Wheatland, Knox County, Indiana, on the 6<sup>th</sup> day of February, 2006.

Kathenne M. Turner  
Town Board President

James Fountain  
Member

\_\_\_\_\_  
Member

Town Board of Wheatland  
Knox County, Indiana

ATTEST:

Mary Ann Fields  
Town Clerk-Treasurer

**ORDINANCE NO. 23-2005  
(AS AMENDED)  
KNOX COUNTY ZONING ORDINANCE**

**AN ORDINANCE PROVIDING FOR ZONING REGULATIONS FOR  
THE UNINCORPORATED AREAS OF KNOX COUNTY,  
THE CITIES OF BICKNELL AND VINCENNES,  
THE TOWNS OF BRUCEVILLE, EDWARDSPOET, DECKER,  
MONROE CITY, OAKTOWN, SANDBORN, AND WHEATLAND;  
AND FOR THE REPEAL OF SPECIFIED CHAPTERS OF TITLE 15 OF  
THE CODE OF ORDINANCES OF THE CITY OF VINCENNES,  
AND ANY AMENDMENTS THERETO;  
IN ACCORDANCE WITH IC 36-7-4-600 ET SEQ.**

**WHEREAS**, the City of Vincennes, Indiana, has heretofore adopted a zoning ordinance under Ordinance Number 11-1971 on March 22, 1971, and subsequently at various times adopted several additional ordinances related to land usage; and

**WHEREAS**, all of the general ordinances of the City of Vincennes were revised, amended, restated, codified and compiled in book form as the Code of Ordinances of the City of Vincennes, Indiana, by Ordinance No. 4-94 on February 14, 1994; and

**WHEREAS**, the Manufactured Housing Code (also known as the Mobile Homes and Mobile Home Parks Code) of the City of Vincennes is now contained in Title 15, Chapter 154, the Planning and Development Code of the City of Vincennes is now contained in Title 15, Chapter 155, the Signs and Billboards Code of the City of Vincennes is now contained in Title 15, Chapter 157, and the Zoning Code of the City of Vincennes is now contained in Title 15, Chapter 159, of the Code of Ordinances of the City of Vincennes; and

**WHEREAS**, the provisions of IC 36-7-4-601, 602 and 606, empower the participating county, cities and towns to enact a replacement zoning ordinance and to repeal an existing zoning ordinance; and

**WHEREAS**, the Knox County Area Plan Commission, the Board of Commissioner's of Knox County, the Common Councils of the Cities of Bicknell and Vincennes, and the Town Boards of the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, all deem it necessary for the purpose of promoting the health, safety, convenience and general welfare of the community to enact a replacement zoning ordinance and repeal the existing zoning ordinances and any maps, appendices and amendments thereto; and

**WHEREAS**, the Knox County Area Plan Commission has made studies and prepared for consideration a replacement zoning ordinance in accordance with IC 36-7-4-601, 602 and 603; has held a public hearing on said replacement zoning ordinance in accordance with IC 36-7-4-604; and has certified a favorable recommendation for said replacement zoning ordinance to the respective legislative bodies in accordance with IC 36-7-4-605; and

**WHEREAS**, the Common Council of the City of Vincennes has reviewed said certified replacement zoning ordinance and conducted public meetings or hearings to consider said matter, and has entered any desired amendments or changes into the text of said replacement zoning ordinance; and

**WHEREAS**, all requirements of IC 365-7-4-600 et seq., with regard to the preparation, hearing, public notice, filing, report, certification and amendment of a replacement zoning ordinance have been met.

KNOX COUNTY ZONING ORDINANCE

NOW THEREFORE, BE IT ENACTED by the Common Council of the City of Vincennes, Indiana, as follows:

The Manufactured Housing Code (also known as the Mobile Homes and Mobile Home Parks Code) of the City of Vincennes now contained in Title 15, Chapter 154, the Planning and Development Code of the City of Vincennes now contained in Title 15, Chapter 155, the Signs and Billboards Code of the City of Vincennes now contained in Title 15, Chapter 157, and the Zoning Code of the City of Vincennes now contained in Title 15, Chapter 159, of the Code of Ordinances of the City of Vincennes, and all maps, appendices and amendments thereto, are hereby repealed effective as of the 1st day of July, 2006; and

The Knox County Zoning Ordinance dated March, 2006, (comprised of 109 pages plus the Official Zoning Maps referenced therein and on file in the Knox County Area Plan Office), is hereby adopted effective as of the 1st day of July, 2006.

PASSED AND ADOPTED by the Common Council of the City of Vincennes, Knox County, Indiana, on the 27TH day of MARCH, 2006, by a vote of 5 - 1.

*Terry Mooney*  
Presiding Officer

ATTEST:

*Suevely S. Marsh*  
City Clerk-Treasurer

PRESENTED to the Mayor for his approval and signature at 6:25 o'clock ~~am~~ p.m., on the 27th day of MARCH, 2006.

*Suevely S. Marsh*  
City Clerk-Treasurer

APPROVED AND SIGNED by me on the 27TH day of MARCH, 2006.

*Terry Mooney*  
Terry Mooney  
Mayor of the City of Vincennes

**KNOX COUNTY ZONING ORDINANCE**

**AN ORDINANCE PROVIDING FOR ZONING REGULATIONS FOR  
THE UNINCORPORATED AREAS OF KNOX COUNTY,  
THE CITIES OF BICKNELL AND VINCENNES,  
THE TOWNS OF BRUCEVILLE, EDWARDSPOET, DECKER,  
MONROE CITY, OAKTOWN, SANDBORN, AND WHEATLAND;  
AND FOR THE REPEAL OF ORDINANCE NO. 4-1971,  
AND ANY AMENDMENTS THERETO;  
IN ACCORDANCE WITH IC 36-7-4-600 ET SEQ.**

**WHEREAS**, the County of Knox, Indiana, has heretofore adopted a Zoning Ordinance and Master Plan Ordinance under Knox County Ordinance No. 4-1971 on December 27, 1971; and

**WHEREAS**, the City of Bicknell, and the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, all subsequently adopted said ordinance at various times soon thereafter; and

**WHEREAS**, the provisions of IC 36-7-4-601, 602 and 606, empower the participating county, cities and towns to enact a replacement zoning ordinance and to repeal an existing zoning ordinance; and

