

OHIO COUNTY

INDIANA

ADVISORY ZONING CODE

1988

(Reformatted April 2001)

(Additional Revisions January 2004)

This ordinance shall take effect after its passage and approval by the Board of County Commissioners.

Passed by the Board of County Commissioners of the County of Ohio, Indiana, on this 4th day of December, 1987.

BOARD OF COUNTY COMMISSIONERS
OHIO COUNTY, INDIANA

Gary Copeland, President

Paul Banta

Charles Levi

ATTEST:

Mary Lou Crouch
Auditor of Ohio County

Date: December 4, 1987

ORDINANCE NO. 2005-1

AN ORDINANCE regulating the constructing, alternation, equipment, use, occupancy, and location of buildings and structures in Ohio County, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-8-3 and IC 36-7-2-9; providing for the issuance of permits; inspections, and penalties for violations.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

BE IT ORDAINED by Planning Commission of Ohio County, Indiana as follows:

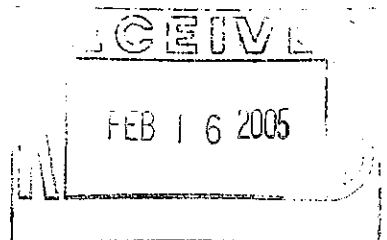
ARTICLE 1. GENERAL REQUIREMENTS

SECTION 1. TITLE. This ordinance and all materials included herein by reference shall be known as the "Building Code of Ohio County, Indiana."

SECTION 2. PURPOSE. The purpose of this ordinance is to protect the life, public safety, health and general welfare of the citizens of Ohio County, Indiana, and shall be constructed in such a manner to effectuate this purpose.

SECTION 3. DEFINITIONS. Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

1. "Building Commissioner" as used in this ordinance, includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.
2. "Class 1 structure" pursuant to IC 22-12-1-4, has the following definition:
 - (a) "Class 1 structure" means any part of the following:
 - (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - (A) The public.
 - (B) Three (3) or more tenants.
 - (C) One (1) or more persons who act as the employees of another.
 - (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
 - (3) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (e).
 - (b) Subsection (a) (1) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:
 - (1) are intended to be or are used or leased by the owner of the unit; and /
 - (2) are not completely separated from each other by an unimproved space.
 - (c) Subsection (a) (1) does not include a building or structure that:



- (1) is intended to be or is used only for an agricultural purpose on the land where it is located; and
 - (2) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.
 - (d) Subsection (a) (1) does not include a Class 2 structure.
 - (e) Subsection (a) (1) does not include a vehicular bridge.
 - (f) Subsection (a) (1) does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:
 - (1) the structure; or
 - (2) mechanical or electrical equipment located within and affixed to the structure.
 - (g) Pursuant to IC 22-12-1-24, structure includes swimming pool.
3. "Class 2 structure" pursuant to IC 22-12-1-5, has the following definition:
- (a) "Class 2 structure" means any part of the following:
 - (1) A building or structure that is intended to contain only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.
 - (2) An outbuilding for a structure described in subdivision (1) such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.
 - (b) Subsection (a) does not include a vehicular bridge.
 - (c) Pursuant to IC 22-12-1-24, structure includes swimming pool.
4. "Construction" Pursuant to IC 22-12-1-7, means any part of the following:
- (a) Fabrication of any part of an industrialized building system or mobile structure for use at another site.
 - (b) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.
 - (c) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.
 - (d) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.
 - (e) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.
5. "Industrialized building system" pursuant to IC 22-12-1-14, means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.
6. "Manufactured home", pursuant to IC 22-12-1-16 has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 2003. This definition is as follows: "Manufactured home" means 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 this 42 U.S.C. 5401 et seq. and except that such term shall not include any self-propelled recreational vehicle

7. "Mobile structure" pursuant to IC 22-12-1-17, has the following definition:
 - (a) "Mobile structure", means any part of a fabricated unit that is designated to be:
 - (1) towed on its own chassis; and
 - (2) connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.
 - (b) The term includes the following:
 - (1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.
 - (2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.
8. "Person", pursuant to IC 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.
9. "Structure" means both Class 1 and Class 2 structure, unless specifically stated otherwise.
10. "Vehicular bridge", pursuant to IC 22-12-1-26, means any bridge that is neither:
 - (a) a pedestrian walkway; nor
 - (b) a passageway for light vehicles; suspended between two (2) or more parts of a buildings.

SECTION 4. SCOPE.

1. All construction shall be accomplished in compliance with the provisions of this Building Ordinance.
2. Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-14-4; however, the provisions of this Building Ordinance and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under IC 22-15-4.
3. Pursuant to IC 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

SECTION 5. AUTHORITY. The Building Commissioner is hereby authorized and directed to administer and enforce the following:

1. All of the provisions of this Building Ordinance.
2. Variances granted in accordance with IC 22-13-2-11.
3. Orders issued under IC 22-12-7.

SECTION 6. SEVERABILITY. Should any provision (section, clause, phrase, word, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 7. EFFECT OF ADOPTION ON PRIOR ORDINANCE. The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. These rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

ARTICLE II. BUILDING PERMITS

SECTION 8. BUILDING PERMIT REQUIRED. Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of construction.

SECTION 9. APPLICATION FOR BUILDING PERMIT.

1. Any person required to have a building permit shall submit a complete application to the Building Commissioner.
2. This application shall be submitted on a form prepared by the Building Commissioner, and shall contain the following:
 - (a) Information that the Building Commissioner determines to be necessary to locate and contact the applicant.
 - (b) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.
 - (c) A plot plan drawn to scale; provided, however, such plot plan shall not be required in the instance where all such construction is to occur entirely within an existing structure. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.
 - (d) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Design Release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to 1C 22-15-3.
 - (e) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.
 - (f) The fee established by the Ohio County Commissioners.

3. Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The building Commissioner may require that such an employee or agent provide written authority to apply for a permit.

SECTION 10. ISSUANCE OF BUILDING PERMIT. The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

SECTION 11. CERTIFICATE OF OCCUPANCY. No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this Building Ordinance. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building commissioner.

ARTICLE III INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

SECTION 12. GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.

1. All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.
2. The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this Building Ordinance or to the rules of the Fire Preventions And Building Safety Commission is located for the purposes of inspection and investigation of such structure. Such inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this Building Ordinance and the rules of the Fire Prevention And Building Commission.

SECTION 13. INSPECTIONS BY FIRE DEPARTMENT. The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has independent authority to conduct inspections and take enforcement actions under IC 36-8-17).

ARTICLE IV. ENFORCEMENT AND PENALTIES

SECTION 14. WITHHOLD ISSUANCE OF PERMITS.

1. Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees to the Building Commissioner the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.
2. Whenever a person applies for a building permit for a structure that is not used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

SECTION 15. PERMIT REVOCATION.

The Building Commissioner may revoke a building permit when any of the following are applicable:

1. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.
2. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.
3. There is failure to comply with the Building Ordinance.
4. The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

SECTION 16. STOP-WORK ORDER.

1. The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.
2. The stop work order shall:
 - (a) Be in writing,
 - (b) State with specificity the construction to which it is applicable and the reason for its issuance.
 - (c) Be posted on the property in a conspicuous place.
 - (d) If practicable, be given to:
 - (A) The person doing the construction; and
 - (B) To the owner of the property or the owner's agent.
 - (e) The stop-work order shall state the conditions under which construction may be resumed.
3. The Building commissioner may issue a stop-work order if:
 - (a) Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this Building Ordinance or any state law pertaining to safety during construction.
 - (b) Construction is occurring in violation of this Building Ordinance or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially difficult to correct the violation.

- (c) Construction for which a building permit is required is proceeding without a building permit being in force.
- 4. The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this Building Ordinance.

SECTION 17. CIVIL ACTION.

Pursuant to IC 36-1-6-4, the County may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this Building Ordinance.

SECTION 18. MONETARY PENALTY.

Any person violating any provision of this Building Ordinance may be subject to a fine in any sum and exceeding two thousand five hundred dollars (\$2,500). The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this Building Ordinance.

SECTION 19. RIGHT OF APPEAL.

Any person aggrieved by an order issued under this Building Ordinance shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

1. Appeal to the Fire Prevention and Building Safety Commission.
 - (a) A person aggrieved by an order issued under this Building Ordinance may submit a petition for review to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7.
 - (b) The Commission may modify or reverse any order that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety, or a building rule.
 - (c) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under IC 4-21.5-3-7 within thirty (30) days after the issuance of the order.
 - (d) The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Ordinance.
 - (e) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

2. Appeal to an Established Local Administrative Body or Court.

Pursuant to IC 36-7-8-9, a person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the County Executive a fifteen (15) day written notice of his or her intention to appeal.

This notice must concisely state the appellant's grievance. If, pursuant to IC 36-1-6-9, the County has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order.

ARTICLE V. MINIMUM CONSTRUCTION STANDARDS

SECTION 20. ADOPTION OF RULES BY REFERENCE.

1. Pursuant to IC 22-13-2-3 (b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.
 - (a) Article 13 - Building Codes
 - (1) Fire and Building Safety Standards.
 - (2) Indiana Building Code.
 - (b) Article 14 - Indiana Residential Code
 - (c) Article 16 - Indiana Plumbing Code
 - (d) Article 17 - Indiana Electrical Code
 - (e) Article 18 - Indiana Mechanical Code
 - (f) Article 19 - Indiana Energy Conservation Code
 - (g) Article 20 - Indiana Swimming Pool Code
 - (h) Article 22 - Indiana Fire Code
 - (i) Article 24 - Migrant Day Care Nursery Fire Safety Code
 - (j) Article 25 - Indiana Fuel Gas Code
2. Two (2) copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.
3. The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the Fire safety laws and building laws adopted in this Building Ordinance. Pursuant to IC 22-13-2-7 (b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.

SECTION 21. LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

1. Pursuant to IC 22-12-1-22 (b) (12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

- (a) Part 5.3, Private Residence Elevators, ANSI/ASME; A17.1-2000, Safety Code for Elevators and Escalators, published by the American Society of Mechanical Engineers, Three park avenue, New York, New York, 10016.
 - (b) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
 - (c) Section 5, Private Residence Vertical Platform Lifts, ASME A18. 1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
 - (d) Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
 - (e) Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
2. Two (2) copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.

ARTICLE VI. EFFECTIVE DATE

SECTION 22. EFFECTIVE DATE. This Building Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

1. The County Commissioners have adopted this ordinance.
2. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by 22-13-2-5 and IC 36-7-8-3.

Approved this ____ day of _____ 2004, by the Fire Prevention and Building Safety Commission of the State of Indiana.

Chair of Commission



MITCHELL E. DANIELS, Jr., Governor
STATE OF INDIANA

**STATE EMERGENCY MANAGEMENT AGENCY
DEPARTMENT OF FIRE AND BUILDING SERVICES
PUBLIC SAFETY TRAINING INSTITUTE**

Indiana Government Center South

302 West Washington Street

Indianapolis, IN 46204

March 3, 2005

www.in.gov/sema
www.in.gov/sema/osfm
www.in.gov/sema/osbc

Mr. Alonozo Bowling,
Building Inspector Ohio County
413 Main Street
Rising Sun, IN 47040

RE: Building Code Ordinance No.2005-1
Ohio County, Indiana

Dear Mr. Bowling:

Pursuant to IC 22-13-2-5 and 675 IAC 12-10-8, the Fire Prevention and Building Safety Commission, on March 1, 2005, approved the above listed Ordinances. Enclosed is a copy of the ordinances so endorsed by the Fire Prevention and Building Safety Commission Chairman.

As the Director of Technical Services of the Department of Fire and Building Services, I commend you and your fellow officials for establishing the lawful basis to locally enforce state-adopted new construction regulations. The competent, consistent, and impartial administration and enforcement of all building rules should be a valuable benefit to local public safety, health, and welfare, and greatly assist the regional building construction industry.

Sincerely,

John R. Weesner, Director
Technical Services and Research
And Education and Information

JRW/sh

Encl

Cc: State Building Commissioner
Division of Code Enforcement
File

**Emergency
Management
Agency**

**Emergency
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Phillip K.
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**Department of
Fire
and Building
Services**

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Roger D.
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Fire Marshal
Room E241
(317) 232-2222**

**Office of the
State Building
Commissioner
Room 246
(317) 232-1404**

**Public Safety
Training
Institute
Room E239
(317) 232-0208**

ADOPTED AND PASSED BY THE PLANNING COMMISSION OF OHIO COUNTY,
INDIANA THIS 13 DAY OF January, 2005.

NAY

Don Arnold

Jerry Bovard

April Hautman

Ervin McKinley

Vincent Owen

Tom Praker

Dale Scudder

Wayne Stahl

Junior Williams

AYE

Don Arnold

Don Arnold

Jerry Bovard

Jerry Bovard

April Hautman

April Hautman

Ervin McKinley

Ervin McKinley

Vincent Owen

Vincent Owen

Tom Praker

Tom Praker

Dale Scudder

Dale Scudder

Wayne Stahl

Wayne Stahl

Junior Williams

Presented by me to the Commissioners of Ohio County, Indiana for their approval and
signature this 7 day of February, 2005.

Junior Williams
Junior Williams, Chairman
Ohio County Planning Commission

Approved by Ohio County Commissioners this 7th day of February, 2005.

Connie Brown
Connie Brown, Ohio County Commissioner

Shane Koons
Shane Koons, Ohio County Commissioner

Dale Scudder
Dale Scudder, Ohio County Commissioner

Approved this day, March 1, 2005 by the Fire Prevention and Building Safety Commission of the State of Indiana.

Howard W. Cundiff
Howard Cundiff, Chairman

ADVISORY ZONING CODE

OHIO COUNTY, INDIANA
ORDINANCE NO. 8-7-12-3

AN ORDINANCE FOR THE DEVELOPMENT THROUGH ZONING OF THE TERRITORY WITHIN THE JURSDICTION OF THE OHIO COUNTY ADVISORY PLAN COMMISSION, OHIO COUNTY, INDIANA, AND TO REPEAL THE [ORIGINAL] RISING SUN AND OHIO COUNTY, INDIANA, ZONING ORDINANCE AS AMENDED, PASSED ON THE 10TH DAY OF OCTOBER, 1961, BY THE BOARD OF COUNTY COMMISSIONERS OF OHIO COUNTY, INDIANA, AND TO REPLACE SAID ZONING ORDINANCE WITH A NEW ZONING ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF OHIO, INDIANA, UNDER AUTHORITY OF THE INDIANA ADVISORY PLANNING LAW [1.C 36-7-4], AND ALL ACTS AMENDATORY OR SUPPLEMENTAL THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA:

TABLE OF CONTENTS

**ZONING ORDINANCE
RISING SUN AND OHIO COUNTY,
INDIANA**

<u>Section</u>	<u>Page</u>		
150.001: SHORT TITLE	1		
150.002: ESTABLISHMENTS OF DISTRICTS AND ZONE MAP	2		
(A) Districts and Designations	2		
(B) Zone Map	2		
(C) Flood Plain District	2		
(D) Business Zoning	2		
150.003: INTREPRETATION OF DISTRICT BOUNDARIES	3		
(A) Centerlines of Streets and Boundaries	3		
(B) Existing Lines	3		
(C) Shore Lines and Waterways	3		
(D) Use of Sale on Zone Map	3		
(E) Board May Determine	3		
(F) Vacations and Relocations	3		
(G) Lines Splitting Lots	3		
150.004: APPLICATION OF DISTRICT REGULATIONS	4		
(A) Regulations Apply	4		
(B) Lot Areas and Yards May Not Be Encroached Upon	4		
(C) Yards are Separate	4		
(D) No Reduction in Yards	4		
150.005: PROCEDURE RELATING TO AREAS WHICH MAY BECOME SUBJECT TO ZONING	5		
150.006: GENERAL PERFORMANCE STANDARDS	6		
(A) Fire Protection	6		
(B) Electrical Disturbance	6		
(C) Noise	6		
(D) Vibration	6		
(E) Odor	6		
(F) Air Pollution	6		
(G) Heat and Glare	6		
(H) Water Pollution	6		
(I) Waste Matter	6		
150.007: NONCONFORMING BUILDINGS AND USES	7		
(A) May Be Extended	7		
(B) May Be Changed	7		
		(C) Use Cannot Be Changed To Nonconforming Use	7
		(D) No Building Erected on Nonconforming Use Premises	7
		(E) Temporary Nonconforming Use	7
		(F) Discontinuance of Non-Conforming Use	7
		(G) Damage to Nonconforming Use	7
		(H) Honoring Previous Permits	7
		(I) Buildings May Be Made Safe	8
		(J) Nonconforming Use Resulting From Amendment	8
		(K) Nonconforming Use in Flood Plain District	8
		150.008: NONCONFORMING LOT AREAS AND WIDTHS	9
		150.009: A-1 PRIME AGRICULTURE DISTRICT	10
		(A) Permitted Uses	10
		(B) Other Requirements for the A-1 District	10
		150.010: R-1 SINGLE-FAMILY RESIDENCE DISTRICT	11
		(A) Permitted Use	11
		(B) Other Requirements for the R-1 District	11
		150.011: R-1A SINGLE-FAMILY RESIDENCE DISTRICT	12
		(A) Permitted Uses	12
		(B) Other Requirements for the R-1A District	12
		150.012: R-1B SINGLE FAMILY RESIDENCE DISTRICT	13
		(A) Permitted Uses	13
		(B) Other Requirements for the R-1B District	13
		150.013: R-1C MOBILE HOME PARK DISTRICT	14
		(A) Permitted Uses	14
		150.014: R-2 GENERAL RESIDENCE DISTRICT	15
		(A) Permitted Uses	15
		(B) Other Requirements for the R-2 District	15
		150.015: B-1 LOCAL BUSINESS DISTRICT	16
		(A) Permitted Uses	16
		(B) Other Requirements for the B-1 District	18