**WHEREAS**, the Knox County Area Plan Commission, the Board of Commissioner's of Knox County, the Common Councils of the Cities of Bicknell and Vincennes, and the Town Boards of the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, all deem it necessary for the purpose of promoting the health, safety, convenience and general welfare of the community to enact a replacement zoning ordinance and repeal the existing zoning ordinances and any maps, appendices and amendments thereto; and

**WHEREAS**, the Knox County Area Plan Commission has made studies and prepared for consideration a replacement zoning ordinance in accordance with IC 36-7-4-601, 602 and 603; has held a public hearing on said replacement zoning ordinance in accordance with IC 36-7-4-604; and has certified a favorable recommendation for said replacement zoning ordinance to the respective legislative bodies in accordance with IC 36-7-4-605; and

**WHEREAS**, all of the above mentioned legislative bodies have reviewed said certified replacement zoning ordinance and conducted public meetings or hearings to consider said matter; and have entered any desired amendments or changes into the text of said replacement zoning ordinance; and

**WHEREAS**, all requirements of IC 36-7-4-600 et seq., with regard to the preparation, hearing, public notice, filing, report, certification and amendment of a replacement zoning ordinance have been met.

**NOW THEREFORE, BE IT ENACTED** by the Board of Commissioner's of Knox County, the Common Council of the City of Bicknell, and the Town Boards of the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, as follows:

Ordinance No. 4-1971, and all maps, appendices and amendments thereto, known as the Zoning Ordinance and Master Plan Ordinance for the County of Knox, the City of Bicknell, and the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, are hereby repealed effective as of the 1st day of July, 2006; and

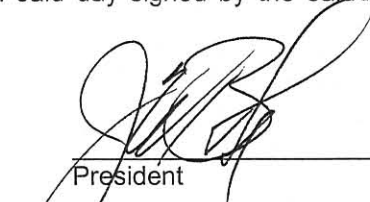

The Knox County Zoning Ordinance dated March 2006, (comprised of 109 pages plus the Official Zoning Maps referenced therein and on file in the Knox County Area Plan Office), is hereby adopted effective as of the 1st day of July, 2006.



2006-13  
ORDINANCE NO. 2005-30

KNOX COUNTY ZONING ORDINANCE

**PASSED AND ADOPTED** by the Board of County Commissioners of Knox County, Indiana, on the 3<sup>rd</sup> day of April, 2006; and on said day signed by the said County Commissioners and attested by the County Auditor.

  
\_\_\_\_\_  
President  
\_\_\_\_\_  
Commissioner  
\_\_\_\_\_  
Commissioner

Board of County Commissioners  
Knox County, Indiana

ATTEST:

  
\_\_\_\_\_  
Knox County Auditor

ORDINANCE NO. 1-2006  
KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Common Council of the City of Bicknell, Knox County, Indiana, on the 10th day of April, 2006, by a vote of 3-0.

  
Presiding Officer

ATTEST:

  
City Clerk-Treasurer

PRESENTED to the Mayor for his approval and signature at 9:00 o'clock a.m./p.m., on the 11th day of April, 2006.

  
City Clerk-Treasurer

APPROVED AND SIGNED by me on the 11th day of April, 2006.

  
Tom Trowbridge  
Mayor of the City of Bicknell

**ORDINANCE NO. 6-2005**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Town Board of Bruceville, Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Town Board President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Town Board of Bruceville  
Knox County, Indiana

ATTEST:

\_\_\_\_\_  
Town Clerk-Treasurer

**ORDINANCE NO. 6-2005**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Town Board of Decker, Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Town Board President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Town Board of Decker  
Knox County, Indiana

ATTEST:

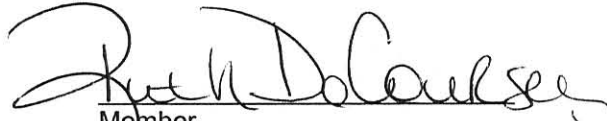
\_\_\_\_\_  
Town Clerk-Treasurer

ORDINANCE NO. 2005-3

KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Edwardsport, Knox County, Indiana, on the 29<sup>th</sup>  
day of April, 2006.

  
Town Board President

  
Member

  
Member

Town Board of Edwardsport  
Knox County, Indiana

ATTEST:

  
Town Clerk-Treasurer

**ORDINANCE NO. 12-5-2005**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Town Board of Monroe City, Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Town Board President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Town Board of Monroe City  
Knox County, Indiana

ATTEST:

\_\_\_\_\_  
Town Clerk-Treasurer

**ORDINANCE NO. 1-2006**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Town Board of Oaktown, Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Town Board President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Town Board of Oaktown  
Knox County, Indiana

ATTEST:

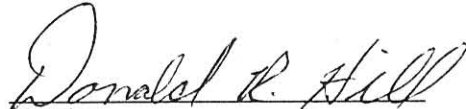
\_\_\_\_\_  
Town Clerk-Treasurer

ORDINANCE NO. 2006-1  
KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Sandborn, Knox County, Indiana, on the 6<sup>th</sup> day of April, 2006.

  
Town Board President

  
Member

  
Member

Town Board of Sandborn  
Knox County, Indiana

ATTEST:

  
Town Clerk-Treasurer



**ORDINANCE NO. 1-2006**  
**KNOX COUNTY ZONING ORDINANCE**

**PASSED AND ADOPTED** by the Town Board of Wheatland, Knox County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Town Board President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Town Board of Wheatland  
Knox County, Indiana

ATTEST:

\_\_\_\_\_  
Town Clerk-Treasurer

**KNOX COUNTY ZONING ORDINANCE  
(AS AMENDED)**

**AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE  
ZONING REGULATIONS FOR THE TOWNS OF BRUCEVILLE,  
DECKER, MONROE CITY, OAKTOWN, AND WHEATLAND;  
IN ACCORDANCE WITH IC 36-7-4-600 ET SEQ.**

**WHEREAS**, the Knox County Area Plan Commission, the Board of Commissioner's of Knox County, the Common Councils of the Cities of Bicknell and Vincennes, and the Town Boards of the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, all enacted a replacement zoning ordinance in accordance with the provisions of IC 36-7-4-601, 602 and 606; and