150.016: B-2 ROADSIDE BUSINESS DISTRICT	19	150.024: BUILDING SETBACK LINES	81
(A) Permitted Uses	19	(A) Front Yard	81
(B) Other Requirements for the B-2 District	19	(B) Conflict – Setback Requirements	81
150.017: B-2A COMMERCIAL CORRIDOR DISTRICT	21	150.025: YARD EXCEPTIONS	82
150.018: I-1 ENCLOSED INDUSTRIAL DISTRICT	22	(A) Application	82
(A) Permitted Uses	22	(B) Yard Encroachments	82
(B) Other Requirements for the I-1 District	22	(C) Projections	82
(C) Performance Standards for Enclosed Industrial Uses	23	(D) Alley Abutting Rear or Side Yard	82
150.019: I-2 OPEN INDUSTRIAL DISTRICT	26	(E) Side Yards	82
(A) Permitted Uses	26	(F) Tapered Yard Formula (for Accessory Building)	83
(B) Other Requirements for the I-2 District	27	(G) Fences	83
(C) Performance Standards for Open Industrial Uses	28	(H) Screening and Minor Accessory Uses	84
150.020: FP FLOOD PLAIN DISTRICT	31	(I) Intersection Visibility	84
150.021: UD UNIT DEVELOPMENT PLAN DISTRICT	33	(J) Storage	84
(A) Statement of Purpose	33	150.026: ACCESS AND FRONTAGE	85
(B) Applicability	33	150.027: ONE PRIMARY BUILDING PER LOT	86
(C) Recording	38	150.028: CONVERSIONS	87
(D) Permit	38	150.029: MANUFACTURED HOME AND MOBILE HOME PERMITTED	88
(E) Covenants and Maintenance	38	(A) Manufactured Homes	88
(F) Limitation on Rezoning	39	(B) Mobile Homes	88
150.022: CONTINGENT USES	40	(C) Mobile Homes Permitted According to Certain Conditions	88
(A) Contingent Uses Permitted	40	(D) Classification of Mobile Homes	89
(B) Other Requirements for Contingent Uses	41	150.030: HEIGHT	90
(C) Developmental Disabilities Residential Facilities Permitted	41	(A) Norman Maximum Building Heights	90
150.023: SPECIAL EXCEPTIONS	42	(B) Height Exceptions	90
(A) Definition and Basis of Approval	42	150.031: SUPPLEMENTAL BUSINESS STANDARDS	91
(B) Procedure for Approval	42	(A) General Standards	91
(C) Existing Use May Be A Conforming Use	44	(B) Traffic Congestion	91
(D) Temporary Certificates	44	(C) Open-Air Business	92
(E) Special Exceptions and Districts Where They May Be Permitted	44	150.032: ACCESSORY USES	93
(F) Other Requirements For Special Exceptions	48	(A) Intent	93
		(B) Interpretation	93
		(C) Application of Accessory Uses	93

150.033: TEMPORARY USES	97	(R)	Time Limit	120
(A) Intent	97	(S)	Proper Compliance	121
(B) General Provisions	97	(T)	Soil and Drainage Conditions Met	121
(C) Uses Which May Be Permitted by the Board	97	(U)	Temporary Improvement Location Permit	121
(D) Standards	98	(V)	Issuance of Permits	121
150.034: HOME OCCUPATIONS	99	(W)	Certain Requirements Regarding Real Estate Transfers	121
(A) Intent	99	(X)	Erroneously Issued Permits – Restrictive Covenants	121
(B) General Provisions	99			
(C) Standards	99			
150.035: OFF-STREET PARKING AND LOADING	101			
(A) Intent	101	150.038: BOARD OF ZONING APPEALS		123
(B) Scope	101	(A) Organization		123
(C) General Provisions	102	(B) Rules		123
(D) Minimum Parking Requirements	103	(C) Meetings Open to Public		123
(E) Off-Site Parking Facilities	106	(D) Appeals Jurisdiction		123
(F) Development Standards	107	(E) Exceptions and Uses		123
(G) Loading Requirements	108	(F) Variances of Use From Terms of Zoning Code		123
150.036: SIGNS	110	(G) Variances from Develop- ment Standards of Zoning Code		124
(A) Definitions	110	(H) Variances in FP District		124
(B) Application	110	(I) Appeals to Board Grounds – Transmission of Record Disposition		125
(C) Advertising Signs or Billboards	112	(J) Writ of Certiorari		125
(D) Business Signs	113	150.039: GENERAL PROVISIONS		126
(E) Certain Identification Signs	113	(A) Interpretations		126
(F) Accessory Signs and Sign Structures	114	(B) Non-Interference with Greater Restrictions Otherwise Imposed		126
(G) Maintenance and Removal	114	(C) Use		126
(H) General Provisions	115	(D) Height		126
150.037 ADMINISTRATION	117	(E) Yard, Lot Area, and Size Of Building		126
(A) Enforcement Officer	117	(F) Parking Space: Loading And Unloading Berths		126
(B) Improvement Location Permits	117	(G) Building Relocated		126
(C) Application for Improve- ment Location Permit	117	(H) Farms Exempt		126
(D) Basic Duties of Build- ing Inspector	118	(I) Public Utility Installations Exempt		127
(E) Responsibility of the Building Inspector	118	(J) Mineral Extraction Exempt		127
(F) Relocation of Proposed Building, Structure, or Exit	119	(K) Invalidity of Portions		127
(G) Certificate of Compliance for Industrial Uses	119	(L) Amendments		127
(H) Site Plans Must Be Filed for Record	119	150.040: SOIL SURVEY, DRAINAGE, ERO- SION AND SEDIMENT CONTROL		128
(I) Special Exception	119	(A) Definitions		128
(J) Certificate of Occupancy	119	(B) Plan for Minimizing Erosion and Sedimentation		129
(K) Completion of Improvements	119	(C) Measures to Minimize Erosion and Sedimentation		129
(L) Temporary Certificate	120	(D) Making Sites More Suitable		130
(M) Change of Use	120	(E) Excavations and Fills		130
(N) Coincidental Application	120	(F) General Provisions		131
(O) Certificates of Occupancy Filed for Record	120	(G) Responsibility of Applicant		131
(P) Excavations	120			
(Q) Health Requirements	120			

(H)	Design Standards	132
(I)	Plan Approval	132
150.041:	DEFINITIONS	133
150.042:	FILING FEES AND FORMS	149
(A)	Application Forms	149
(B)	Improvement Location Permit	149
(C)	Certificate of Occupancy Fee	149
(D)	Fees for Amendments, Appeals and Requests	149
(E)	Fees Must be Paid	149
(F)	Fees Not Returnable	149
(G)	Publication Costs	150
(H)	Coincidental Applications	150
150.043:	SPECIFICATIONS	151
(A)	Figure 1. LOT AND YARD REQUIREMENTS	151
(B)	Flood Insurance Criteria and Maps	151
(C)	Figure 2. PROFILES, OHIO RIVER	151
150.044:	INDIANA DRAINAGE CODE REQUIREMENTS	152
(A)	75-foot drainage Right-of-Way	152
(B)	Use of Drainage Right- Of-Way	152
150.045:	COMPLAINTS	153
150.046:	REPEALER	154
150.047	COMMON NUISANCE	155
150.999:	REMEDIES AND PENALTIES	156
(A)	Remedies and Enforcement	156
(B)	Penalty	156

ORDINANCES

AMENDMENTS

FIGURE 1 – LOT AND YARD REQUIREMENTS

FIGURE 2 – PROFILES, OHIO RIVER

STATE ROUTE 56, ZONE MAP

BEAR BRANCH, ZONE MAP

BUFFALO, ZONE MAP

ABERDEEN, ZONE MAP

HARTFORD, ZONE MAP

DETAIL MAP, DUNAWAY PROPERTY

ADVISORY ZONING CODE

Section 150.001: SHORT TITLE

The ordinances, as amended, comprising Chapter 150 of the "Code of Ordinances of Ohio County, Indiana," shall hereafter be referred to as the "Advisory Zoning Code of Ohio County, Indiana, 1987."

Section 150.001

Section 150.002: ESTABLISHMENT OF DISTRICTS AND ZONE MAP

- (A) Districts and Designations. For zoning purposes, the territory within the jurisdiction of the Ohio County Advisory Plan Commission is hereby classified and divided into thirteen (13) districts with the following names and designations:

<u>District Designation</u>	<u>Type of District</u>
A-1	Agriculture
R-1	Single-family Residence
R-1A	Single-family Residence
R-1B	Single-family Residence
R-1C	Mobile Home Park
R-2	General Residence
B-1	Local Business
B-2	Roadside Business
B-2A	Commercial Corridor District
I-1	Enclosed Industrial
I-2	Open Industrial
UD	Unit Development Plan
FP	Flood Plain

- (B) Zone Map. The Zone Map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the area covered by the districts.

Notations, references, indications and other matters shown on the Zone Map are as much a part of this Code as if they were fully described herein.

- (C) Flood Plain District. The Flood Plain District (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration on the Flood Insurance Rate map dated September 4, 1987, along with any subsequent revisions to the text of the federal criteria or maps and adopted by reference and made a part of this Chapter as if fully described herein is established, and the boundaries thereof shall supercede the boundaries of any other district shown on the Zone Map. (See Sec. 150.020 and Sec. 150.043.)

- (D) Business Zoning. All areas presently classified B-3 General Business are hereby reclassified B-2 Roadside Business. Before any business shall be permitted to locate in such reclassified area, (Ohio County Ordinance Nov. 6, 1995) all provisions of this ordinance shall be fully complied with.

Section 150.003: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zone Map, the following rules shall apply:

- (A) Centerlines of Streets and Boundaries. Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys or railroad rights-of-way, or such lines extended.
- (B) Existing Lines. Boundaries indicated as approximately following section lines, half-section and quarter-section lines, Town corporate limit lines, planning jurisdictional areas, or platted lot lines shall be construed as following such lines.
- (C) Shore Lines and Waterways. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore lines. Boundaries indicated as approximately following the center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such center lines.
- (D) Use of Scale on Zone Map. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the Zone map shall be determined by the scale of the Map.
- (E) Board May Determine. Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by subsections (A) through (E) herein, the Board of Zoning Appeals shall interpret the district boundaries.
- (F) Vacations and Relocations. The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries; provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.
- (G) Lines Splitting Lots. Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance comprising this Chapter, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

Section 150.004: APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Chapter within each district shall be minimum regulations, and they shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (A) Regulations Apply. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (B) Lot Areas and Yards May Not Be Encroached Upon. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located, or in any other manner contrary to the provisions of this Code.
- (C) Yards are Separate. No part of a yard, or other open space, or off-street parking or loading space similarly required for any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (D) No Reduction in Yards. No yard or lot existing on or beyond October 10, 1961 shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the said Ordinance shall meet at least the minimum requirements established by this Code.

ADVISORY ZONING CODE

**Section 150.005: PROCEDURE RELATING TO AREAS WHICH MAY BECOME
SUBJECT TO ZONING**

Any additional territory which becomes subject to the rules and regulations of the Ohio County Advisory Plan Commission shall be automatically zoned A-1 Agriculture District unless otherwise changed by amendment to this Chapter.

Section 150.005

ADVISORY ZONING CODE

Section 150.006: GENERAL PERFORMANCE STANDARDS

All uses established or placed into operation after October 10, 1961 shall comply with the following performance standards, except as otherwise set forth in this Chapter for Open and Enclosed Industrial Uses, in the interest of protecting the public health, safety and welfare, and to lessen injury to property. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on or after October 10, 1961 shall be so altered or modified to conflict with these standards.

- (A) Fire Protection. Fire-fighting equipment and prevention measures acceptable to the Rising Sun Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
- (B) Electrical Disturbance. No use shall cause electrical disturbance adversely affecting radios, television or other equipment in the vicinity.
- (C) Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental; provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- (D) Vibration. No use shall cause vibration or concussions detectable beyond the lot lines without the aid of instruments.
- (E) Odor. No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines. Natural odors, which occur in the process of farming or livestock production, shall not be construed as malodorous.
- (F) Air Pollution. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- (G) Heat and Glare. No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.
- (H) Water Pollution. No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
- (I) Waste Matter. No use shall amass within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

ADVISORY ZONING CODE

Section 150.007: NONCONFORMING BUILDINGS AND USES

The lawful use of a building or premise, existing at the time of the passage of the Ordinance comprising this Chapter, may be continued although such use does not conform to all the provisions of this Code, subject to the following conditions:

- (A) May Be Extended. A nonconforming use may be extended throughout a building provided the size of the structure is not increased.
- (B) May Be Changed. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, upon authorization by the Board, provided the size of the structure is not increased.
- (C) Use Cannot Be Changed To Nonconforming Use. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
- (D) No Building Erected on Nonconforming Use Premises. No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this Code.
- (E) Temporary Nonconforming Use. The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one (1) year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district.
- (F) Discontinuance of Nonconforming Use. In the event that a nonconforming use of any building or premises is discontinued for a period of at least one (1) year, the use of the same shall hereafter conform to the uses permitted in the district in which it is located, and provided further that any nonconforming dwelling which is deficient in ground floor area, and which may be removed from a lot, shall relocate on a lot in accordance with the provisions of this Code.
- (G) Damage to Nonconforming Use. Any nonconforming building or structure damaged more than sixty (60) percent of its then fair market value, exclusive of the foundation, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, shall not be restored or reconstructed and used as before such happening; but if less than sixty (60) percent damaged above the foundation, it may be restored, reconstructed or used as before, provided that it be done within six (6) months of such happening. However, if the building is a single-family dwelling and damage is more than sixty (60) percent of its then fair market value it may be rebuilt to at least the same ground floor area, provide that required side yards are established. (Mobile Homes are permitted in Mobile Home Parks in the R-1C Mobile Home Park District and the A-1 Agriculture District.)
- (H) Honoring Previous Permits. Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which an Improvement Location Permit or a Building Permit has been heretofore issued

ADVISORY ZONING CODE

and the actual construction of which has been diligently prosecuted within ninety (90) days of the date of such Permit, and which entire building shall be completed according to such plans filed within three (3) years of such Permit. Actual construction is hereby defined to include the erection of construction materials in permanent position and fastened in a permanent manner.

- (I) Buildings May Be Made Safe. Nothing in this Code shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.
- (J) Nonconforming Use Resulting From Amendment. These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this Code.
- (K) Nonconforming Use in Flood Plain District. Any building, structure or use of land in the (FP) Flood Plain District which is not in conformance with the requirements of this Chapter constitutes a Nonconforming Use. All applications to repair, extend or enlarge a nonconforming use in the FP District shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any resulting improvement location Permit (or Building Permit) issued by the Zoning Inspector.

ADVISORY ZONING CODE

Section 150.008: NONCONFORMING LOT AREAS AND WIDTHS

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel in single ownership, or a single parcel included in a subdivision of record on or before October 10, 1961, even though the lot does not have the minimum lot area specified for the district, provided that the lot size and lot width meet the minimum standards of the County Health Department.

ADVISORY ZONING CODE

Section 150.009: A-1 PRIME AGRICULTURE DISTRICT

This district covers most of the County and is intended to protect and encourage agricultural uses of the land by controlling indiscriminate development of urban-type uses. Residences are permitted on large lots with wide frontage, but residential subdivisions are not permitted, except in the case of a one (1) or two (2) lot subdivision with an access drive set forth in paragraph (c) of definition (28) SUBDIVISION in Section 151.03 of this code. (For consideration of other types of residential subdivisions a petition must be presented for a reclassification of zoning to a Residence District.) Generally, the prime agriculture district is located where the soil types are most conducive to agricultural operations and in areas occupied by forests. All types of agricultural uses or uses akin to agricultural operation are permitted, either outright or by special exception, depending upon their impact to neighboring uses.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Farm House or Farm Dwelling.
- (3) Single-family dwelling.
- (4) Manufactured home.
- (5) Special exceptions set forth in Sec. 150.023.
- (6) Contingent uses set forth in Sec. 150.022.
- (7) Accessory uses set forth in Sec. 150.032.
- (8) Temporary uses set forth in Sec. 150.033.