**WHEREAS**, the Town Boards of the Towns of Bruceville, Decker, Monroe City, Oaktown, and Wheatland, Indiana, all enacted the Knox County Zoning Ordinance dated December, 2005, (comprised of 107 pages plus the Official Zoning Maps referenced therein and on file in the Knox County Area Plan Office), without any changes or amendments thereto; and

**WHEREAS**, the Board of Commissioner's of Knox County, the Common Councils of the Cities of Bicknell and Vincennes, and the Town Boards of the Towns of Edwardsport and Sandborn, Indiana, all desired and proposed certain changes and amendments to said replacement ordinance; and consequently enacted the Knox County Zoning Ordinance dated March 2006, (comprised of 109 pages plus the Official Zoning Maps referenced therein and on file in the Knox County Area Plan Office), including all desired and proposed changes and amendments thereto; and

**WHEREAS**, the Knox County Area Plan Commission has made studies and prepared for consideration all of the proposed changes and amendments to said replacement zoning ordinance in accordance with IC 36-7-4-601, 602 and 603; has held a public hearing on said changes and amendments in accordance with IC 36-7-4-604; and has certified a favorable recommendation for all of said changes and amendments to the respective legislative bodies in accordance with IC 36-7-4-605; and

**WHEREAS**, the Town Boards of the Towns of Bruceville, Decker, Monroe City, Oaktown, and Wheatland, Indiana, have reviewed said certified changes and amendments; have conducted public meetings or hearings to consider said matter; and desire to enact said changes and amendments to the text of said zoning ordinance in accordance with IC 36-7-4-607; and

**WHEREAS**, all requirements of IC 36-7-4-600 et seq., with regard to the preparation, hearing, public notice, filing, report, and certification for an amendment to the text of a zoning ordinance have been met.

**NOW THEREFORE, BE IT ENACTED** by the Town Boards of the Towns of Bruceville, Decker, Monroe City, Oaktown, and Wheatland, Indiana, as follows:

The Knox County Zoning Ordinance dated December, 2005, (comprised of 107 pages plus the Official Zoning Maps referenced therein and on file in the Knox County Area Plan Office), is hereby revised and amended to include all changes and amendments as contained and outlined in the Knox County Zoning Ordinance dated March 2006, (comprised of 109 pages plus the Official Zoning Maps referenced therein and on file in the Knox County Area Plan Office), effective as of the 1st day of July, 2006.

ORDINANCE NO. 1-2006

KNOX COUNTY ZONING ORDINANCE  
(AS AMENDED)

PASSED AND ADOPTED by the Town Board of Bruceville, Knox County, Indiana, on the 10<sup>th</sup> day of June, 2006.

Eric M. Nelson  
Town Board President

Betty Stant  
Member

\_\_\_\_\_  
Member  
  
Town Board of Bruceville  
Knox County, Indiana

ATTEST:

Dusan S. Cook  
Town Clerk-Treasurer

ORDINANCE NO. 2-2006  
KNOX COUNTY ZONING ORDINANCE  
(AS AMENDED)

PASSED AND ADOPTED by the Town Board of Decker, Knox County, Indiana, on the 5 day of  
June, 2006.

Robert Dent  
Town Board President

Louis W. Schultz  
Member

Patricia Woods  
Member

Town Board of Decker  
Knox County, Indiana

ATTEST:


Don Dribic  
Town Clerk-Treasurer

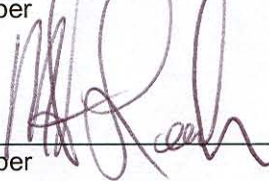
ORDINANCE NO. 4-1-2006

KNOX COUNTY ZONING ORDINANCE  
(AS AMENDED)

PASSED AND ADOPTED by the Town Board of Monroe City, Knox County, Indiana, on the 7<sup>th</sup> day of June, 2006.

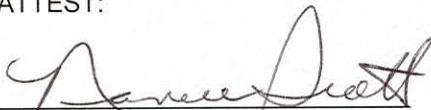
  
Town Board President

  
Member

  
Member

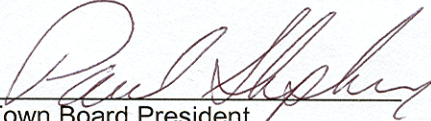
Town Board of Monroe City  
Knox County, Indiana

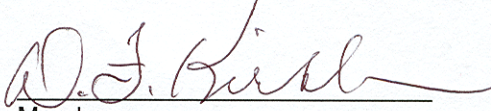
ATTEST:

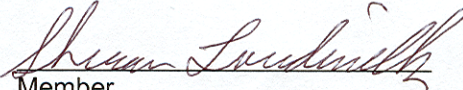
  
Town Clerk-Treasurer

ORDINANCE NO. 3-2006  
KNOX COUNTY ZONING ORDINANCE  
(AS AMENDED)

PASSED AND ADOPTED by the Town Board of Oaktown, Knox County, Indiana, on the 1 day of Nov, 2006.

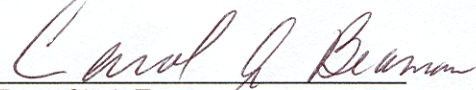
  
Town Board President

  
Member

  
Member

Town Board of Oaktown  
Knox County, Indiana

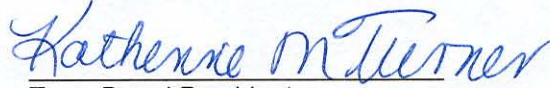
ATTEST:

  
Town Clerk-Treasurer

ORDINANCE NO. 3-2006

KNOX COUNTY ZONING ORDINANCE  
(AS AMENDED)

PASSED AND ADOPTED by the Town Board of Wheatland, Knox County, Indiana, on the 5<sup>th</sup> day of June, 2006.

  
Town Board President

  
Member

\_\_\_\_\_  
Member

Town Board of Wheatland  
Knox County, Indiana

ATTEST:

  
Town Clerk-Treasurer

**ORDINANCE 2012- 9**  
**KNOX COUNTY COMMISSIONERS**  
**KNOX COUNTY, INDIANA**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE  
KNOX COUNTY ZONING ORDINANCE**

WHEREAS, the County of Knox, Indiana, has heretofore adopted a Zoning Ordinance and Master Plan Ordinance known as Ordinance 2006-13 and found in the Knox County Code Title XV, Chapter 152, and

WHEREAS, the cities of Bicknell and Vincennes and the towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana all subsequently adopted said Ordinance at various times thereafter; and

WHEREAS, I.C. 36-7-4-601, 602 and 606 allow Knox County and the various cities and towns who enacted the Zoning Ordinance and Master Plan Ordinance to make amendments to said Ordinance; and

WHEREAS, the Knox County Area Plan Commission, the Board of Commissioners of Knox County, the Common Councils of the cities of Bicknell and Vincennes, the Town Boards of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana all deem it necessary for the purpose of promoting the health, safety, convenience and general welfare of the community to enact amendments of the Zoning Ordinance; and

WHEREAS, the Knox County Area Plan Commission has made studies and prepared for consideration of amendments to the Zoning Ordinance in accordance with I.C. 36-7-4-601, 602 and 603, and has held public hearing on said amendments in accordance with I.C. 36-7-4-604 and has certified a favorable recommendation for said amendments to the Zoning Ordinance to the respective legislative bodies in accordance with I.C. 36-7-4-605; and

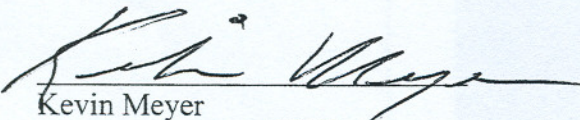


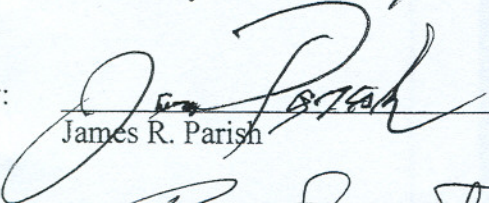
WHEREAS, all requirements of I.C. 7-4-600 *et seq.* with regard to the amendments to the Zoning Ordinance have been met.

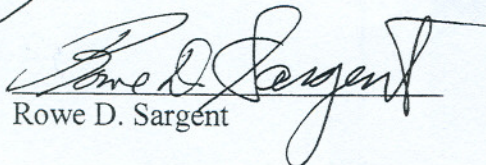
NOW THEREFORE BE IT ORDAINED AND ESTABLISHED AS FOLLOWS:

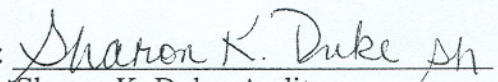
1. That the Zoning Ordinance as amended, which is attached to this Ordinance is adopted as the Knox County Zoning Ordinance.
2. That any Zoning Ordinance adopted previously by the Board of Commissioners of Knox County, Indiana is hereby repealed.
3. That the Zoning Ordinance as amended be forwarded by the Auditor of Knox County to the American Legal Publishing Corporation for the purpose of amending and replacing Title XV, Chapter 152 of the Knox County Code.

ADOPTED by the Knox County Board of Commissioners this 2<sup>nd</sup> day of July, 2012.

By:   
Kevin Meyer

By:   
James R. Parish

By:   
Rowe D. Sargent

Attest:   
Sharon K. Duke, Auditor

ORDINANCE NO. \_\_\_\_\_

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE  
UNINCORPORATED AREAS OF KNOX COUNTY  
THE CITIES OF BICKNELL AND VINCENNES  
THE TOWN OF BRUCEVILLE, EDWARDSPORT, DECKER  
MONROE CITY, OAKTOWN, SANDBORN AND WHEATLAND  
IN ACCORDANCE WITH IC 36-7-4-600 ET SEQ.

WHEREAS, the county of Knox, Indiana, has heretofore adopted a Zoning Ordinance and Master Plan Ordinance under the Knox County Ordinance #2006-13 in March of 2006; and

WHEREAS, the cities of Bicknell and Vincennes, and the Towns of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, all subsequently adopted said ordinance at various times soon thereafter; and

WHEREAS, the provisions of IC 36-7-4-601, 602 and 606 empower the participating county, cities and towns to enact amendments to the existing ordinance; and

WHEREAS, the Knox County Area Plan Commission, the Board of Commissioner's of Knox County, the Commons Councils of the Cities of Bicknell and Vincennes, the Town Boards of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana, all deem it necessary for the purpose of promoting the health, safety, convenience and general welfare of the community to enact amendments of the zoning ordinance.

WHEREAS, the Knox County Area Plan Commission has made studies and prepared for consideration of amendments to the zoning ordinance in accordance with IC 6-36-7-4-601, 602 and 603 has held public hearing on said amendments in accordance with IC 36-7-4-604; and has certified a favorable recommendation for said amendments to the zoning ordinance to the respective legislative bodies in accordance with IC 36-7-4-605; and

WHEREAS, all requirements of IC-7-4 -600 et seq with regard to the preparation, hearing, public notice, filing, report and certification of amendments to the zoning ordinance have been met.

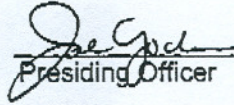
NOW THEREFORE, BE IT ENACTED by the Board of Commissioners of Knox County, the Common Councils of the Cities of Bicknell and Vincennes, the Town Boards of Bruceville, Edwardsport, Decker, Monroe City, Oaktown, Sandborn and Wheatland, Indiana as follows:

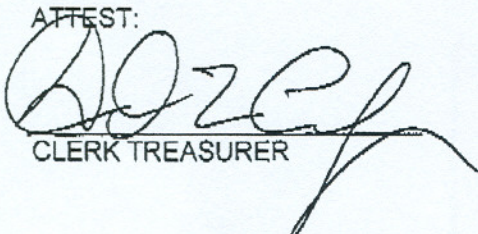
WHEREAS, THE Knox County Zoning Ordinance #2006-13 passed in March, 2006 and at various times thereafter is hereby is hereby amended as set out in amendments certified to the perspective legislative bodies by the Knox County Area Plan Commission in April 2012.

ORDINANCE NO. 10-2012

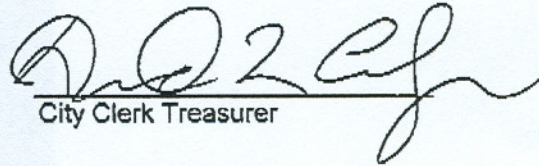
AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Vincennes City Council of Knox County, Indiana, on the 14th day of MAY, 2012 by a vote of 5-0.