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

- (1) Lot area, ground floor area, frontage, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 150.024 for front yard setback and additional yard requirements.
- (3) Height requirements are set forth in Sec. 150.030.
- (4) Off-street parking space requirements are set forth in Sec. 150.035.
- (5) Sign requirements are set forth in Sec. 150.036.
- (6) See Sec. 150.025 for fence requirements and yard exceptions.

Section 150.010: R-1 SINGLE-FAMILY RESIDENCE DISTRICT

This district is designed to permit medium density single-family residential development.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special exceptions as set forth in Sec. 150.023.
- (5) Contingent uses set forth in Sec. 150.022.
- (6) Accessory uses set forth in Sec. 150.032.
- (7) Temporary uses set forth in Sec. 150.033.

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

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 150.024 for front yard or setback and additional yard requirements.
- (3) Height requirements are set forth in Sec. 150.030.
- (4) Off-street parking space requirements are set forth in Sec. 150.035.
- (5) Sign requirements are set forth in Sec. 150.036.
- (6) See Sec. 150.025 for fence requirements and yard exceptions.

Section 150.011: R-1A SINGLE-FAMILY RESIDENCE DISTRICT

This district is designed to permit medium single-family residential development with above average ground floor area requirements and is adaptable to urban and suburban locations.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special exceptions as set forth in Sec. 150.023.
- (5) Contingent uses set forth in Sec. 150.022.
- (6) Accessory uses set forth in Sec. 150.032.
- (7) Temporary uses set forth in Sec. 150.033.

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

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 150.024 for front yard or setback and additional yard requirements.
- (3) Height requirements are set forth in Sec. 150.030.
- (4) Off-street parking space requirements are set forth in Sec. 150.035.
- (5) Sign requirements are set forth in Sec. 150.036.
- (6) See Sec. 150.025 for fence requirements and yard exceptions.

Section 150.012: R-1B SINGLE-FAMILY RESIDENCE DISTRICT

This district is designed to permit very low-density single-family residential development with large ground floor area requirements and is adaptable to urban and suburban locations.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special exceptions as set forth in Sec. 150.023.
- (5) Contingent uses set forth in Sec. 150.022.
- (6) Accessory uses set forth in Sec. 150.032.
- (7) Temporary uses set forth in Sec. 150.033.

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

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 150.024 for front yard or setback and additional yard requirements.
- (3) Height requirements are set forth in Sec. 150.030.
- (4) Off-street parking space requirements are set forth in Sec. 150.035.
- (5) Sign requirements are set forth in Sec. 150.036
- (6) See Sec. 150.025 for fence requirements and yard exceptions.

ADVISORY ZONING CODE

Section 150.013: R-1C MOBILE HOME PARK DISTRICT

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Mobile Home Park [See Sec. 150.023 (F) 30].
- (5) Sign requirements are set forth in Sec. 150.036.
- (6) See Sec. 150.025 for fence requirements and yard exceptions.

Section 150.014: R-2 GENERAL RESIDENCE DISTRICT

This district is designed to accommodate single-family, two-family, and multi-family dwellings. This district may also be used to provide a transition area between single-family residential areas and more intensively used areas.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Special exceptions set forth in Sec. 150.023.
- (7) Contingent uses set forth in Sec. 150.022.
- (8) Accessory uses set forth in Sec. 150.032.
- (9) Temporary uses set forth in Sec. 150.033.

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

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 150.024 for front yard or setback and additional yard requirements.
- (3) Height requirements are set forth in Sec. 150.030.
- (4) Off-street parking space requirements are set forth in Sec. 150.035.
- (5) Sign requirements are set forth in Sec. 150.036.
- (6) See Sec. 150.025 for fence requirements and yard requirements.
- (7) Prior to the issuance of an Improvement Location Permit for the conversion of an existing single-family dwelling to a two-family dwelling or multi-family dwelling, all provisions set forth herein for a two-family dwelling shall be met.

Section 150.015: B-1 LOCAL BUSINESS DISTRICT

The B-1 Local Business District is designed to meet the day-to-day convenience shopping and service needs of persons living in nearby residential areas. Uses allowed in this district will, in general, be a less intense use than those allowed in the B-2 or B-3 districts.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Local business uses which are primarily of a retail or service nature and specifically classified or implied in the following categories of uses:

*See note below.

- (a) Automobile service - including:
 - 1. Public garage, but not including major repair or body work.
 - 2. Indoor Sales room.
 - 3. Repair (all indoors).
- (b) Business service - including:
 - 1. Bank.
 - 2. Office building.
 - 3. Postal station.
 - 4. Telegraph office.
 - 5. Telephone exchange or public utility substation.
 - 6. Utility company business office.
- (c) Clothing service - including:
 - 1. Laundry agency.
 - 2. Self-service laundry and dry cleaning.
 - 3. Dry cleaning establishment using not more than three clothes-cleaning units, none of which shall have a rated capacity of more than forty (40) pounds using cleaning fluid which is non-explosive and non-flammable.
 - 4. Dressmaking.
 - 5. Millinery
 - 6. Tailor and pressing shop.
 - 7. Shoe repair shop.
- (d) Equipment service - including:
 - 1. Radio or television shop and sales.
 - 2. Electric appliance shop and sales.
 - 3. Record shop and sales.
- (e) Food service - including:
 - 1. Grocery
 - 2. Meat Market
 - 3. Supermarket
 - 4. Restaurant
 - 5. Delicatessen

ADVISORY ZONING CODE

6. Cold storage lockers, for individual use.
7. Bakery, provided floor area used for production shall not exceed seven hundred fifty (750) square feet.
- (f) Personal service - including:
 1. Barber shop
 2. Beauty shop
 3. Physical fitness facility
 4. Photographic studio
- (g) Retail service, retail stores, generally including:
 1. Drug store
 2. Hardware or paint store
 3. Stationer
 4. Newsdealer
 5. Show room and sales area for articles to be sold at retail.
 6. Apparel shop
 7. Antique shop
 8. Shoe store
 9. Variety store
 10. Toy store
 11. Jewelry store
 12. Flower or garden shop
 13. Gift shop
- (h) Business recreational uses - including:
 1. Billiard room
 2. Dancing academy
 3. Tavern or night club, only in conformity with requirements of laws or ordinances governing such use.
 4. Bait sales
- (i) Club or Lodge
- (j) Business Sign [See Sec. 150.036 (4)]
- (k) Clinic
- (l) Farm implement (machinery) (new or used) sales and service area or building
- (m) Mortuary
- (n) Pet Shop
- (o) Studio - Business (art, interior decorating, music, etc.)
- (p) Accessory Building or use customarily incident to the above uses which may not have more than forty (40) percent of its floor area devoted to storage purposes, and provided that not more than five (5) persons are employed at one time or on any one shift in connection with such incidental use.

* Note: Local business uses, categories (b) through (i) inclusive, and through (o) shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

- (7) Special exceptions set forth in Sec. 150.023.
- (8) Contingent uses set forth in Sec. 150.022.
- (9) Accessory uses set forth in Sec. 150.030.

Section 150.015

ADVISORY ZONING CODE

(10) Temporary uses set forth in Sec. 150.033.

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

- (1) For local business uses, each lot shall have at least fifty (50) feet of frontage on a street. See Sec. 150.024 for front yard or setback and additional yard requirements for local business uses.
- (2) For residential uses the lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1. See Sec. 150.024 for front yard or setback and additional yard requirements.
- (3) Height requirements are set forth in Sec. 150.030.
- (4) Off-street parking space requirements are set forth in Sec. 150.035.
- (5) See Sec. 150.025 for fence requirements.
- (6) Sign requirements are set forth in Sec. 150.036.
- (7) See Sec. 150.031 for Supplementary Business Standards.

Section 150.016: B-2 ROADSIDE BUSINESS DISTRICT

The B-2 Roadside Business District is intended to provide for business uses normally requiring drive-in facilities related to a street or highway; however, all business uses require approval of the Board of Zoning Appeals in accordance with the Special Exception procedure set forth in Sec. 150.023.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Local business uses.
- (7) Roadside business uses specifically stated or implied in the following categories:
 - (a) Local business uses
 - (b) Filling station
 - (c) Automobile, truck, mobile home or trailer rental and sales area
 - (d) Automobile and truck repair, entirely within enclosed buildings
 - (e) Indoor theater
 - (f) Bowling alley, roller rink, or racquet sports facility, entirely within enclosed buildings
 - (g) Department store
 - (h) Hotel or motel
 - (i) Veterinary hospital for small animals
 - (j) Kennel
 - (k) Newspaper publishing
 - (l) Motor bus or railroad passenger station
 - (m) Greenhouse not exceeding 1,000 sq. ft.
 - (n) Drive-in restaurant
 - (o) Radio or television station or studio
 - (p) Boat sales, service, storage and rentals
 - (q) Hospital
 - (r) Laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable material
- (8) Special exceptions set forth in Sec. 150.023.
- (9) Contingent uses set forth in Sec. 150.022.
- (10) Accessory uses set forth in Sec. 150.032.
- (11) Temporary uses set forth in Sec. 150.033.

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

- (1) For roadside business uses, each lot shall have at least one hundred (100) feet of frontage on a street. See Sec. 150.024 for front yard or setback and additional yard requirements for roadside business uses.
- (2) For residential uses the lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in

Section 150.016

ADVISORY ZONING CODE

Figure 1. (The requirements for residential uses in the B-2 District are the same as those in the B-1 District.) See Sec. 150.024 for front yard or setback and additional requirements.

- (3) Height requirements are set forth in Sec. 150.030.
- (4) Off-street parking space requirements are set forth in Sec. 150.035.
- (5) See Sec. 150.025 for fence requirements.
- (6) Sign requirements are set forth in Sec. 150.036.
- (7) See Sec. 150.031 for Supplementary Business Standards.

Section 150.017: B-2A COMMERCIAL CORRIDOR DISTRICT

The B-2A Commercial Corridor District is intended to provide for business uses related to a major arterial street or highway. The types of businesses listed below do not require a public hearing but do require plan approval by the Board of Zoning Appeals. All other business uses including special exemptions would require public hearings by the Board of Zoning Appeals.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Local business uses.
- (3) Roadside business uses specifically stated or implied in the following categories:
 - (a) Local business uses
 - (b) Filling station
 - (c) Automobile, truck, mobile home or trailer rental and sales area
 - (d) Automobile and truck repair, entirely within enclosed buildings
 - (e) Indoor theater
 - (f) Bowling alley, roller rink, or racquet sports facility, entirely within enclosed buildings
 - (g) Department store
 - (h) Hotel or motel
 - (i) Veterinary hospital for small animals
 - (j) Newspaper publishing
 - (k) Motor bus or railroad passenger station
 - (l) Greenhouse not exceeding 1,000 sq. ft.
 - (m) Restaurant
 - (n) Radio or television station or studio
 - (o) Boat sales, service, storage and rentals
 - (p) Hospital
 - (q) Laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable material
 - (r) Public Storage Facility
- (4) Accessory uses set forth in Sec. 150.032.
- (5) Temporary uses set forth in Sec. 150.033.

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

- (1) For roadside business uses, each lot shall have at least one hundred (100) feet of frontage on a street. See Sec. 150.024 for front yard or setback and additional yard requirements for roadside business uses.
- (2) Height requirements are set forth in Sec. 150.030.
- (3) Off-street parking space requirements are set forth in Sec. 150.035.
- (4) See Sec. 150.025 for fence requirements.
- (5) Sign requirements are set forth in Sec. 150.036.
- (6) See Sec. 150.031 for Supplementary Business Standards.

(C) Special Note.

A 50 foot landscaped buffer is to be provided adjacent to the rear lot lines on Belleview Lane.

Section 150.018: I-1 ENCLOSED INDUSTRIAL DISTRICT

The I-1 Enclosed Industrial District is established to include most of the existing developments and provide for industrial expansion, and is one in which manufacturing, fabricating, processing, extraction, repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes is conducted entirely within enclosed buildings of any size, provided that such use shall conform to the performance standards set forth herein. Business uses are not permitted in this district, and material storage (open) may be permitted as a special exception.

(A) Permitted Uses.

- (1) Agricultural uses
- (2) Single-family dwelling
- (3) Manufactured home
- (4) Enclosed industrial uses specifically stated or implied in the following categories:
 - (a) Enclosed industrial uses including processing, refining, and repairing of goods, materials or products.
 - (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
 - (c) Mass transportation rights-of-way, including passenger stations, shelter stations and layover areas for transit vehicles, and off-street parking facilities; provided, however, such uses, except rights-of-way, shall not exceed within twenty (20) feet of a residential district.
 - (d) Enclosed wholesaling, warehousing packaging, storage or distribution facilities (including commercial greenhouses).
 - (e) General offices associated with an industrial use, including service facilities for employees or guests; provided, however, any service facilities shall be entirely enclosed within a building.
 - (f) Printing, lithographing, publishing or photography establishments.
 - (g) Utility installations and facilities.
 - (h) Public water wells, water stations, filtration plant, reservoirs, and storage tanks.
- (5) Special exceptions set forth in Sec. 150.023.
- (6) Contingent uses set forth in Sec. 150.022.
- (7) Accessory uses set forth in Sec. 150.032.
- (8) Temporary uses set forth in Sec. 150.033.

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

- (1) For enclosed industrial uses, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet. See Sec. 150.024 for front yard or setback and additional yard requirements and planting screen requirements for interchange business uses.

ADVISORY ZONING CODE

- (2) Height requirements are set forth in Sec. 150.030.
- (3) Off-street parking space requirements are set forth in Sec. 150.035.
- (4) The total floor area of the enclosed industrial building or buildings shall not exceed sixty (60) percent of the lot area.
- (5) Sign requirements are set forth in Sec. 150.036.

(C) Performance Standards for Enclosed Industrial Uses.

- (1) No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Ohio County Board of Commissioners. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshall. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blast explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty five (35) percent; and nuclear fuels, fissionable materials and products; and reactor elements such as but not limited to Uranium 235 and Plutonium 239.
- (2) The restrictions of this sub-section shall not apply to:
 - (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line;
 - (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
 - (c) conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies;
 - (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.
- (3) Outdoor storage. Outdoor storage which is used as an accessory use to an enclosed industrial use in the I-1 district, may be permitted by the Board of Zoning Appeals provided the said storage is located behind the building line and in such a manner that it cannot be seen from the frontal street or a side street. Screen planting or fence or wall not to exceed eight (8) feet in height may be employed to screen storage areas from view.
- (4) Smoke. The emission of more than seventy (70) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited except for one (1) hour during a twenty-four (24) hour period in which this rate may be increased to eighty (80) smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing, and fire cleaning.

ADVISORY ZONING CODE

- (5) Particulate Matter. The rate of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds effluent gas. Not more than fifty (50) percent by weight of particles larger than 44 microns (325 mesh) shall be allowed.
- (6) Odor. Any activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residence or business district boundary line.
- (7) Poisonous and Injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:
 The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes or gases in excess of ten (10) percent of the threshold limit set for fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists, latest issue.
- (8) Glare and Heat. No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.
- (9) Vibration. Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet from a business district boundary.
- (10) Noise. At no point one hundred twenty five (125) feet from the boundary of an I-1, I-2, or B-3 district, which permits an enclosed industrial use, shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the octave bands designated as follows:

ENCLOSED INDUSTRIAL USE

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District Boundaries
	O to 75	75
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64

ADVISORY ZONING CODE

ENCLOSED INDUSTRIAL USE (CONT'D)

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District	Maximum Permitted Sound Level (In Decibels) 125 Feet From District
	Adjoining Residence District <u>Boundaries</u>	Adjoining Business District <u>Boundaries</u>
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

- (11) Fire Hazards. The storage, utilization or manufacture of solid materials products shall conform to the provisions of this code.

Section 150.019: I-2 OPEN INDUSTRIAL DISTRICT

The I-2 Open Industrial District is one which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes and shall be used so as to comply with the performance standards set forth herein. In instances of close business or residential proximity, buffer treatment is required.

(A) Permitted Uses.

- (1) Agricultural uses.
- (2) General business uses permitted in the GB district, but not including local or roadside business uses or other business uses.
- (3) Enclosed industrial uses permitted in the I-1 district.
- (4) Open industrial uses specifically stated or implied in the following categories, provided that if they are located within one hundred fifty (150) feet of a residence or business district, they shall be contained wholly within the confines of a building in such area, or within an area enclosed on all sides with a compact wall, compact evergreen planting screen or uniformly painted board or metal fence not less than six (6) feet in height, except for the off-street parking and loading of delivery vehicles which are incidental thereto (unless otherwise provided herein):
 - (a) Open industrial uses, including storage, processing, refining, fabricating, extracting, repairing, dismantling, assembling, cleaning, testing or repairing of goods, materials or products within buildings and/or in open areas.
 - (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
 - (c) Mass transportation rights-of-way, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities; provided, however, such uses, except rights-of-way, shall not extend within twenty (20) feet of a residential district.
 - (d) Enclosed wholesaling, warehousing, packaging, storage or distribution facilities (including commercial greenhouse).
 - (e) General offices associated with an industrial use, including service facilities for employees or guests; provided, however, any service facilities shall be entirely enclosed within a building.
 - (f) Printing, lithographing, publishing, or photography establishments.
 - (g) Utility installations and facilities.
 - (h) Bakery, secondary food processing, milk processing, manufacturing and bottling of dairy products and beverages.
 - (i) Manufacture and assembly of glass, plastic and rubber products, and implements.
 - (j) Manufacture of colors, dye, paint, and other coatings (excluding tar products).
 - (k) Machine, welding, tool and die shops, electroplating operations.
 - (l) Manufacture of cloth, jewelry, and leather products.