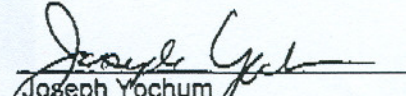
  
\_\_\_\_\_  
Presiding Officer

ATTEST:  
  
\_\_\_\_\_  
CLERK TREASURER

Presented to the Mayor for his approval and signature at 6:45 am/pm on the 14th day of MAY, 2012

  
\_\_\_\_\_  
City Clerk Treasurer


APPROVED AND SIGNED by me on the 14th day of MAY, 2012

  
\_\_\_\_\_  
Joseph Yochum  
Mayor of Vincennes

ORDINANCE NO. 8-3-2012

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Bicknell City Council of Knox County, Indiana, on the 13th day of August, 2012 by a vote of 3.

  
Presiding Officer

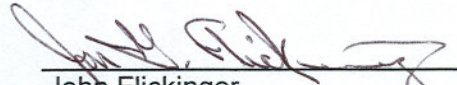
ATTEST:

Rebecca McGlone  
CLERK TREASURER

Presented to the Mayor for his approval and signature at 7:30 am/pm on the 13th day of August, 2012

Rebecca McGlone  
City Clerk Treasurer

APPROVED AND SIGNED by me on the 13th day of August, 2012

  
John Flickinger  
Mayor of Bicknell

ORDINANCE NO. 1-2012

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Bruceville of Knox County, Indiana on the 1<sup>st</sup> day of May, 2012; and on said day assigned by the Bruceville Town Board and attested by the Clerk Treasurer.

Timothy V. Murphy  
President  
Jimmy Wagner  
Member  
Betty Stout  
Member

ATTEST:

Susan S. Coch  
Clerk Treasurer

ORDINANCE NO. 2012-6

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Decker of Knox County, Indiana on the 7 day of May, 2012; and on said day assigned by the Decker Town Board and attested by the Clerk Treasurer.

Patricia Adams  
President

Robert Dent  
Member

Louis W. Schult  
Member

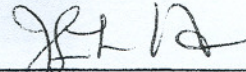
ATTEST:


Rebi R. Hendry  
Clerk Treasurer

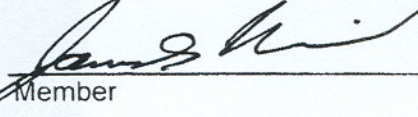
ORDINANCE NO. 2012-7

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

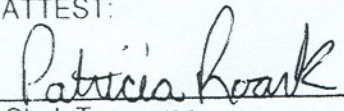
PASSED AND ADOPTED by the Town Board of Edwardsport of Knox County, Indiana on the 14<sup>th</sup> day of May, 2012; and on said day assigned by the Edwardsport Town Board and attested by the Clerk/Treasurer.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

ATTEST:

  
\_\_\_\_\_  
Clerk Treasurer

ORDINANCE NO. 5-1-2012

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Monroe City of Knox County, Indiana on the 2nd day of MAY, 2012; and on said day assigned by the Monroe City Town Board and attested by the Clerk Treasurer.

William C. Ayman  
President

C. B. Vories  
Member

Mike Deesh  
Member

ATTEST:

Doree Scott  
Clerk Treasurer



ORDINANCE NO. \_\_\_\_\_

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Oaktown of Knox County, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2012; and on said day assigned by the Oaktown Town Board and attested by the Clerk Treasurer.

\_\_\_\_\_  
President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

ATTEST:


\_\_\_\_\_  
Clerk Treasurer


Note: Amendments to the Knox County Zoning Ordinance were given a favorable recommendation by the Knox County Area Plan Commission, April 3, 2012. These amendments were certified to the Oaktown Town Board, April 23, 2012. The Oaktown Town Board failed to take action on the approval within the ninety (90) days of certification as required by IC 36-7-4-607(e)(1). Accordingly pursuant to 36-7-4-607(e)(3) the amendments took effect as if they had been adopted ninety (90) days from the certification on July 22, 2012.


ORDINANCE NO. 2012-85

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE


PASSED AND ADOPTED by the Town Board of Sandborn of Knox County, Indiana on the 12th day of JUNE, 2012; and on said day assigned by the Sandborn Town Board and attested by the Clerk Treasurer.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

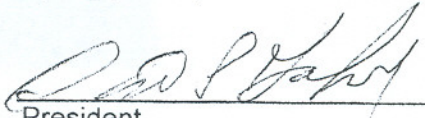
ATTEST.

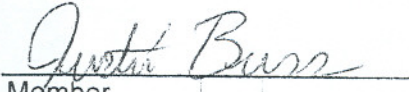
  
\_\_\_\_\_  
Clerk Treasurer

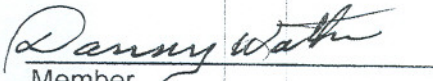
ORDINANCE NO. 3-2012

AMENDMENTS TO KNOX COUNTY ZONING ORDINANCE

PASSED AND ADOPTED by the Town Board of Wheatland of Knox County, Indiana on the 7<sup>th</sup> day of May, 2012; and on said day assigned by the Wheatland Town Board and attested by the Clerk Treasurer.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

ATTEST:

  
\_\_\_\_\_  
Clerk Treasurer

STATE OF INDIANA  
BEFORE THE KNOX COUNTY BOARD OF COMMISSIONERS  
**ORDINANCE NO. 2020-2**

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**AN ORDINANCE TO ADOPT STANDARDS ON SOLAR ENERGY SYSTEMS**

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SOLAR ENERGY SYSTEMS

§ 152.260 PURPOSE AND GENERAL PROVISIONS.

(A) This subchapter is intended to regulate the construction, placement and modification of Solar Energy Systems; minimize impacts to the aesthetic character of the county and surrounding jurisdiction and to minimize the land use impact of such facilities while providing the community with the benefit of new technological advances; and to protect the public health, safety and general welfare of the community and to further the goals and policies of the comprehensive plan, by:

- (1) Encouraging the location of Commercial Solar Energy Systems in non-residential areas;
- (2) Minimizing the adverse visual effects of Solar Energy Systems through careful design and site standards;
- (3) Maintaining the aesthetic environment of the county; and
- (4) Providing for the administration and enforcement of this subchapter.