ADVISORY ZONING CODE

- (m) Biological, medical, and cosmetic manufacturing.
- (n) Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical.
- (o) Manufacture and assembly of marine, office, household appliances, furniture, communication and automobile equipment, air conditioning, heating and refrigeration equipment.
- (p) Can and container manufacture, processing and milling of forest products.
- (q) Dyeing and cleaning works, and services such as linen suppliers, freight movers, and communication and canteen operations.
- (r) Upholstering and leather goods manufacture.
- (s) Cannery, bottling, processing and packaging of food and beverages, granaries, grain processing and starch manufacturing.
- (t) Radio, facsimile, and television towers, including broadcast studios and radio or television business offices.
- (u) Creosote manufacturing and treatment, and bulk storage of petroleum products.
- (v) Foundries, smelting operations, metal forging, fabricating, rolling and stamping operations.
- (w) Boiler tank manufacturing and structural steel fabricating, general manufacturing and assembly plants.
- (x) Railroad equipment manufacturing, repair and service yards.
- (y) Manufacture of detergents and soaps, pharmaceutical and paper products.
- (z) Manufacture of malt products, brewing, distillation of liquid and spirits, poultry hatchery.
- (aa) Monument works and stone cutting.
- (bb) Thermal, electrical and steam power plants.
- (cc) Concrete mixing, production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.
- (dd) Sand, gravel, or aggregate washing, screening or processing.
- (ee) Bulk fuel storage or Petroleum Tank Farm (Commercial).
- (ff) Slaughterhouse.
- (5) Special exceptions set forth in Sec. 150.023.
- (6) Contingent uses set forth in Sec. 150.022.
- (7) Accessory uses set forth in Sec. 150.032.
- (8) Temporary uses set forth in Sec. 150.033.

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

- (1) Lot and area requirements are set forth in Figure 1, Lot and Yard Requirements, provided that for open industrial use, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet. See Sec. 150.024 for front yard or setback and additional yard requirements and planting screen requirements.
- (2) Height requirements are set forth in Sec. 150.030.

Section 150.019

ADVISORY ZONING CODE

- (3) Off-street parking space requirements are set forth in Sec. 150.035.
- (4) See Sec. 150.024 for additional front yard requirements.
- (5) The total floor area of the building(s) shall not exceed eighty (80) percent of the lot area.
- (6) Sign requirements set forth in Sec. 150.036.

(C) Performance Standards for Open Industrial Uses.

- (1) No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Ohio County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and shall be conducted in accordance with the rules promulgated by the State Fire Marshall. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blast explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyrides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty five (35) percent; and nuclear fuels, fissionable materials and products; and reactor elements such as but not limited to Uranium 235 and Plutonium 239.
- (2) The restrictions of this sub-section shall not apply to:
 - (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line;
 - (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
 - (c) conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies;
 - (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.
- (3) Smoke. The emission of more than ninety (90) smoke units per hour per stack and emissions in excess of Ringelmann No. 3 are prohibited except that for one (1) hour period the twenty-four (24) hour may be increased to one hundred twenty (120) smoke units per hour per stack, still at Ringelmann No. 3 for the purposes of process purging, soot blowing, and fire cleaning.
- (4) Particulate Matter. The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.2 pounds per one thousand (1000) pounds effluent gas. For open industrial use, not more than fifty (50) percent by weight of particles larger than 44 microns (325 mesh) shall be allowed.
- (6) Odor. Any activity or operation which releases odors to the atmosphere

Section 150.019

ADVISORY ZONING CODE

- shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residence district boundary line.
- (6) **Poisonous and Injurious Fumes and Gases.** The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:
- (a) The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes or gases in excess of twenty five (25) percent of an open industrial use of the threshold limit as set for fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists, latest issue.
- (b) The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort, and welfare or shall cause injury or damage to property or business is prohibited.
- (7) **Glare and Heat.** No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.
- (8) **Vibration.**
- (a) Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet from a business district boundary.
- (b) Earth-shaking vibrations at the industrial property line shall not be in violation of this code as long as the vibration is not perceptible without the aid of instruments.
- (9) **Noise.** At no point one hundred twenty five (125) feet from the boundary of an I-2 district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the Octave Bands designated as follows:

OPEN INDUSTRIAL USE

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District Boundaries
	0 to 75	75
75 to 150	70	76
150 to 300	66	72
300 to 600	62	68
600 to 1200	57	63

Section 150.019

ADVISORY ZONING CODE

OPEN INDUSTRIAL USE (CONT'D)

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District <u>Boundaries</u>	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District <u>Boundaries</u>
1200 to 2400	53	59
2400 to 4800	49	55
Above 4800	45	51

Sound levels shall be measured with a sound level meter and associated octave band analyzer or filter, manufactured in compliance with standards prescribed by the American Standards Association.

- (10) Fire Hazards. The storage, utilization or manufacture of solid materials or products shall conform to the provisions of this code.

Section 150.020: FP FLOOD PLAIN DISTRICT

The development (see Sec. 150.041, Definitions) of the flood hazard areas could result in the potential loss of life and property, extraordinary public expenditures for flood protection and relief. Since development of the areas is not essential to the orderly growth of Ohio County, and since these lands are suitable structures or fill, the FP Flood Plain District shall be developed in accordance with the following criteria promulgated by law:

- (A) The Flood Plain District (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration on the Flood Insurance Rate Map dated September 4, 1987, along with any subsequent revisions to the text of the federal criteria or maps and adopted by reference and made a part of this Chapter as if fully described herein, is established, and the boundaries thereof shall supercede the boundaries of any other district shown on the Zone Map. (See Sec. 150.020 and Sec. 150.043.) The Flood Insurance Study is on file at the Office of the County Auditor. (See Sec. 150.043, Specifications.)

- (B) The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the flood plain district to the extent that they are not prohibited or not otherwise controlled by other parts of this Code, and provided they do not require structures, fill, or storage of materials or equipment:
 - (1) Agricultural uses such as general farming, pasture, grazing, orchards, plant nurseries and vineyards.
 - (2) Forestry, wildlife areas and nature preserves.
 - (3) Parks and recreational uses, such as golf courses, driving ranges and play areas.

- (C) All development (see Sec. 150.041, Definitions) applications located in the flood plain district which are not permitted by rights as set forth in sub-section (B) above, will require the review and approval by Natural Resources (see Sec. 150.041, Definitions) prior to the issuance of an Improvement Location Permit. [See Sec. 150.037 (L).]

- (D) National Flood Insurance Programs Regulation. The Building Inspector, during his review of Improvement Location Permits, shall assure that all NFIP regulations [contained in CFR 44, Chapter 60, 3, (d)] and as specified on Attachment A (Section 10 Review Sheet for NFIP Regulations) which is hereby made a part of this ordinance pertaining to state and federal permits, subdivision review, building permit review, flood proofing non-residential structure, manufactured home standards, utility construction, record keeping (including lowest flood elevations), and water course alteration and maintenance have been met.

- (E) Larger floods can and will occur on rare occasions. Therefore, the requirements set forth in this Chapter pertaining to flood plain districts do not create any liability on the part of Ohio County, Indiana, Indiana Natural Resources, or the State of Indiana for any damages that result from reliance on these requirements or any administrative decisions lawfully made thereunder.

ADVISORY ZONING CODE

- (F) For other requirements pertaining to flood plain district, see Sec. 150.007, Nonconforming Buildings and Uses, concerning nonconforming uses; Sec. 150.037, Administration, concerning review of development applications; and Sec. 150.038, Board of Zoning Appeals, concerning variances.

THE FOLLOWING AMMENDS WILL BE MADE TO THE PLANNED UNIT DEVELOPMENT CODE:

Section 6 Planned Unit Development existing code will be amended from procedure subsection C on page 34 up to and including subsection D on page 37.

Under B applicability, section 1 page 33 shall be amended to state in line four "in which the primary or entire use is residential, business" that the word residential is added that's making four acres. Section 2 is now added to say "any residential lot within a Planned Unit Development shall consist of not more than one single family dwelling and shall be on not less than three acres with 300 feet of road frontage" and what is now Section 2 will be renamed Section 3, which is now 3 will be renamed 4, which is now 4 will be renamed 5.

All of Section 6 of the Indiana Model Zoning Ordinance is included in the ammendments.

The above changed will become effective following the Planning Commission Meeting on December 12, 2002.

Section 6 Planned Unit Developments

Preface

The purpose of this section is to allow innovative and diverse design in land development that is consistent with the adopted Comprehensive Plan and the intent of this Zoning Ordinance and the Subdivision Ordinance. The goal is to provide a variety of environmentally appropriate residential, nonresidential, and mixed-use developments to meet the needs of the community. PUD zoning is encouraged in the following contexts:

- to accommodate compatible development in environmentally sensitive locations.
- to enhance compatibility with surrounding land uses.
- to permit a harmonious variety of uses within a single development.
- to promote efficiency and thus economy by clustering structures and/or by using shared facilities or services.
- to foster new site treatments not contemplated in other kinds of zones.



6.1 Planned Unit Development Process

PD zones are not identified on the zoning maps in advance. PD zones are the result of a public hearing to rezone a specific parcel(s) to a new PD zone based on the negotiated development plan between the petitioner(s), Advisory Plan Commission, the administrator, and representatives of the checkpoint agencies. The provisions of Sections 5.1 through 5.14 of this Ordinance shall not be applied, or be applicable, to a PD zone or district since the negotiated development plan determines the nature of the PUD district.

The remainder of Section 6 explains this process in further detail.

6.2 Origination of Proposals

1. A request to rezone from any other zoning classification to a PD zone may be initiated by: (a) all owners of the property in question; or (b) any group of owners united in interest acting jointly under an agreement to carry out the proposal in separate ownership.
2. The negotiated agreement is the substance of a PD zone. Therefore, a request to reclassify the PD zone shall include among the petitioners either: (a) all owners of the property within the current planned unit development; or (2) the owner's association acting on behalf of a majority of property owners in the current planned unit development, as constituted in the recorded bylaws.
3. PD zoning is mandatory for any new condominium construction or condominium conversion.

6.3 Classifications of Planned Unit Development

To identify the nature of planned unit developments on zoning maps, they shall be classified as one of the following four zones:

- A. **PDRS**, in which all buildings and land are developed for residential use and those activities customarily accessory to residential use;
- B. **PDNR**, in which no building or land is developed for residential use, but rather for commercial and/or industrial and/or recreational and/or some other nonresidential use;
- C. **PDMX**, in which buildings and land are developed as a mix of both residential and nonresidential uses.
- D. **PDCC**, in which the only change proposed, involves either:



- (1) the conversion to condominium ownership of a development which has received occupancy permits for all parts no less than three years prior; or
- (2) the conversion to condominium ownership of an existing building in a CB or in a PD zone adjoining or surrounded by a CB zone; where there is no further division of land involved.

Those PD zones and overlays approved prior to the adoption of this zoning ordinance shall be reclassified to one of the above four categories.

6.4 Pre-Submission Conference

- A. Before filing a request for a rezoning petition to either PDRS, PDNR, or PDMX, the petitioner arrange a meeting with the Administrator. A pre-submission conference is not required for a rezoning request to PDCC.
- B. The petitioner shall bring a scaled site plan of the proposed planned unit development to the meeting. The site plan should show the location of proposed uses and major buildings, layout and classification of roads, all entrances and exits, and any environmental sensitive areas. Also, the petitioner shall bring a chart detailing the phasing and a time frame for development.
- C. Discussion at the meeting shall include:
 1. The proposed treatment of environmentally sensitive areas;
 2. The petitioner's intentions and objectives regarding land use, street improvements, and utilities;
 3. The petitioner's intentions assuring compatibility between uses proposed for the perimeter of the PUD and surrounding land uses and zoning classifications;
 4. The general availability of utilities to the site;
 5. The area's current zoning pattern;
 6. The classification of the proposed rezoning to a PD category.

6.5 Filing Procedure

- A. After the pre-submission meeting, or to initiate a PDCC action, the petitioner may file a rezoning request to one of the PD classification categories.

B. This submission shall contain the following:

1. A non-refundable processing fee as set by the Advisory Plan Commission.
2. A signed and notarized Petition to Rezone containing a metes and bounds legal description, the PD classification category sought, and signed by the owner or owners of all property involved; or with a notarized affidavit of consent of all owners attached;
3. A list of names, addresses and tax assessment parcel numbers of all property owner's located adjacent to and directly across the street, alley, or railroad right-of-way from the subject property;
4. Two (2) notices of Public Hearing, each with a metes and bounds or other legal description and the common address or location of the subject property.
5. Two (2) release letters authorizing the staff to submit Notices of Public Hearings to the designated newspapers;
6. A typed original and 16 copies of the proposed ordinance to rezone the property, using the sample format provided by the Administrator;
7. Three sets of drawings, labeled Draft Plan, to include a recorded boundary survey satisfying the requirements of IAC Title 865 Article 1 Rule 12
8. If dividing land, three (3) copies of the preliminary plat prepared by a Registered Land Surveyor. Detailed instructions on the information to be provided on said preliminary plat can be obtained from the Administrator.
9. Three (3) copies of any proposed covenants and horizontal property ownership and owner's association documents written in plain language with a table of contents.
10. Signatures from the representatives of all checkpoint agencies, or post office receipts of certified mailing indicating receipt of one set of items listed as (7) through (9) above. The Checkpoint agencies are:
 - Design Review Board
 - Director of Public Works and Safety
 - Police Department

- Fire Department
- Parks and Recreation Department
- School Corporation
- County Soil and Water Conservation District

and other agencies having jurisdiction in areas potentially affected by the petitioner's proposed development.

- C. If the petitioner fails to meet the filing requirements of Subsection 6.5 (B) above within six (6) months of the pre-submission meeting, the petitioner shall reschedule a new pre-submission meeting in order to continue the project.

6.6 Required Review Meeting

- A. The purpose of the Required Review Meeting is to give the Administrator and checkpoint agency representatives an opportunity to recommend revisions to the Draft Plan Submission and to discuss these recommendations with the petitioner and the petitioner's representatives.
- B. The Administrator shall determine if the petitioner's submission is complete. Within 30 days of the finding of a complete submission, the Required Review Meeting shall be held. Written notice shall be sent to the petitioner, the petitioner's representatives, the checkpoint agencies, and the Advisory Plan Commission stating the time and place of the Required Review Meeting.
- C. If the submission is incomplete, the petitioner shall be provided written notice of the deficiencies. The Required Review Meeting shall not be scheduled until the deficiencies are addressed by the petitioner.

6.7 Preliminary Plan Submission Requirements

- A. Following the Required Review Meeting, the petitioner shall submit a Preliminary Plan no later than three weeks before the proposed public hearing of the rezoning petition. A complete Preliminary Plan submission shall contain the following:
 1. Eight (8) sets of drawing labeled Preliminary Plan. These drawings must contain all the elements of the Draft Plan plus the changes resulting from the Required Review Meeting.
 2. If dividing land, eight (8) copies of the preliminary plat shall be included within the Preliminary Plan. The plat shall be prepared by a Registered Land Surveyor.



3. Eight copies of any covenants and horizontal property ownership and owner's association documents written in plain language with a table of contents.

B. If the petitioner fails to meet the Preliminary Plan submission requirement within six months of the Required Review Meeting, his rezoning petition shall be void. If the petitioner wishes to continue the project, a new pre-submission meeting is required.

6.8 Preliminary Plan Hearing and Disposition

A. The rezoning petition and Preliminary Plan shall be heard by the Advisory Plan Commission as a petition for zoning ordinance amendment. Upon hearing the request the Plan Commission may recommend either approval, amendment, or disapproval of the Preliminary Plan.

B. The Commission may impose reasonable conditions with its recommendation. However, if the Commission requires changes in design, regarding the proposed site, utilities, or landscape plans, then the Commission shall vote to recommend amendment. In this case, the petitioner may resubmit a second Preliminary Plan for rehearing by the Commission at a later date.

C. If the Commission recommends approval or disapproval, the eight (8) sets of the Preliminary Plan shall be stamped with that recommendation and signed by the President and Secretary of the Commission. Distribution of the plan sets shall be as follows: One (1) set shall be retained in the office of the Commission; Two (2) sets shall be returned to the petitioner, Four (4) sets shall be distributed to the affected gas, electric, telephone, and cable television utilities, and One (1) set shall be certified to the Legislative Body for adoption as a Planned Unit Development zone.

D. The Legislative Body may adopt or defeat the certified Preliminary Planned Unit Development, but shall not amend the Plan. If adopted by the Legislative Body, the petitioner may prepare Final Detailed Plans.