(B) The provisions of this Article are applicable to those zoning districts which allow or may allow Solar Energy Systems and to govern the siting, development, operation, rehabilitation, decommissioning and restoration of Solar Energy Systems, which generate electricity to be sold in the wholesale market or retail market, or which are utilized to generate electricity for private use and public use.

(C) No person shall construct, operate, or locate a Solar Energy System within Knox County without having fully complied with the provisions of this Article and all other applicable provisions of the Knox County Zoning Ordinance and applicable Rules of the Area Plan Commission and appropriate Board of Zoning Appeals.

(D) Nothing in this Article is intended to preempt other applicable state and federal laws or regulations, nor shall any provision of this Article interfere with, abrogate, or annul any other ordinance, rule, regulation, statute or other provision of law. In the event that any provision of this Article imposes restrictions different from any other ordinance,

rule, regulation, statute, or provision of law, the provision which is more or most restrictive or which imposes the higher or the highest standard(s) shall control.

#### § 152.261 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY USE SOLAR ENERGY SYSTEM (AUSES):** A solar panel, or array thereof, used for a solar collection system principally used to capture solar energy and to convert it to electrical energy or thermal power to supply electrical or thermal power primarily or solely for on-site use, and consisting of one or more free-standing, ground- or roof-mounted panel(s) or modules and solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. An AUSES may be permitted in all zoning districts as accessory structures in each zoning district in which they are erected. The maximum size of AUSES is limited to the maximum size allowed for an accessory structure in each zoning district, and AUSES shall not be excluded from maximum-height, setback, or lot-coverage restrictions.

**CO-APPLICANT:** A person or entity which executes an application for a Solar Energy System project solely because of an ownership interest in real property to be used in connection with the project.

**COLLECTOR:** Any power line whether above ground or below ground that carries electrical power from one or more solar panels or transformers or converters associated with solar panels to the point of interconnection with the electrical power grid. In the case of interconnection with high voltage transmission systems, the point of interconnection shall be substation serving the project.

**COMMERCIAL SOLAR ENERGY SYSTEM (CSES):** An area of land or other area used by a property owner, multiple property owners, and/or corporate entity and its contained industrial scale group or series of photo-voltaic (or solar) panels placed to convert solar radiation into usable direct current electricity or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing ground-mounted, solar arrays or modules, battery storage facilities, solar related equipment, and ancillary improvements, including substations, operations, maintenance and storage buildings.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system that is directly installed into the ground and is not attached or affixed to any structure.

**NON-PARTICIPATING (Property or Landowner):** Property or the property-owner of land adjacent to the CSES project that is not participating in a Solar Energy System project as Co-Applicant.

**OPERATOR:** Any person or entity which has the primary involvement with or responsibility for the use, operation, or maintenance of all or a portion of a Solar Energy System project.

**OWNER:** Any person or entity and his, her, or its assigns and successors in interest which has any ownership interest in any, or all, of the necessary devices to convert solar energy into electricity. The term "Owner" does not include any person or entity whose ownership interest in CSES is limited to an interest in real property that is used in a CSES.

**PARTICIPATING (Property or Landowner):** Property or the property-owner of land adjacent to the CSES project that is participating in a Solar Energy System project as Co-Applicant.

**PHOTOVOLTAIC (SYSTEM):** A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes the cells.

**PRINCIPAL STRUCTURE:** A structure in which the principal use of the lot on which it is located is conducted, but limited to those structures in which individuals dwell or are employed (but excluding small agricultural buildings and barns).

**ROOF-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system located on the roof of a lawfully established structure.

**SOLAR ARRAY:** Multiple solar panels combined together to create one system, which may be small enough to serve as an Accessory Use Solar Energy System or large enough to be paired with multiple arrays to create a Commercial Solar Energy System.

**SOLAR ENERGY SYSTEM (SES):** A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy and transferring these forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation. This definition shall include Solar Thermal, Photovoltaic, and Passive Solar Systems and both large-scale commercial and small-scale accessory use solar energy systems.

**SOLAR PANEL:** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).

#### § 152.262 ACCESSORY USE SOLAR ENERGY SYSTEM (AUSES).

(A) Roof-Mounted AUSES

(1) A Roof-Mounted AUSES is considered an incidental accessory use to the principal use and allowed without an Improvement Location Permit in all zoning districts.

(2) Roof-Mounted AUSESs shall adhere to the development standards of the underlying zoning district including minimum setbacks, maximum height, and maximum lot coverage. Where feasible, panels on residential structures facing the front yard shall be mounted at the same angle as the roof surface with a maximum distance of 18 inches between the roof and the highest edge of the system. Roof-Mounted AUSESs are subject to the rules of historic preservation districts and restrictive covenants.

(B) Ground-Mounted AUSES

(1) A Ground-Mounted AUSES is considered an accessory structure to the principal use and will require Improvement Location Permits.

(2) Ground-Mounted AUSESs shall adhere to the development standards of the underlying zoning district including minimum setbacks, maximum height, and maximum lot coverage. Ground-Mounted AUSESs shall be located at least 100 feet from the foundation of any neighboring residence. A Ground-Mounted AUSES is considered a permitted use in zoning districts designated A-1, A-2, I-1, and I-2 and is

considered a Conditional Use in zoning districts designated R-1, R-2, R-A, C-1, C-2, and C-3. Conditional Uses require approval from the appropriate Board of Zoning Appeals.

(3) Ground-Mounted AUSESs shall not be placed within any legal easement or right-of-way, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

(C) Application

(1) Prior to the construction of a Ground-Mounted AUSES, the landowner is required to obtain an Improvement Location Permit by filing an application with Zoning Administrator. An application for an Improvement Location Permit shall be accompanied by a site plan in accordance with Section 152.061 of the Knox County Zoning Ordinance, and additionally showing the location of all solar panels and equipment and the location of the emergency disconnect for the equipment.

(2) The application shall include information regarding the type of solar technology proposed, mounting methods, dimensions, generating capacity, means of interconnecting, and manufacturer's data.

(3) Evidence that the local electrical utility has been informed of the customer's intent to install a customer owned SES must also be submitted with the application, unless no interconnection is proposed.

(D) Glare. The AUSES shall be designed and located in order to prevent glare toward any inhabited buildings and adjacent highways or rights-of-way.

(E) Approved Components: Electric SES components shall have an Underwriters Laboratory (UL) listing or approved equivalent.