6.9 Approval of Final Detailed Plans for PDCC Zones

A. The petitioner may submit Final Detailed Plans after rezoning to PDCC by the legislative body. The Administrator shall approve the Final Detailed Plans before recordation.

B. A complete PDCC Final Detailed Plan submission shall contain:

1. Evidence that any conditions imposed at the hearing of the Advisory Plan Commission have been met.
 2. A minimum of eight (8) sets of drawings labeled Final Detailed Plan –Condominium Conversion shall be submitted. The content of the submission shall be the same as the Approved Preliminary Plan except that any imposed conditions will be addressed.
 3. A minimum of eight (8) signed copies of any covenants and horizontal property agreement and owner's association documents.
- C. The Administrator shall review the PDCC Final Detailed Plan Submission. If the submission is complete and the conditions imposed by the Advisory Plan Commission are met, then the Administrator shall approve the Final Plan. A copy of the Final Plan shall be provided to the Advisory Plan Commission. If the Administrator finds that the PDCC Final Detailed Plan Submission is incomplete, the petitioner shall be so notified in writing.

6.10 Approval of Final Detailed Plans for PDRS, PDNR, and PDMX Zones.

- A. The petitioner may file the Final Detailed Plans following rezoning to PDRS, PDNR, or PDMX.
- B. A complete PDRS, PDNR, or PDMX Final Detail Plans Submission shall contain the following:
 1. Evidence that any conditions imposed at the hearing of the Advisory Plan Commission have been met.
 2. A minimum of ten (10) sets of drawings labeled Final Detailed Plan shall be submitted. The content of the submission shall contain all the elements of the Approved Preliminary Plan, plus full construction plans for all public improvements to be provided by the developer.
 3. A minimum of ten (10) signed copies of any covenants and horizontal property agreement and owner's association documents.
 4. A release from the mortgage company, if any, covering the necessary right-of-way, where right-of-way is to be dedicated.
 5. If one or more lots are being created, the petitioner shall provide 10 copies and a reproducible mylar of the signed final plat, prepared by a Registered Land Surveyor.



The Administrator and representatives of the checkpoint agencies shall review the Final Detailed Plan. Improvement Location Permits shall not be issued nor development activity begin until the Administrator determines the final submission is complete, the checkpoint agency approvals are realized, and the Administrator approves the Final Detailed Plan.

- C. If public improvements or improvements for common usage are to be installed by the petitioner, such improvements must be completed after approval of the Final Detailed Plan, but before work on the dwelling units commences. Otherwise, surety must be provided before an improvement location permit will be issued for a dwelling unit. A planned unit development containing common facilities shall be provided with an owner's association or other private organization responsible to and controlled by the property owners. This organization's purpose is to ensure adequate operation and maintenance of these common facilities. Recorded legal assurances shall be provided which show this organization to be self-perpetuating.

6.11 Recording Approved Final Detailed Plans.

- A. The petitioner shall record the Final Detailed Plans, after approval by the Administrator, in the Office of _____ (Recordation) before any development, construction, earth moving activity, or application for improvement location permits, or condominium documents shall occur.

6.12 Amendment of the Approved Final Detailed Plans.

- A. The petitioner may wish to make changes to the Approved Final Detailed Plans after recordation. The Administrator shall make a determination if the changes constitute a minor modification or a major modification. An approved written determination of minor modification by the Administrator shall be attached to the Amended Final Plans before recording. A major modification will require rezoning.
- B. A minor modification cannot include: (1) any increase in residential density; (2) any decrease in residential density of 10% or more; (3) any change in building dimension or location other than within the defined building envelope; (4) any change in lot lines; (5) any change in landscaping other than substitution of species or redesign with the same materials; (6) any alteration in the size and/or location of signage; (7) any change in the alignment or intersection of streets; (8) or any change in restrictive covenants, or horizontal property ownership and owner's association documents regarding the items (1)-(7) above.
- C. The petitioner shall provide the Administrator an as-built survey locating

buildings and common lot lines after the foundations are in place for all condominium or attached zero lot line projects. The revised plans needs to be submitted to and approved by the Administrator and recorded as Amended Final Detailed Plans.

- D. Changes to restrictive covenants and any horizontal property ownership and owner's association documents can only be initiated by a majority of property owners within the planned unit development. Multiple owners of a single unit shall be considered one owner. The developer shall be considered a single owner until all property is sold. The proposed changes shall be reviewed by the Administrator and the determination made as to whether the changes amount to a minor or major modification. The disposition of the minor or major modification shall be made as stated in 6.11 (A) above.

6.13 Lapsed and Abandoned Plan Developments

- A. An intended condominium conversion has lapsed if two years have passed since the date on which rezoning to PDCC was granted, and no Final Detailed Plans have been approved and recorded. The Advisory Plan Commission shall initiate a petition to rezone the property to its former classification following such a lapse.
- B. A planned unit development has been abandoned if two years have passed since the date on which rezoning to PDRS, PDNR, or PDMX was granted, and no Final been approved and recorded for the project. The Administrator shall not issue an improvement location permit for an abandoned planned unit development.

Section 150.021: UD Unit Development Plan District - See Amendment dated December 12, 2002

This District is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and new demands in the housing market, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of Ohio County.

(A) Statement of Purpose.

- (1) To encourage a more creative approach in land and building site planning.
- (2) To encourage an efficient, aesthetic and desirable use of open space.
- (3) To promote variety in the physical development pattern of the community.
- (4) To achieve flexibility and incentives for residential development which will produce a wider range of choice.
- (5) To encourage renewal of older areas where new development and restoration are needed to revitalize the areas.
- (6) To permit special consideration of property with unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.
- (7) To recapture by-passed land so poorly planned and developed as to be a public liability.
- (8) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

(B) Applicability - See Amendment dated December 12, 2002

- (1) The provisions of this section shall apply to a tract of land of at least four (4) acres in area for undeveloped areas within the jurisdiction of the Commission; provided that said provisions may apply to a proposed development in which the primary or entire use is residential, business or enclosed industrial use when such proposal is deemed to be in the best interests of Ohio County.
- (2) **See Amendment Dated December 12, 2002**
- (3) The provisions of this section shall apply only to proposed new developments and shall not apply to any part of an area contained within a Subdivision previously approved (and recorded) in accordance with the requirements of Chapter 151, Subdivision Code, prior to the time of passage of the ordinance comprising this Chapter, or any Unit Development Plan which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous ordinance; provided, however, that a petitioner may, upon application and approval of the commission, become subject to all the benefits and burdens of this section, subject to such rights as shall have been vested in the owners of the area affected by development under such ordinance; provided further that any plat shall first be vacated.

ADVISORY ZONING CODE

- (4) Uses permitted in a residential unit development plan may include and shall be limited to:
- (a) Dwelling units in detached, semi-detached, attached or multi-storied structures or any combination thereof.
 - (b) Non-residential uses of a religious, cultural, recreational and business or enclosed industrial character, which uses are an integral part of a residential development logically oriented to and coordinated with the total planned unit. Such uses shall be planned and gauged primarily for the service and convenience of the anticipated population of the unit development.
 - (c) No business use, nor any building devoted primarily to a business use or enclosed industrial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve.
- (5) The basic land unit of a unit development is the block, parcel, tract, combination of lots, or acreage, and not the lot; provided, however, divisible geographic sections of the entire planned unit development may be designated.
- (a) A proposed unit development plan shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed, or equal to the requirements of this Code.
 - (b) Before approval of a preliminary unit development plan, a detailed determination of land use intensity shall be declared, and the Commission shall make a finding that said intensity is consistent with the Comprehensive Development Plan of current adoption and the best interest of Ohio County.

ADVISORY ZONING CODE

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ADVISORY ZONING CODE

- (C) **Recording.** An approved Detailed Unit Development Plan and modifications thereof shall be recorded in the appropriate plat books in the Office of the Ohio County Recorder within to two (2) years after approval by the Commission.
- (D) **Permit.** No Improvement Location Permit shall be issued for a "UD" District by the Building Inspector unless all recording required by Sec. 150.021 (E) has been effected, and no Certificate of Occupancy shall be issued for a "UD" District unless the Approved Detailed Unit Development Plan, with modifications, if any, is adhered to, all in compliance with the purposes of Title 15: LAND USE, of the Code of Ordinances of Ohio County, Indiana.
- (E) **Covenants and Maintenance.**
- (1) Covenants shall be required by the Commission as an ingredient for stability and longevity of the Unit Development Plan, and shall set forth, in detail, provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of Ohio County, and in such event the County shall take those remedial steps provided for in such provisions.
 - (2) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes wherever necessary in conformity with the comprehensive Plan of current adoption. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the commission a modified detailed site plan for such land consistent with the Approved Preliminary Unit Development Plan. Such modified detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Unit Development Plan.
 - (3) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Unit Development Plan. Such development standards may include, but are not limited to, requirements as to the following:
 - (a) Lot area.
 - (b) Floor area
 - (c) Ratios of floor space to land area.
 - (d) Area in which structures may be built (building area), including areas for cluster type residential development without lot lines.
 - (e) Open space.
 - (f) Setback lines and minimum yards.
 - (g) Building separations.
 - (h) Height of structures.
 - (i) Signs

ADVISORY ZONING CODE

- (j) Off-street parking and loading and unloading areas.
- (k) Design standards.
- (l) Phasing of development.
- (4) The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 151, Subdivision Code.
- (5) Adequate provisions shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Unit Development Plan, and, in such instance, legal assurance shall be provided which shows that the private organization is self perpetuating and adequately funded to accomplish its purposes.
- (6) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- (7) All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties continuous or adjacent thereto, and so that said vehicles can have adequate turning area. Said private streets shall be developed in accordance with the standards set forth in Chapter 151, Subdivision Code.

F. Limitation on Rezoning. The Commission shall not initiate any amendments to the Zoning Code concerning the property involved in the Unit Development Plan before completion of the development as long as development is in conformity with the Approved Detailed Unit Development Plan and proceeding in accordance with the time requirements imposed herein.

ADVISORY ZONING CODE

Section 150.022: CONTINGENT USES

A Contingent Use is one which is likely or liable, but not certain, to occur and which is not inappropriate to the principal uses of the district in which it may be located.

- (A) Contingent Uses Permitted. Contingent uses set forth below, including accessory buildings and uses, shall be permitted in the districts indicated herein when authorized by the Board, subject to the provisions herein, and in this Code, and provided further that the Board may impose reasonable conditions as a part of its approval:

<u>TYPE OF USE</u>	<u>DISTRICTS IN WHICH USE IS PERMITTED*</u>
Board or Lodging House	R-2, B-1, B-2, B-2A
Church or Temple	All except I-1, FP
Educational Institution, (except college or university building)	All except I-1, I-2, and FP
Farm House or Farm Dwelling**	All except FP
Fraternity, Sorority, And Student co-ops	B-2A
Lodge or Private Club, which is of a non-commercial character	B-1, B-2, B-2A, I-1, I-2
Farm seasonal worker housing, tenant	All except FP
Municipal, County or Governmental Building	All
Plant Nurseries, Truck Gardens	A-1, B-1, B-2, B-2A, FP
Public Utility Installation Terminal Facility	I-1, I-2
Tourist home	R-2, B-1, B-2, B-2A

*Note: All uses proposed to be located in the UD Unit Development Plan Districts and the FP Flood Plain District are subject to the procedures and approvals set forth in Sec. 150.020 and Sec. 150.019, respectively.

** Note: Farm House or Farm Dwelling is a permitted use in the A-1

ADVISORY ZONING CODE

Agricultural District and does not require Board approval in that District.

(B) Other Requirements for Contingent Uses.

- (1) The front yard setback and side and rear yard requirements for contingent uses shall be as follows:
 - (a) For contingent uses proposed to be located in the A-1, R-1, R-1A, R-1B, R-1C, and R-2 districts, the requirements shall be the same as those for a single-family dwelling.
 - (b) For contingent uses proposed to be located in the B-1 and B-2 districts the requirements shall be the same as those for a multi-family dwelling.
 - (c) For contingent uses proposed to be located in the B-2 district, the requirements shall be the same as those for a roadside business use in the B-2 district, provided that the special exception procedure shall not apply to a contingent use.
 - (d) For contingent uses proposed to be located in the I-1 and I-2 district, the requirements shall be the same as those for an enclosed industrial use.
 - (e) For contingent uses property proposed to be located in the FP district, the Building Inspector shall determine the adequacy of the setback distances.
- (2) Height requirements are set forth in Sec. 150.030.
- (3) Off-street parking space requirements are set forth in Sec. 150.035.
- (4) Sign requirements are set forth in Sec. 150.036.
- (5) Ground floor area for a farm house or farm dwelling shall be the same as that required for a single-family dwelling.
- (6) See Sec. 150.024 for additional front yard requirements.
- (7) See Sec. 150.025 for fence requirements and yard exceptions.

- (B) Developmental Disabilities Residential Facilities Permitted. Developmental Disabilities Residential Facilities are permitted as a contingent use in any district where dwellings are permitted, provided that the licensing and regulation of such facilities shall be accomplished through the Developmental Disabilities Residential Council of the State of Indiana in accordance with the requirements of I.C. 16-10-2.1 and I.C. 16-13-1.

ADVISORY ZONING CODE

Section 150.023: **SPECIAL EXCEPTIONS**

- (A) **Definition and Basis of Approval.** Special Exceptions are uses publicly or municipally operated and those uses traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.
- (1) A special exception or any use that fits the definition set forth in subsection (A), herein, may be approved in zones as specified in this section. The use approved shall be subject to any regulations or requirements imposed as a part of the special exception, in addition or in place of the other regulations and requirements of this Code. The provisions of a special exception shall replace and supersede the provisions of the base zone, effective upon either construction of any facilities approved as a part of the special exception or upon beginning of operation of the use or uses specified, whichever occurs first. The provisions shall remain in effect until such time as the special exception use ceases to operate. At this time the provisions of the special exception shall become invalid and the regulations and requirements of the base zone shall again be in effect. The reconsideration of a lapsed special exception does not assume the reissuance of a permit.
- (2) Any significant changes (as determined by the Board) in the use of a special exception or any construction of new facilities or structures, or major additions to existing facilities or structures (as determined by the Board) shall be subject to approval by the Board of Zoning Appeals, using the same process as was used for the original approval.
- (B) **Procedure for Approval.** Upon receipt of an application for a special exception, the Building Inspector shall refer the application to the Board of Zoning Appeals for public hearing and final approval or denial of the petition.
- (1) Upon such hearings, if the Board finds that:
- (a) the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare;
 - (b) the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - (c) the establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district
 - (d) adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and
 - (e) adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets;

The Board shall direct the Building Inspector, to issue an Improvement Location Permit for such special exception; otherwise, the Board shall

Section 150.023

ADVISORY ZONING CODE

direct the Building Inspector to reject the application. The findings of the Board and its order to the Building Inspector shall be in writing, and the Board must rule on each of the findings set forth herein.

- (2) The Board may impose additional conditions to assure that the special exceptions will conform to the intent of this Code. These additional conditions may include, but are not limited to, the provisions of the following:
 - (a) Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
 - (b) Refuse and service areas.
 - (c) Special screening and buffering with reference to type, dimensions, and character.
 - (d) Signs and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 - (e) Additional setback distances, yard and other open space.
 - (f) General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.
 - (g) A Development Plan in the event such a plan is not already required for a particular special exception set forth in subsection (F) herein, or for a use determined by the Board to be a special exception which is not otherwise set forth in this Code. [See subsection (A) (1), herein.]
- (3) If the nature of the special exception involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the special exceptions which most closely relate to the primary use; provided that the requirements of the related uses will be met.
- (4) Any person, to whom is issued an Improvement Location Permit for a special exception, who fails to commence construction within twelve (12) months after such permit is issued, or who fails to carry to completion the total Development Plan thereof within three (3) years after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such Improvement Location Permit revoked.
- (5) The holder of an Improvement Location Permit for a special exception may apply to the Board at any time for an alteration, change, amendment or extension of the application or Development Plan upon which such Permit was based.
 - (a) Upon receipt of such application, the Board shall proceed as in the case of original applications for an Improvement Location Permit for a special exception.

Section 150.023

ADVISORY ZONING CODE

- (b) In the event the Board shall approve and order such application or Development Plan changed, altered, amended or extended, it shall notify the Building Inspector who shall issue an amended Improvement Location Permit accordingly.
- (C) Existing Use May be a Conforming Use. An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a Conforming Use, provided such use meets the minimum lot area requirements set forth herein. Any expansion of such special exception involving the enlargement of a building, structure, and land area devoted to such use, shall be subject to the requirements and procedures described in this section.
- (D) Temporary Certificates. Whenever a special exception has been approved and is of such a nature that the applicant desires to complete the structure and improvements shown in the Development Plan by stages, the applicant may make application for a Temporary Certificate of Occupancy for any portion of the plan that has been completed.
- (E) Special Exceptions and Districts Where They May Be Permitted. The following uses shall require approval as special exceptions. They shall be subject to the specific conditions imposed and improved by the Board of Zoning Appeals:

<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>PAGE NO.</u>
(1)	Advertising Sign or Billboard [Sec. 150.036 (A) (3)]	B-2, B-2A, I-1, and FP	48
(2)	Airport or Heliport	A-1, B-2, B-2A, I-1, I-2, FP	48
(3)	Anhydrous Ammonia or Similar Liquified Fertilizers, storage and distribution (commercial)	A-1, B-2, I-1, I-2	48
(4)	Artificial Lake of three (3) or more acres	All	49
(5)	Assembly Halls and Grounds	A-1, R-2, B-1, B-2, B-2A I-1, I-2	49
(6)	Auction Arena or Sales Yard (excluding livestock)	A-1, B-2, B-2A	49
(7)	Bottled Gas Storage and distribution yard	A-1, I-1, I-2	50
(8)	Building Material Supply Yard (open)	I-1, I-2	50

ADVISORY ZONING CODE

(9)	Bulk Fuel Storage or Petroleum Tank Farm (commercial)	I-1, I-2	50
(10)	Cemetery or Crematory	All	50
(11)	Charitable Institutions	A-1, R-2, B-1, B-2, B-2A	51
(12)	Clinic	B-2A, R-2	51
(13)	College or University Building	R-2, B-1, B-2, B-2A	51
(14)	Commercial Greenhouse	A-1, B-1, B-2, B-2A	51
(15)	Contractor's Storage Yard	A-1, B-2, B-2	52
(16)	Day Care Center or Child Development Center	B-1, B-2, B-2A, I-1, I-2	52
(17A)	(Large) Family Day Care Home	R-2, B-1, B-2, B-2A, I-1	53
(17B)	(Small) Family Day Care Home	R-1, R-1A, R-1B, R-1C R-2, B-1, B-2, B-2A	54
(18)	Farm Implement (Machinery) Sales and Service Area or Building (new or used)	A-1, B-1, B-2, B-2A	54
(19)	Fraternity, Sorority, and Student Co-ops in the R-1 and R-2 Districts	A-1, R-2, B-1, B-2, B-2A	55
(20)	Game Preserves	A-1, FP	55
(21)	Golf Course/Country Club	All	55
(22)	Golf Driving Range	B-2A, I-1, I-2, FP	56
(23)	Grain Elevators and Related Uses	A-1, B-2, B-2A, I-1, I-2	56
(24)	Health Facility	B-1, B-2, B-2A	56
(25)	Hospital	A-1, R-1, R-2	56
(26)	Kennel in the A-1, and I-1 District	A-1, I-1, I-2	57
(27)	Manufacturing, Storage or Use of Explosives	I-2	57

Section 150.023

ADVISORY ZONING CODE

(28)	Marina	FP	57
(29)	Mass Transportation Rights-of-Way and Trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities	All except I-1, I-2	57
(30)	Mining Operations (i.e. sand or gravel pit, borrow pit, topsoil removal and storage areas.)	A-1, I-1, I-2, FP	58
(31)	Mobile Home Park	A-1, R-1C	58
(32)	Outdoor Commercial Recreational Enterprise	A-1, B-2, B-2A, I-1, I-2 FP	65
(33)	Outdoor Theater	A-1, B-2, B-2A, I-1	65
(34)	Penal or Correctional Institutional	I-2	66
(35)	Private Club or Lodge which is of a non-commercial character in the A-1 and R-2 districts	A-1, R-2	66
(36)	Private Recreational Development (i.e. picnic grounds, fraternal organizations, etc.)	A-1, R-2, B-1, B-2, FP	66
(37)	Produce Stands, Seasonal	All except R-1, R-1A, R-1B R-1C, R-2	67
(38)	Produce Stand, Year Round	A-1, B-1, B-2, B-2A	67
(39)	Public Camp	A-1, FP	67
(40)	Public Park or Public Recreational Facilities	All	68
(41)	Public Water Wells, water stations, filtration plant, reservoirs and storage tanks	All except I-1, I-2	68
(42)	Public or Employee Parking Area	A-1, R-2	68
(43)	Race Track	A-1, I-2	68

ADVISORY ZONING CODE

(44)	Raising and Breeding of Non-Farm Fowl or Animals (commercial)	A-1, B-2, RB, GB I-1, I-2	69
(45)	Recreational Vehicle Park	A-1, B-2	69
(46)	Restricted Commercial Farm Enterprise (Including Confined Feeding Operations)	A-1	73
(47)	Riding Stable	A-1, B-2	74
(48)	Roadside Business Use in the B-2 District	B-2, B-2A	74
(49)	Sales Barn for Livestock (Resale)	A-1, I-1, I-2	74
(50)	Seasonal Hunting and Fishing Lodge	A-1, FP	75
(51)	Sewage Treatment Facility (Primary Use)	All	75
(52)	Shooting Range, outdoor	A-1, FP	75
(53)	Slaughter house	A-1, I-2	75
(54)	Special School	R-1, B-1, B-2, B-2A, I-1, I-2	76
(55)	Stadium, Coliseum, Athletic Field	A-1, R-1	76
(56)	Storage of Disabled Vehicles, temporary	B-2, I-2	76
(57)	Studio, Business (art, interior decorating, music, etc.)	R-2	77
(58)	Telephone Exchange or Public Substation	A-1, I-1	77
(59)	Transmission Lines for Gas, Oil, Electricity, or Other Utilities	All	77
(60)	Transmission (Radio, TV, etc.) and Microwave Tower(s)	All	77
(61)	Veterinary Hospital for Small Animals	A-1	77

Section 150.023

ADVISORY ZONING CODE

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|------|---|---------------|----|
| (62) | Wholesale Produce Terminal, or
Truck Freight Terminal | B-2 | 78 |
| (63) | Public or Commercial Sanitary
Landfills or Garbage Disposal Plants | A-1, A-2 | 78 |
| (64) | Bed and Breakfast | A-1, R-1, R-2 | 79 |
- (F) Other Requirements for Special Exceptions: Following are specific requirements for special exceptions: [The special exceptions are referred to by name and number indicated in Subsection (E) herein.]
- (1) Advertising Sign or Billboard (Off-site sign).
 - (a) Development Plan.
Development plan to be submitted with application (See Sec. 150.036 for specific requirements.)
 - (2) Airport or Heliport
 - (a) Minimum Lot Area.
Eighty (80) acres for Airport.
 - (b) Minimum distance from Residential District or use.
One hundred (100) feet.
 - (c) Fence.
Six (6) foot wire mesh where accessible to public.
 - (d) Screen Planting.
Six (6) feet height by six (6) feet width where abutting residential use; tight screen, effective at all times of the year.
 - (e) Parking.
One (1) per employee, plus one (1) per three (3) seats in waiting room.
 - (f) Development Plan.
Development plan shall be submitted with application.
 - (g) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (h) Height.
Thirty five (35) feet or as required by appropriate State or Federal agency.
 - (i) Prior F.A.A. and State of Indiana approval.
 - (3) Anhydrous Ammonia or similar liquified Fertilizers, Storage and Distribution (Commercial)
 - (a) Minimum Yards in A-1 District.
Front - three hundred (300); Side (each) - three hundred (300),
Rear - three hundred (300).
 - (b) Minimum Distance of Parking Area or Loading Berth from Residential District or Use.
Three hundred (300) feet.
 - (c) Fence.
Six (6) foot wire mesh fence where accessible to public.

Section 150.023

ADVISORY ZONING CODE

- (d) Drainage.
Drainage shall be controlled so that liquified fertilizers shall not drain off the premises.
- (e) Development Plan.
Development plan shall be submitted with application.
- (4) Artificial Lake of three (3) or more acres.
 - (a) Fence.
Six (6) Foot wire mesh fence where accessible to public.
 - (b) Development Plan.
Development plan shall be submitted with application.
- (5) Assembly Halls and Grounds.
 - (a) Minimum Lot Area.
One (1) acre
 - (b) Minimum Yards.
Front - Standard, Side (each) - twenty (20), Rear - fifteen (15).
 - (c) Parking.
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
 - (d) Noise.
Noise should be confined to the premises.
 - (e) Development Plan.
Development plan shall be submitted with application.
 - (f) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (g) Security.
Security (whenever necessary) shall be adequate (as determined by the Board) and furnished by applicant.
 - (h) Height.
Maximum height of structure - thirty five (35) feet.
- (6) Auction Arena or Sales Yard (excluding livestock):
 - (a) Minimum Lot Area.
Two (2) acres
 - (b) Minimum Yards.
Front - fifty (50) feet; Side (each) - forty (40) feet; Rear - forty (40) feet.
 - (c) Parking Space.
One (1) per two (2) employees, plus one (1) per each four hundred (400) square feet of display, sales and auction area.
 - (d) Noise.
Noise shall be confined to the premises.
 - (e) Entrance.
Not more than one (1) entrance from street.
 - (f) Development Plan.
Development Plan to be submitted with application.

ADVISORY ZONING CODE

- (g) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- (h) Height.
Maximum height of structure – thirty five (35) feet.
- (7) Bottled Gas Storage and Distribution.
 - (a) Minimum Yards.
Front – three hundred (300); Side (each) – three hundred (300);
Rear – three hundred (300).
 - (b) Development Plan.
Development Plan shall be submitted with application.
 - (c) Safety.
All laws and care shall be observed by the applicant.
- (8) Building Material Supply Yard (open).
 - (a) Minimum Yards.
Front – three hundred (300); Side (each) – three hundred (300);
Rear – three hundred (300).
 - (b) Minimum Distance from Residential District or Use.
Three hundred (300) feet.
 - (c) Entrance.
Not more than one (1) entrance from street.
 - (d) Development Plan.
Development plan shall be submitted with application.
 - (e) Screening.
Building materials and vehicles shall be screened or located in such a manner so that they will not be visible from the frontal street or adjacent residentially used or zoned property.
 - (f) Parking.
One (1) per two (2) employees, plus one (1) per vehicle operated by establishment, plus one (1) per eight hundred (800) square feet of storage area.
 - (g) Height.
Maximum height of structure - thirty five (35) feet.
- (9) Bulk Fuel Storage or Petroleum Tank Farm (commercial).
 - (a) Minimum Yards.
Front – three hundred (300); Side (each) – three hundred (300);
Rear – three hundred (300).
 - (b) Entrance.
Not more than one (1) entrance from street.
 - (c) Development Plan.
Development Plan shall be submitted with application.
 - (d) Safety.
All laws and care shall be observed by applicant.
- (10) Cemetery or Crematory.
 - (a) Minimum Area.
Ten (10) acres.
 - (b) Minimum Yards.
Front – standard; side (each) – forty (40) feet; Rear – forty (40) feet.

ADVISORY ZONING CODE

- (c) Landscape Plan.
Plan of landscape development to be submitted with application.
(May be combined with Development Plan.)
- (d) Screen Planting.
Screen Planting – six (6) foot height by six (6) foot width –
where abutting residential use. Effective at all times of year.
- (e) Development Plan.
Development Plan shall be submitted with application.
- (f) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be
approved by the Board.
- (g) Parking.
One (1) per each two (2) employees, plus one (1) per each five
(5) acres of area.
- (h) Height.
Maximum height of structure - thirty five (35) feet.
- (11) Charitable Institutions.
 - (a) Minimum Lot Area.
One (1) acre.
 - (b) Minimum Yards.
Front – standard; Side (each) – twenty (20); Rear – fifteen (15).
 - (c) Development Plan.
Development Plan to be submitted with application.
 - (d) Parking.
As determined by the Board. The determination shall be based
upon the expected number of parking spaces the particular type
of use would require to satisfy estimated peak parking load
requirements.
- (12) Clinic.
 - (a) Minimum Lot Area.
Fifteen thousand (15,000) square feet.
 - (b) Minimum Yards.
Front – standard; Side (each) – ten (10); Rear – thirty (30).
 - (c) Screen Planting.
Screen planting – six (6) foot height by three (3) foot width
where abutting residential use. Effective at all times of the year.
 - (d) Entrance.
Not more than one entrance from street (other than an emergency
entrance).
 - (e) Parking.
One (1) per two (2) employees, plus three (3) per doctor.
- (13) College.
 - (a) Development Plan.
Development plan to be submitted with application.
 - (b) Parking.
One (1) per three (3) students or staff members.
- (14) Commercial Greenhouse.
 - (a) Minimum Lot Area.
Twenty five thousand (25,000) square feet.

ADVISORY ZONING CODE

- (b) Minimum Yards.
Front – one hundred (100); Side (each) – forty (40); Rear – forty (40).
- (c) Parking Areas and Loading Berth Minimum Distance from Residential District or Use.
Fifty (50) feet.
- (d) Entrance.
Not more than one (1) entrance from street.

NOTE: For confined feeding operation see (46) Restricted Commercial Farm Enterprise (including confined feeding operations).

- (15) Contractor's Storage Yard.
 - (a) Parking Areas and Loading Berth Minimum Distance from Residential District or Use.
Three hundred (300) feet.
 - (b) Entrance.
Not more than one (1) entrance from street.
 - (c) Development Plan.
Development Plan to be submitted with application.
- (16) Day Care Center or Child Development Center.
 - (a) Minimum Area.
 - 1. One hundred (100) square feet of play area provided on same lot as use for each child in attendance.
 - 2. Thirty five (35) square feet of suitable indoor space per session per child shall be provided.
 - (b) Open/Recreational Space.
 - 1. Outdoor play area shall be grassed and enclosed by a six (6) foot high masonry wall with fence. Any entry gate shall be securely fastened.
 - 2. Outdoor play areas shall be adequately separated from vehicular circulation and parking areas.
 - (c) General Safety.
 - 1. No portion of a day care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage tanks, or any other storage area for explosive materials.
 - 2. Garages shall not be used as designated play areas.
 - (d) Parking.
One (1) space for each two (2) adult attendants, and one space for each ten (10) children.
 - (e) General Standards.
 - 1. No noise should be audible beyond lot lines.
 - 2. Hours of operation may be restricted by Planning Commission.
 - (f) Traffic Safety.
 - 1. Day care centers shall create no unsafe conditions for picking up and dropping off children.

ADVISORY ZONING CODE

2. Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
- (g) License Required.
Applicant must obtain Day Care Center License from the Indiana Department of Public Welfare.
- (17A) (Large) Family Day Care Home.
 - (a) Minimum area.
 1. One hundred (100) square feet of outdoor play area provided on same lot as use for each child in attendance.
 2. Thirty five (35) square feet of suitable indoor space per session per child shall be provided.
 - (b) Open/Recreational Space.
 1. Outdoor play area shall be grassed and enclosed by a six (6) foot high masonry wall with fence. Any entry gate shall be securely fastened.
 2. Outdoor play areas shall be adequately separated from vehicular circulation and parking areas.
 - (c) General Safety.
 1. No portion of a day care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage areas for explosive materials.
 2. Garages shall not be used as a designated play area.
 - (d) Parking.
One (1) space for each two (2) adult attendants, plus two (2) additional spaces.
 - (e) General Standards.
 1. No noise shall be audible beyond the lot lines.
 2. Hours of operation may be restricted by Planning Commission.
 - (f) Traffic Standards.
 1. Day care centers shall create no unsafe conditions for picking up and dropping off children.
 2. Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
 - (g) Spacing Requirements.
No facility shall be located closer than six hundred (600) feet to another large family day care home.
 - (h) Signs.
One (1) sign, not exceeding four (4) square feet and five (5) feet in height may be used to identify the center.
 - (i) No Sales.
No goods, chattel, wares, or merchandise offered for sale therein, except in the B-1, B-2, and B-3 districts.
 - (j) License Required.
Applicant must obtain Day Care Home License from the Indiana Department of Public Welfare.

ADVISORY ZONING CODE

- (17B) (Small) Family Day Care Home.
- (a) Minimum Area.
 - 1. One hundred (100) square feet of outdoor play area provided on same lot as use for each child in attendance.
 - 2. Thirty five (35) square feet of suitable indoor space per session per child shall be provided, also.
 - (b) Open/Recreational Space.
 - 1. Outdoor play area shall be grassed and enclosed by a six-foot high masonry wall with fence. Any entry gate shall be securely fastened.
 - 2. Outdoor play areas shall be adequately separated from vehicular circulation and parking areas.
 - 3. Outdoor play area cannot be closer than ten (10) feet to any adjoining property.
 - (c) General Safety.
 - 1. No portion of a day care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
 - 2. Garages shall not be used as a designated play area.
 - (d) Parking.

One (1) space for each two (2) adult attendants, plus two (2) additional spaces.
 - (e) General Standards.
 - 1. No noise shall be audible beyond the lot lines.
 - 2. Hours of operation may be restricted by Planning Commission.
 - (f) Traffic Standards.
 - 1. Day care centers shall create no unsafe conditions for picking up and dropping off children.
 - 2. Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
 - (g) Spacing Requirements.

No facility shall be located closer than six hundred (600) feet to another small family day care home.
 - (h) Signs.

One (1) sign, not exceeding four (4) square feet and five (5) feet in height may be used to identify the center.
 - (i) No Sales.

No goods, chattel, wares, or merchandise offered for sale therein, except in the B-1, B-2, and B-3 districts.
 - (j) License Required.