(F) An Improvement Location Permit may be revoked if the AUSES is moved or otherwise altered in a manner which causes the AUSES not to be in conformity with this Ordinance. The AUSES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Administrator shall give written notice specifying the violation to the owner of the AUSES to conform or to remove the AUSES.

§ 152.263 COMMERCIAL SOLAR ENERGY SYSTEM (CSES).

(A) Commercial Solar Energy Systems may be located in zoning districts designated A-1, A-2, and I-2.

(B) No construction of a CSES shall commence before the issuance of an Improvement Location Permit by the Zoning Administrator. Prior to the issuance of an Improvement Location Permit, the Applicant, Owner, and Operator shall be required to obtain the following:

(1) Economic Development Agreement for the project with the Board of Commissioners of Knox County and the Knox County Council.

(2) Development Plan Approval for the project from the Knox County Area Plan Commission during a public hearing.

(3) Approval of any proposed variances by the Knox County Area Plan Commission in conjunction with the Development Plan Approval.

(4) Drainage Plan Approval from the Knox County Drainage Board, or other applicable entity.

(5) Stormwater Pollution Prevention Plan Approval from the Knox County Soil and Water Conservation District, or other applicable entity.

(C) Application: The Applicant, Owner, and Operator shall file with the Zoning Administrator:

(1) Application for an Improvement Location Permit

(2) Project Narrative

(3) Development Plan

(4) Decommissioning Plan

(5) Safety and Security Plan and Insurance

(6) Landscaping / Screening Plan

(7) Telecommunications and Wireless Signals Report

(8) Coordination Report

(9) A list of the Applicant, Owner, and Operator, any other responsible party, and if applicable each of their intermediate and ultimate parent companies, listing experience in similar projects. If the Applicant is not the owner of the real property on which the project is sited, all Participating Landowners of the real property where the project is to be located must be Co-Applicants.

(10) List the names, addresses, email addresses, phone numbers, websites of Applicants, Owners, Operators, and Co-Applicants.

(D) Economic Development Agreement: The Applicant, Owner and Operator shall enter into an Economic Development Agreement with the Board of Commissioners of Knox County and the and the Knox County Council to address matters related to economic development and the economic impact of the proposed Solar Energy System project with respect to each Knox County governing entities duly respective powers.

(E) Development Plan: The Development Plan shall be submitted with the application for an Improvement Location Permit and in accordance with Section 152.062 of the Knox County Zoning Ordinance, with a map or set of maps at appropriate scales depicting the following items:

(1) Approximate location of all SES structures including:

a. Location, number, and spacing of solar panel blocks

b. Substations

c. Maintenance and storage buildings

d. Transmission lines, collectors

e. Ancillary equipment

f. Identification, access, informational, and warnings signs



g. Battery Storage if any

(2) Boundary Survey, or a reference to a previously recorded survey, conducted in accordance with the Minimum Standards for Competent Practice of Land Surveying as outlined in 865 IAC-1-12

(3) Location of fencing, screening, and buffer areas

(4) Location of all access roads and access points

(5) Location of all above ground and underground utility lines associated with the site

(6) Floodplain location and elevation, and wetlands if any

(7) Location of all residences and other Principal Structures within 200 feet of the nearest SES structure

(8) Location of all easements

(9) Location of all security lights

(F) Decommissioning Plan:

(1) A Decommissioning Plan shall be submitted with the Development Plan to assure the project will be properly decommissioned by the Applicant or any subsequent Owner upon the end of the project life or abandonment. The plan shall demonstrate how the removal of all infrastructure and remediation of soil and vegetation will be conducted, and the expected timeline for execution of the decommissioning. A cost estimate for decommissioning, determined by a third-party professional engineering firm, shall be included. Salvage value may be considered in determining decommissioning cost.

(2) The Applicant shall secure and provide to the Board of Commissioners of Knox County a financial assurance in the form of a performance bond, surety bond, or other form of financial assurance that is acceptable to the Board of Commissioners of Knox County before the issuance of an Improvement Location Permit.

(3) The obligations with respect to decommissioning shall include removal and proper disposal of all physical material pertaining to the project improvements beneath the soil surface, and restoration of the area occupied by the project improvements such that it is suitable for an equivalent land use to what existed immediately before construction of such improvements.

(4) In the event of a force majeure or other event that results in the absence of electrical generation for twelve (12) consecutive months, by the end of the twelfth month of non-operation the Applicant must demonstrate to Area Plan Commission that the project will be substantially operational and producing electricity within twenty-four (24) months of the force majeure or other event. If such demonstration is not made to the Area Plan Commission's satisfaction, the decommissioning must be initiated eighteen (18) months after the force majeure or other event. A force majeure event means fire, earthquake, flood, tornado, or other acts of God and natural disasters, and war, civil strife, or other similar violence.

(5) The Decommissioning Plan shall include the full written legal description(s) of all Participating properties from the last recorded deed(s) or subsequently recorded project legal description. It shall also include the record owner name(s) of the property(ies) from the last recorded deed(s), and a cross-

reference to the book and page and document number of those deed(s) as recorded in the Office of the Knox County Recorder.

(6) Before an Improvement Location Permit is issued, the Decommissioning Plan shall be duly recorded in the Office of the Knox County Recorder.

(7) The Decommissioning Plan shall be updated by the Operator and approved by the Area Plan Commission every five (5) years after the approval of the initial Decommissioning Plan, and when any material improvements are added to the project. All updates to the Decommissioning Plan shall be recorded using the same criteria as outlined in subsection 5 and 6 above, and must also contain a cross-reference to the initial recorded Decommissioning Plan.

(G) Safety and Security Plan; Insurance:

(1) A Safety and Security Plan shall be submitted demonstrating provisions for site security and safety. If the plan includes using Knox County services, it shall include the signatures of the proper authorities indicating they are aware of their role and capable of performing it. Coordination of local emergency responders must be included.

(2) Safety & Warnings: All CSESs shall provide the following warnings and safety information at all locked entrances:

- a. A visible "High Voltage" warning sign
- b. Name and phone number for the electric utility operator
- c. Name and phone number for the site operator
- d. The facility's 911 address, GPS coordinates, and
- e. A lock box with keys as needed

(3) Insurance: The Owner and Operator of a CSES shall maintain commercial general liability insurance covering death, bodily injury and property damage, which may be combined with umbrella coverage, and shall be required to name Knox County, Indiana as an additional insured solely to the extent of liabilities arising under this Ordinance, in such amounts as agreed upon in the Safety and Security Plan.