Applicant must obtain Day Care Home License from the Indiana Department of Public Welfare.
- (18) Farm Implement (Machinery) Sales and Service.
- (a) Development Plan.

Development Plan to be submitted with application.
 - (b) Dead Storage.

No dead storage, repair work, or dismantling on the lot.

ADVISORY ZONING CODE

- (c) Height.
Maximum height of structure - thirty five (35) feet.
 - (d) Adequacy of Sewers.
Approval required.
 - (e) Special Setback Requirements.
Used machinery may be placed temporarily in the rear of the building line in the sales lot, provided that new machinery may be placed temporarily in front of the building line in the B-2 District, but not closer than twenty (20) feet to the front lot line in the B-2 District.
 - (f) Parking.
One per two (2) employees, plus one (1) per vehicle operated by the establishment, plus one (1) per 1,000 square feet of display and sales area.
- (19) Fraternity, Sorority, and Student Co-ops.
- (a) Minimum Yards.
Front - standard; Side (each) - twenty (20); Rear - fifteen (15).
 - (b) Entrance.
Not more than one (1) entrance from street.
 - (c) Parking.
One (1) per each two (2) beds, plus one (1) for each employee.
- (20) Game Preserve.
- (a) Development Plan.
Development Plan to be submitted with application.
 - (b) Fence.
Adequate wire mesh fence where accessible to public.
- (21) Golf Course or Country Club.
- (a) Minimum Yards.
Front - standard; Side (each) - forty (40); Rear - forty (40).
 - (b) Minimum Distance of Parking Area from Residential District or Use.
Twenty (20) feet.
 - (c) Screen Planting.
Screen planting - six (6) foot height by six (6) foot width - where abutting residential use; effective at all times of the year.
 - (d) Entrance.
Not more than one entrance from street.
 - (e) Setback from Interior Drives.
Forty (40) feet.
 - (f) Parking Spaces.
Thirty (30).
 - (g) Development Plant.
Development Plant to be submitted with application.
 - (h) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (i) Adequacy of Sewers.
Approval required.
 - (j) Height.
Maximum height of structure - thirty five (35) feet.

ADVISORY ZONING CODE

- (22) Golf Driving Ranges.
- (a) Golf Driving Range Requirements.
Same as (16) Golf Course or Country Club except number of parking spaces shall be twenty (20).
- (23) Grain Elevators and Related Uses.
- (a) Development Plan.
Development Plan to be submitted with application.
 - (b) Noise.
Noise shall be confined to the limits set forth in Section 150.019, (c), 9.
 - (c) Height.
Maximum height of structure – one hundred thirty five (135) feet.
- (24) Health Facility.
- (a) Minimum Lot Area.
Forty thousand (40,000) square feet, but not less than one thousand (1,000) square feet per person cared-for occupant.
 - (b) Minimum Yards.
In the B-2 District; Front – eighty (80) feet; Side – forty (40) feet; Rear – forty (40) feet. In the other districts, same as requirements for single-family dwelling.
 - (c) Landscape Plan.
Plan of landscape development to be submitted with application. (May be combined with Development Plan.)
 - (d) Screen Planting
Screen planting - six (6) foot height by six (6) foot width where abutting residential use; tight screen, effective at all times.
 - (e) Parking spaces.
One (1) per each five (5) patients or occupants, plus one (1) per each staff member or supervising doctor, plus one (1) per each three (3) employees.
 - (f) Development Plan.
Development plan to be submitted with application.
 - (g) Height.
Maximum height of structure -- thirty five (35) feet.
 - (h) State Approval Required.
Facility must be licensed by the State Board of Health in accordance with I.C. 16-10-2.
 - (i) Adequacy of Sewers.
Approval required.
 - (j) Height.
Maximum height of structure forty five (45) feet.
- (25) Hospital.
- (a) Minimum Lot Area.
Three (3) acres.
 - (b) Minimum Yards.
Front – one hundred (100); Side (each) – forty (40); Rear – forty (40). (Abutting Residential Use).
 - (c) Minimum Distance of Parking Area from Residential District or Use. Twenty five (25) feet.

Section 150.023

ADVISORY ZONING CODE

- (d) Minimum Distance of Loading Berth from Residence District or Use.
One hundred (100) feet.
 - (e) Screen Planting.
Screen planting – six (6) foot height by three (3) foot width where abutting residential use; effective at all times of the year.
 - (f) Parking Spaces.
One (1) per four (4) beds, plus one (1) per doctor, plus one (1) per three (3) employees on largest shift, plus one (1) per vehicle.
 - (g) Development Plan.
Development Plan to be submitted with application.
 - (h) Height.
Seventy (70) feet.
 - (i) Adequacy of Sewer.
Approval required.
- (26) Kennel in the A-1 and I-1 Districts.
- (a) Minimum Lot Area.
Two (2) acres.
 - (b) Minimum Yards.
Front – one hundred fifty (150); Side (each) – one hundred fifty (150); Rear – one hundred fifty (150).
 - (c) Screen Planting.
Screen planting – six (6) foot height by six (6) foot width – where abutting residential use; effective at all times of the year.
 - (d) Entrance.
Not more than one (1) entrance from street.
 - (e) Development Plan.
Development Plan shall be submitted with application.
 - (f) Noise.
Noise shall be confined to the premises.
 - (g) Parking.
One (1) space per two (2) employees, plus one (1) per five hundred (500) square feet of front area used in a waiting room; plus one (1) per five (5) boarded animals, based upon maximum number of animals.
 - (h) Height.
Maximum height of structure - twenty five (25) feet.
- (27) Manufacturing, Storage, or use of Explosives.
- (a) Development Plan.
Development Plan to be submitted with application if use involves manufacturing or storage of explosives.
 - (b) Approval of Board of County Commissioners or Applicable Town Board required.
- (28) Marina.
- (a) Development Plan.
Development Plan shall be submitted with application.
- (29) Mass Transportation Rights-of-Way and Trackage, including Public Transportation Terminal, Passenger Stations, Shelter Stations, and Layover Areas for Transit Vehicles, and Off-Street Parking Facilities.

ADVISORY ZONING CODE

- (a) Entrance.
Not more than one (1) entrance from street.
 - (b) Parking for Passenger Station.
One (1) per ten (10) seats in waiting room plus one (1) per two (2) employees of connected retail use (if any).
 - (c) Development Plan.
Development Plan shall be submitted with application.
 - (d) Adequacy of Sewers.
Approval required.
 - (e) Height.
Maximum height of structure – forty five (45) feet.
- (30) Mining Operation.
- (a) Minimum Yards.
Front – one hundred fifty (150); Side (each) – one hundred fifty (150); Rear – one hundred fifty (150).
 - (b) Minimum Distance from Residence District or Use.
Three hundred (300) feet.
 - (c) Fence.
Six (6) foot woven wire, fence where accessible to public.
 - (d) Screen Planting.
Screen planting – six (6) foot height by three (3) foot width – where abutting residential use; effective at all times of the year.
 - (e) Entrance
Not more than one (1) entrance from street.
 - (f) Development Plan
Development Plan to be submitted with application.
 - (g) Special.
See I.C. 35-7-4-1103: Miscellaneous provisions; use and alienation of mineral resources and forests outside urban areas.
- (31) Mobile Home Park.
- (a) Development Plan.
Development Plan to be submitted with application.
 - (b) Area.
A mobile home park shall have an area of not less than five (5) acres.
 - (c) Soil.
The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 150.040.) The site shall not be subject to unpredictable or sudden flooding, subsidence, or erosion. Exposed ground surfaces shall be paved, covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. Exposed ground surfaces shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - (d) Smoke, Noise, and Odor.
The proposed site shall not be exposed to objectionable smoke, noise, odor or other adverse influences.

Section 150.023

ADVISORY ZONING CODE

- (e) **Screening.**
A dense planting screen not less than twelve (12) feet high and six (6) feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- (f) **Use.**
No part of any park shall be used for nonresidential purposes, except such uses that may be for the benefit of and well-being of park residents and for the management and maintenance of the park; provided, however, that this shall not prohibit the sale of a mobile home located on a mobile home slab on a mobile home lot and connected to the appropriate utilities; provided further, however, that a mobile home sales business may be allowed in the mobile home park upon a showing that said business, and its locations, is in the best interest of the public health, safety, morals, and general welfare, as determined by the Board of Zoning Appeals.
- (g) **Side, Rear, and Front Yards.**
The tract of land for the proposed park shall have two side yards, each having a minimum of thirty (30) feet in width, a rear yard having a minimum of thirty (30) feet in depth, and a front yard having a minimum of sixty (60) feet in depth.
- (h) **Separation.**
Mobile homes shall be separated from each other and from all other buildings and structures by at least twenty (20) feet. An accessory structure such as an awning, cabana, storage cabinets, carport, windbreak, and porch having a floor area exceeding twenty five (25) square feet and an opaque roof or top, shall be considered to be part of the mobile home.
- (i) **Mobile Home Lot Area and Width.**
Each mobile home lot shall contain a minimum of four thousand (4,000) square feet in area, and shall be at least forty (40) feet in width.
- (j) **Parking.**
Each mobile home hot shall contain two automobile parking areas, each of which has a minimum of ten (10) feet in width by twenty (20) feet in length.
- (k) **Mobile Home Slab.**
Each mobile home lot shall contain a mobile home slab. The area of the slab shall be improved to provide adequate support for the placement and tie-down of the mobile home so that it is secure against uplift, sliding, rotation, and overturning. The slab shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the mobile home due to frost action,

ADVISORY ZONING CODE

inadequate drainage, vibration, or other forces. The slab shall be provided with anchors and tie-downs such as cast-in place concrete "dead men", eyelets imbedded in concrete foundation or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the slab and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

- (l) **Distance Between Slab and Interior Drive.**
There shall be a minimum distance of fifteen (15) feet between the mobile home slab and an abutting interior park drive.
- (m) **Recreation area.**
Each park shall provide a recreational area or areas equal in size to at least eight (8) percent of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
- (n) **Streets and Drives.**
A mobile home park shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Such access shall be provided by interior private streets or driveways or other means approved by the Board. No direct access from a front or side street to a mobile home lot shall be permitted except by approved entrances and exits. The park entrance shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be allowed on the park entrance driveway for a distance of one hundred (100) feet from its point of beginning, unless the park entrance drive has a minimum width of thirty six (36) feet. Interior driveways, except minor driveways, shall have a minimum width of twenty eight (28) feet, measured from back to back of curb if provided. Minor driveways shall have a minimum width of twenty (20) feet. Minor driveways having mobile homes abutting on both sides are not acceptable unless the said minor driveways are less than five hundred (500) feet long. Minor driveways serving more than fifteen (15) mobile homes are unacceptable. Dead-end driveways shall not exceed one thousand (1,000) feet in length, and shall be terminated at the closed end with a turn-around having an outside roadway diameter of at least sixty (60) feet.
- (o) **Interior Driveway.**
Construction and Design Standards.
 - 1. **Pavements.** All driveways shall be provided with a smooth, hard, and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Driveway surfaces shall be maintained so as to be free of cracks, holes, and other hazards.
 - 2. **Grades.** Grades of all driveways shall be sufficient to

ADVISORY ZONING CODE

ensure adequate surface drainage, but shall not have a grade in excess of eight (8) percent; provided, however, that short runs having a maximum grade of twelve (12) percent (12) may be permitted if traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.

3. Intersections. Within one hundred (100) feet of an intersection, streets shall be at approximate right angles. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersection street. Intersections of more than two (2) streets at one point shall be avoided.

(p) **Illumination.**

Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations such as major driveway intersections, steps, and stepped ramps will have an average level of illumination of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

(q) **Walks.**

Mobile home parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable, convenient to maintain, between individual mobile homes, the interior driveways, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of two (2) feet.

(r) **Services.**

Service buildings, recreation buildings, and other community service facilities, such as management offices, repair shops, storage areas, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of the mobile home park occupants, are permitted in the mobile home park, provided that:

1. They are subordinate to the residential character of the park; and
2. The establishments and the parking areas related to their use shall not occupy more than ten (10) percent of the total area of the park.

(s) **Barbeque Pits, Fireplaces, Stoves, and Incinerators.**

Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No

open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

(t) Refuse Handling.

The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than one hundred fifty (150) feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at last one time weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Office. Refuse incinerators, if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the Health Officer or other authority having jurisdiction. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park.

(u) Electrical Distribution System.

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home, service building, or other structure. All direct burial conductors or cables shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volt AC, 100 amperes. Outlets (receptacles or pressured connectors) shall be housed in a weatherproof outlet box, and shall be located not more than twenty five (25) feet from the

ADVISORY ZONING CODE

over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1 as amended. Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the mobile home is more than 100 amperes. The mobile home shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug or with pressure connectors. All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

(v) **Insect and Rodent Control.**

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumak, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(w) **Fuel Supply and Storage.**

1. **Natural Gas System.** Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Each mobile home lot provided with piped gas shall have an approved manual shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
2. **Liquified Petroleum Gas Systems.** Liquified petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location. Systems shall have at least one accessible

means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted, liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes. Liquified petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twelve (12) or more than sixty (60) U.S. gallons gross capacity. No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the Fire Chief of the Rising Sun Fire Department.

3. Fuel Oil Systems. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five (5) feet from any mobile home exit. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(x) Fire Protection.

Mobile home parks shall be kept free of litter, rubbish and other flammable combustible materials. Portable fire extinguishers rated for Classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than twenty (20) lbs. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes. Mandatory fire hydrants shall be installed and the park water supply system shall be designed to serve them in accordance with the following requirements:

1. The water supply system shall permit the operation of a minimum of 2-1/2 inch hose streams.
2. Each of two nozzles, held four (4) feet above the ground, shall deliver at least seventy five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest elevation point of the park.

Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.

(y) Water and Sewage.

ADVISORY ZONING CODE

The water supply and sewage disposal shall meet the requirements of the Indiana State Board of Health.

- (z) State Requirements.
All State requirements shall be observed. (See I.C. 13-1-7.)
- (32) Outdoor Commercial Recreational Enterprise.
 - (a) Minimum Yards.
Front – Standard; Side – forty (40) feet; Rear – forty (40) feet.
 - (b) Minimum Distance Between Parking Area and Residential District or Use.
Fifty (50) feet.
 - (c) Entrance.
Not more than two (2) entrances from street.
 - (d) Noise.
Noise shall be confined to the premises.
 - (e) Landscape Plan.
Landscape Plan to be submitted with application. (May be combined with the Development Plan.)
 - (f) Fence.
Six (6) foot wire mesh where accessible to public.
 - (g) Screen Planting.
Screen Planting – six (6) foot height by six (6) foot width where abutting residential use; tight screen, effective at all times.
 - (h) Setback from Interior Drives.
Forty (40) feet.
 - (i) Parking Spaces.
One (1) per three (3) employees plus one (1) per five hundred (500) square feet of use area.
 - (j) Development Plan.
Development Plan to be submitted with application.
 - (k) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (l) Height.
Maximum height of structure – sixty (60) feet.
 - (m) Adequacy of Sewers.
Approval required.
- (33) Outdoor Theater.
 - (a) Minimum Yards.
Front – one hundred (100) feet; Side – seventy five (75) feet; Rear – forty (40) feet; Abutting residential use.
 - (b) Fence.
Four (4) foot wire mesh abutting residential use.
 - (c) Development Plan.
Development Plan to be submitted with application.
 - (d) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (e) Height.
Maximum height of structure – Sixty five (65) feet.

ADVISORY ZONING CODE

- (f) Adequate Sewer.
Approval required.
- (34) Penal or Correctional Institutions.
 - (a) Minimum Lot Area.
Two hundred (200) acres.
 - (b) Minimum Yards.
Front – one hundred (100) feet; Side (each) – one hundred (100) feet; Rear – one hundred (100) feet.
 - (c) Minimum Distance from Residential Use.
Three hundred (300) feet.
 - (d) Parking Spaces.
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
 - (e) Development Plan.
Development Plan to be submitted with application.
 - (f) Height.
Maximum height of structure – Sixty five (65) feet.
 - (g) Adequacy of Sewers.
Approval required.
- (35) Private Club or Lodge, which is of a Non-commercial character in the A-1 and R-2 Districts.
 - (a) Minimum Lot Area.
One (1) acre.
 - (b) Minimum Yards.
Front – standard; Side (each) – twenty five (25); Rear – twenty five (25).
 - (c) Parking Spaces.
One (1) per six (6) active members.
 - (d) Development Plan.
Development Plan to be submitted with application.
 - (e) Height.
Maximum height of structure – thirty five (35) feet.
 - (f) Adequacy of Sewers.
Approval required.
- (36) Private Recreational Development.
 - (a) Minimum Yards.
Front – Standard; Side (each) – forty (40) feet; Rear – forty (40) feet.
 - (b) Minimum Distance between Parking Area and Residential District or Use.
Twenty five (25) feet.
 - (c) Entrance.
Not more than one (1) entrance from street.
 - (d) Landscape Plan.
Plan of Landscape Development to be submitted with application. (May be combined with Development Plan.)
 - (e) Screen Planting.