(H) Landscaping/Screening Plan: A Landscaping /Screening Plan shall demonstrate the plan to mitigate any negative visual impact on residences and other Principal Structures on adjoining property via fencing, the planting of vegetation, utilization of existing natural screening, or a combination thereof. Additionally, the plan shall demonstrate the proposed method to control site erosion via the planting of grass or other cover crops. Unhealthy and dead plants shall be replaced promptly and not later than one (1) year of being provided written notice from the Zoning Administrator.

(I) Telecommunications and Wireless Signals Report: The Applicant shall submit a Telecommunications and Wireless Signals Report prepared by a licensed professional engineer with a specialization in telecommunications identifying any expected interference with over the air communications. The Applicant shall provide a statement that that it will mitigate any such interference. If, after construction, the Applicant receives a written

complaint related to interference, the Applicant shall promptly resolve the complaint. No solar energy system shall interfere with public safety telecommunications.

(J) Coordination Report: The Applicant shall submit a summary report identifying the applicable federal, and state entities with permitting authority in respect to environmental, health, and safety standards and regulations, and identifying the entities the Applicant has communicated and coordinated with in respect to the project.

(K) Waste Handling & Disposal: All solid waste, whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, shall be removed from the site promptly and disposed of in accordance with all local, state, and federal laws. All hazardous waste related to the construction, operation, maintenance, or decommissioning of the facility shall be handled, stored, transported, and disposed of in accordance with all local, state, and federal laws.

(L) Additional Assurances: The Applicant shall provide a notarized statement acknowledging and affirming the following with respect to the project:

(1) All duties and obligations of the Owner and Operator shall be joint and several, and shall be binding upon each of their heirs, successors in interest, and assigns.

(2) At least thirty (30) days after any transfer of any ownership interest in the project or change in Operator, written notice shall be given to the Executive of the municipality where the project is located and the Zoning Administrator.

#### § 152.264 DEVELOPMENT STANDARDS FOR COMMERCIAL SOLAR ENERGY SYSTEMS.

(A) CSESs shall adhere to the development standards of the underlying zoning district unless specified otherwise below:

(1) Setbacks: Minimum setback of 50 feet from all rights-of-way and side and rear property lines for all equipment associated with the CSES.

(2) Buffer Zones: Minimum setback of 200 feet from the foundation of any existing residence or Principal Structure to any SES structure.

(3) Height: No solar panel may exceed 35 feet in height at its highest point.

(4) Lighting: Lighting shall be limited to that required for safety, inspection, repair, maintenance, and operational purposes. If lighting is provided, lighting shall be shielded and downcast such that the light does not spill onto any adjacent parcel, residence, or Principal Structure.

(5) Glare: The CSES shall be designed and located in order to prevent glare toward any inhabited buildings, adjacent highways, or rights-of-way.

(6) Fencing: All systems, equipment, panels, and structures shall be fully enclosed and secured by a fence with a minimum height of 6 feet but no greater than 8 feet to prevent unauthorized access.

(7) Screening: In all instances that a CSES adjoins property with a residential dwelling or is located across a public road from a residential dwelling, screening

shall be installed to inhibit view of the facility consisting of an opaque fencing, a compact evergreen hedge, or other type of evergreen foliage

(8) Noise: Noise levels measured at the property line of the facility shall not exceed 55 decibels.

(9) Outdoor Storage: Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the facility shall be allowed.

(10) Easements: Components of the CSES shall not be placed within any legal easement or right-of-way, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

#### § 152.265 ADDITIONAL DEVELOPMENT PLAN REQUIREMENTS.

(A) Revisions: All revisions to the approved Development Plan or modifications to the CSES after installation require approval prior to being implemented. The proposed revisions along with any supporting information shall be submitted to the Zoning Administrator for review, to determine whether the revisions are in compliance with the Ordinance. If the Zoning Administrator determines that the revisions require Area Plan Commission approval, the revisions will be forwarded to the Area Plan Commission for review. If the Area Plan Commission determines that a public hearing is necessary, notification of the public hearing will be consistent with the Rules and Procedures of the Area Plan Commission.

(B) Approval: Notice shall be given to interested parties and the hearing conducted in accordance with the Area Plan Commission's Rules of Procedure. Upon concluding the hearing for the Development Plan, the Area Plan Commission shall state its findings with respect to the Development Plan's conformance to this Ordinance and determine the approval, disapproval, or conditional approval of the application. The Area Plan Commission will inform the Applicant of its decision and any modifications or conditions to which approval is subject. The findings and decision of the Area Plan Commission will be entered in the official minutes of the meeting. The Zoning Administrator will give written notice of approval, conditional approval, or disapproval and the reasons therefore within five (5) working days following the public hearing.

(C) Construction shall commence within three (3) years of the approval date, unless extended by the Area Plan Commission. If construction does not commence within such three-year period, the Development Plan approval shall be null and void. Upon request of the Applicant, the Area Plan Commission may extend the Development Plan Approval in increments of one (1) year beyond the expiration date without further notice or public hearing.

(D) Maintenance: An Improvement Location Permit may be revoked if the CSES is moved or otherwise altered in a manner which causes the CSES not to be in conformity with this Ordinance. The CSES must be properly maintained and be kept free from all hazards,

including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Administrator shall give written notice specifying the violation to the Owner or Operator of the CSES to conform to the ordinance standards or to remove the CSES.

**So, ORDAINED and adopted by the Knox County Board of Commissioners, this 21<sup>st</sup> day of August 2020, by a vote of 3 ayes and 0 nays.**

**So Approved with a Favorable Recommendation by the Knox County Area Plan Commission on August 4, 2020.**

**So, ORDAINED and adopted by the Knox County Board of Commissioners, this 1<sup>st</sup> day of September 2020, by a vote of 3 ayes and 0 nays.**

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Kellie Streeter, President

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Trent Hinkle, Vice-President

\_\_\_\_\_  
Tim Ellerman, Commissioner

**Attest:**

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Micheal P. Morris  
Knox County Auditor