ADVISORY ZONING CODE

- Screen Planting – six (6) foot height by three (3) foot width when abutting residential use; tight screen, effective at all times.
- (f) **Parking Spaces.**
One per each six members, or as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements.
 - (g) **Development Plan.**
Development Plan to be submitted with application.
 - (h) **Signs and Lighting.**
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (i) **Height.**
Maximum height of structure – twenty five (25) feet.
 - (j) **Noise.**
Noise shall be confined to the premises.
- (37) **Produce Stands, Seasonal.**
- (a) **Development Plan.**
Development Plan to be submitted with application.
 - (b) **Signs and Lighting.**
Outdoor advertising sign and outdoor artificial lighting shall be approved by the Board.
- (38) **Produce Stands, Year Round.**
- (a) **Development Plan.**
Development Plan to be submitted with application
 - (b) **Signs and Lighting.**
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (c) **Adequacy of Sewers.**
Approval required.
- (39) **Public Camp.**
- (a) **Minimum Lot Area.**
Five (5) acres.
 - (b) **Minimum Yards.**
Front – one hundred (100); Side (each) – forty (40); Rear – forty (40).
 - (c) **Minimum Distance between parking area and residential district or use.**
Twenty five (25) feet.
 - (d) **Screen Planting.**
Screen Planting – six (6) foot height by three (3) foot width effective at all times of the year.
 - (e) **Entrance.**
Not more than one (1) entrance from street.
 - (f) **Parking.**
One (1) per campsite plus one (1) per cabin.
 - (g) **Development Plan.**
Development Plan to be combined with application.
 - (h) **Height.**
Maximum height of structure – thirty five (35) feet.

ADVISORY ZONING CODE

- (i) Adequacy of Sewers.
Approval required
- (40) Public Park or Public Recreational Facility.
 - (a) Landscape Plan.
Plan of landscape development to be submitted with application.
(May be combined with Development Plan.)
 - (b) Development Plan.
Development Plan to be submitted with application.
 - (c) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (d) Adequacy of Sewers.
Approval required.
- (41) Public Water Wells, Water Stations, Filtration Plant, Reservoirs, and Storage Tanks.
 - (a) Storage Tanks.
Proximity to residence district or use - one hundred (100) feet.
 - (b) Development Plan
Development Plan to be submitted with application.
 - (c) Health Laws.
All applicable health laws and standards shall be adhered to.
- (42) Public or Employee Parking.
 - (a) Masonry wall along front line and other such boundaries the Board considers necessary to protect residential property, except an approved entrance and exit.
Minimum four (4) foot height by six (6) inches thick.
 - (b) Entrance.
Not more than one (1) entrance from street.
 - (c) Development Plan.
Development Plan to be submitted with application.
- (43) Race Track.
 - (a) Minimum Yards.
Front - fifty (50) feet; side (each) - forty (40) feet; Rear - forty (40) feet.
 - (b) Entrance.
Not more than two (2) entrances from street.
 - (c) Minimum Distance between parking area and residential District or Use.
Fifty (50) feet.
 - (d) Landscape Plan.
Landscape Plan to be submitted with application. (May be combined with Development Plan.)
 - (e) Development Plan
Development Plan to be submitted with application.
 - (f) Parking.
One (1) parking space for each three (3) seats in grandstand.
 - (g) Screen Planting.
Screen Planting - six (6) foot height by three (3) foot width between abutting residential use; tight screen, effective at all times of the year.

Section 150.023

ADVISORY ZONING CODE

- (h) Fence.
Six (6) foot wire mesh fence where accessible to public.
 - (i) Adequacy of Sewers.
Approval required.
 - (j) Height.
Maximum height of structure – forty five (45) feet.
 - (k) Noise.
Noise shall be confined to the premises.
- (44) Raising and Breeding of Non-Farm Fowl and Animals, except Kennel.
- (a) Minimum Lot Area.
Three (3) acres.
 - (b) Minimum Yards.
Front – one hundred (100) yards; Side (each) – one hundred (100); Rear – one hundred (100).
 - (c) Development Plan.
Development Plan required.
 - (d) Screen Planting.
Screen Planting – six (6) foot height by three (3) foot width when abutting residential use, effective at all times of the year.
 - (e) Entrance.
Not more than one (1) entrance from street.
 - (f) Height.
Maximum height of structure – twenty five (25) feet.
 - (g) Adequacy of Sewers.
Approval required.
- (45) Recreational Vehicle Park.
- (a) Development Plan.
Development Plan to be submitted with application.
 - (b) Minimum Lot Area.
Five (5) acres.
 - (c) Density.
A recreational vehicle park shall have not more than twenty five (25) recreational vehicle spaces per acre of gross site area.
 - (d) Separation.
Recreational vehicles shall be separated from each other and from all other buildings and structures by at least five (5) feet. An accessory structure such as an awning, cabana, storage cabinet and porch shall be considered to be a portion of the recreational vehicle.
 - (e) Parking.
One (1) automobile parking space shall be provided for each recreational vehicle. No parking shall be permitted in the front yard of the park tract of land.
 - (f) Accessory Uses.
Management offices and storage, playground, and picnic equipment, sanitation, and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
 - (g) Term of Stay in Park and Limitation of Use.

ADVISORY ZONING CODE

Except as otherwise provided herein, each recreational vehicle shall not be used for habitation in the same recreational vehicle park for longer than one hundred eighty (180) days in any one calendar year, and shall not be used as a permanent residence.

- (h) **Access.**
Recreational vehicle parks shall have direct access to an arterial or major thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park. Only one (1) principal entrance from a major thoroughfare may be provided.
- (i) **Condominium Parks Permitted.**
The sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed in a recreational vehicle park. Accordingly, an affirmative statement as to whether or not the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed and shall be included in the application. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then the development plan shall additionally include the number of individual lots to be sold, and the rights and responsibilities of the individual lot owners and the park developers in the park and its management. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then a plat of the recreational vehicle park shall accompany the development plan. (condominiums regulated by I.C. 32-1-6 may not be regulated by Chapter 151. Subdivision Control Code.)
- (j) **Soil and Water.**
The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 150.040.)
- (k) **Smoke, Noise, and Odor.**
The proposed site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences.
- (l) **Screening.**
A dense planting screen not less than six (6) feet high after five full growing seasons and which at maturity is not less than twelve (12) feet high and six (6) feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type of fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- (m) **Side, Rear, and Front Yards.**
The tract of land for the proposed park shall have two side yards,

ADVISORY ZONING CODE

each having a minimum of thirty (30) feet in width, a rear yard having a minimum of thirty (30) feet in depth, and a front yard having a minimum of sixty (60) feet in depth.

(n) Illumination.

Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations, such as major driveway intersections, steps, and stepped ramps, will have an average level of illumination of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

(o) Barbecue Pits, Fireplaces, Stoves, and Incinerators.

Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

(p) Refuse Handling.

The storage, collection, and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than one hundred fifty (150) feet from any recreational vehicle lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the recreational vehicle park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Officer. Refuse incinerators, if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the Health Officer or other authority having jurisdiction. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the recreational vehicle park.

(q) Electrical Distribution System.

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any recreational vehicle, service building or other structure. All direct burial conductors or cable shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. Each recreational vehicle lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volt AC, one hundred (100) amperes. Outlets (receptacles or pressure connectors) shall be housed in a weather-proof outlet box, and shall be located not more than twenty five (25) feet from the over-current protective device in the recreational vehicle. A three-pole, four-wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1, as amended. Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the recreational vehicle is more than one hundred (100) amperes. The recreational vehicle shall be connected to the outlet box by an approved type of flexible cord with a male attachment plug or with pressure connectors. All exposed non-current carrying metal parts of vehicles and all other equipment shall be grounded by means of an approved grounding conductor or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.

(r) **Insect and Rodent Control.**

Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and

ADVISORY ZONING CODE

other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

- (s) **Water and Sewage.**
The water supply and sewage disposal shall meet the minimum requirements of the Indiana State Board of Health.
 - (t) **State Requirements.**
All State requirements shall be observed.
- (46) **Restricted Commercial Farm Enterprise (Including Confined Feeding Operations).**
- (a) **Development Plan.**
Development Plan shall be submitted with application.
 - (b) **Air and Water Pollution Control.**
Air and water pollution control promulgated by I.C. 13-1-1 (air pollution) and I.C. 13-1-3 (water pollution) is required.
 - (c) **Dead Storage.**
No sales, dead storage, repair work or dismantling on the lot.
 - (d) **Parking Spaces.**
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
 - (e) **Signs and Lighting.**
Signs and artificial lighting require Board approval.
 - (f) **Maximum Height of Structure.**
Thirty five (35) feet.
 - (g) **Confined Feeding Operation – Distance Requirement.**
Minimum distance from the boundary of any pre-existing Residence or Business district (other than an A-1 district), or a residential subdivision of land, or building used for residential purposes [other than the residence of the owner, his tenants(s) or operator(s) of the operation] or school or church use – one thousand three hundred twenty (1,320) feet.
 - (h) **Confined Feeding Operation – Health Approval Required.**
Approval by the Division of Water Pollution Control, Indiana State Board of Health, is required for confined feeding operations in accordance with I.C. 13-1-5.7.
 - (i) Those noises and odors normal to the storage, feeding, handling, and production of farm animals shall be deemed acceptable.
 - (j) **Confined Feeding Operation – Noise and Odor.**
The recommended applicable guidelines promulgated by the following publications, as revised (latest issue), shall be required by the Board concerning methods of waste handling and disposal guidelines:
 - 1. **WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA SWINE PRODUCERS, ID-83, 1972,** by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
 - 2. **WASTE HANDLING AND DISPOSAL GUIDELINES**

ADVISORY ZONING CODE

- FOR INDIANA POULTRYMEN, ID-82, 1972, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
3. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA BEEF PRODUCERS, ID-84, 1972, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
4. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA DAIRYMEN, ID-81, 1972, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
- (47) Riding Stable.
- (a) Minimum Lot Area.
Two (2) acres, plus five thousand (5,000) square feet per horse over four (4) horses.
 - (b) Minimum Yards.
Front, each side, and rear yards – one hundred (100) feet.
 - (c) Screen Planting.
Six (6) foot height by three (3) foot width when abutting residential use.
 - (d) Entrance.
Not more than one (1) entrance from street.
 - (e) Parking.
One (1) per two (2) employees, plus one (1) per two (2) horses.
 - (f) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (g) Waste Disposal.
Disposal of wastes shall meet the approval of the State Board of Health.
 - (h) Development Plan.
Development Plan shall be submitted with application.
 - (i) Height.
Maximum height of structure – thirty five (35) feet.
- (48) Roadside Business in the B-2 District.
- (a) Development Plan.
Development Plan to be submitted with application.
 - (b) Other Requirements.
See Sec. 150.015 and Figure 1 for other requirements.
- (49) Sales Barn for Livestock. (Resale)
- (a) Minimum Yards.
Front, each side, and rear yards – three hundred (300) feet.
 - (b) Minimum Distance from Residential District or use.
Three hundred (300) feet.
 - (c) Minimum distance Between Parking Area and Residential District or Use.
Fifty (50) feet.
 - (d) Entrance.
Not more than one (1) entrance from street.

ADVISORY ZONING CODE

- (e) Parking.
One (1) per two (2) employees, plus one (1) per each four hundred (400) square feet of display and sales area.
 - (f) Development Plan.
Development Plan to be submitted with application.
 - (g) Height.
Maximum height of structure – forty five (45) feet.
 - (h) Waste Disposal.
Disposal of waste shall meet the approval of the State Board of Health.
- (50) Seasonal Hunting and Fishing Lodge.
- (a) Parking Spaces.
One per member or as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking requirements.
 - (b) Development Plan.
Development Plan to be submitted with application.
- (51) Sewage Treatment Facility (Primary Use).
- (a) Development Plan.
Development Plan to be submitted with application.
 - (b) Health Approval Required.
Approval by the Indiana State Board of Health required.
- (52) Shooting Range.
- (a) Minimum Yards.
Front, each side, and rear yards – three hundred (300) feet.
 - (b) Screen Planting.
Six (6) foot height by six (6) foot width.
 - (c) Entrances.
Not more than one (1) entrance from street.
 - (d) Development Plan.
Development Plan to be submitted with application.
- (53) Slaughter House.
- (a) Minimum Lot Area.
Five (5) acres.
 - (b) Minimum Yards.
Front, each side, and rear yards – three hundred (300) feet.
 - (c) Minimum Distance from Residential District or Use.
Three hundred (300) feet.
 - (d) Minimum Distance of Parking Area from Residential District.
Fifty (50) feet.
 - (e) Fence.
Six (6) foot solid painted fence.
 - (f) Screen Planting.
Six (6) foot height by six (6) foot width (from abutting street).
 - (g) Entrance.
Not more than one (1) entrance from street.
 - (h) Development Plan.
Development Plan to be submitted with application.

ADVISORY ZONING CODE

- (i) Adequacy of Sewers.
Approval required.
- (j) Adequate Disposal Methods.
Dead animals and offal shall be disposed of in a manner satisfactory to the Board.
- (k) Parking.
One (1) per two (2) employees, plus four (4) additional spaces.
- (l) Height.
Maximum height of structure – thirty five (35) feet.
- (54) Special School.
 - (a) Minimum Lot Area.
Ten thousand (10,000) square feet.
 - (b) Minimum Yards.
Front – twenty five (25) feet; Sides (each) – ten (10) feet; Rear – ten (10) feet.
 - (c) Fence.
Four (4) foot wire mesh around play area.
 - (d) Parking Spaces.
One (1) per three (3) employees plus one (1) per six (6) students.
 - (e) Height.
Maximum height of structure – thirty five (35) feet.
 - (f) Adequacy of Sewers.
Approval required.
- (55) Stadium Coliseum, Athletic Field.
 - (a) Minimum Lot Area.
Five (5) acres.
 - (b) Minimum Yards.
Front – Standard; Sides (each) – fifty (50) feet; Rear – fifty (50) feet.
 - (c) Minimum Distance of Parking Area from Residential District or Use.
Twenty five (25) feet.
 - (d) Screen Planting.
Six (6) foot height by six (6) foot width.
 - (e) Entrance.
Not more than two (2) entrances from street.
 - (f) Parking.
One space for each four (4) seats in the grandstand, plus three (3) per four (4) employees.
 - (g) Development Plan.
Development Plan to be submitted with application.
 - (h) Height.
Maximum height of structure – forty five (45) feet.
 - (i) Adequacy of Sewers.
Approval required.
- (56) Storage of Disabled Vehicles, Temporary.
 - (a) Minimum Lot Area.
Three (3) acres.

ADVISORY ZONING CODE

- (b) Minimum Yards.
Front, each side, and rear yards - one hundred (100) feet where abutting residential use.
 - (c) Minimum distance of parking area from residential district or use.
Twenty five (25) feet.
 - (d) Fence.
Six (6) foot solid painted fence.
 - (e) Screen Planting.
Six (6) foot height by three (3) foot width where abutting residential use.
 - (f) Entrance.
Not more than one (1) foot from street.
 - (g) Development Plan.
Development Plan to be submitted with application.
- (57) Studio Business (Art, Interior Decorating, Music, Etc.)
- (a) Parking Spaces.
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, plan parking load requirements.
 - (b) Development Plan.
Development Plan to be submitted with application.
- (58) Telephone Exchange or Public Utility Substation in the A-1 and I-1 District.
- (a) Screen Planting.
Screen Planting - adequate for purpose as determined by Board.
(Also along abutting street.)
 - (b) Entrance.
Not more than one (1) entrance from street.
 - (c) Parking Space.
One (1) per employee at or working out of site.
 - (d) Development Plan.
Development Plan to be submitted with application.
 - (e) Adequacy of Sewers.
Approval required.
- (59) Transmission Lines for Gas, Oil, Electricity or Other Utilities.
- (a) Development Plan.
Development Plan to be submitted with application.
- (60) Transmission Towers (Radio, TV, etc. and Micro Wave Towers)
See Ordinance No. 2003-5
- (a) Development Plan.
Development Plan to be submitted with application.
 - (b) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (c) Height.
As required by the appropriate State or Federal agency.
- (61) Veterinary Hospital for Small Animals
- (a) Parking.

ADVISORY ZONING CODE

- One (1) space per two (2) employees, plus one (1) per doctor, plus two (2) per examining rooms.
- (b) Development Plan.
Development Plan to be submitted with application.
- (c) Height.
Maximum height of structure - thirty five (35) feet.
- (62) Wholesale Produce Terminal or Truck Terminal
 - (a) Minimum Lot Area.
Ten (10) acres.
 - (b) Minimum Yards.
Front - one hundred (100) feet; Side (each) - seventy five (75) feet abutting residential use, otherwise - thirty five (35) feet;
Rear - forty (40) feet.
 - (c) Minimum distance from residential district or use
One hundred (100) feet.
 - (d) Minimum distance of parking from residential district
One hundred (100) feet.
 - (e) Fence.
Six (6) foot height wire mesh fence.
 - (f) Screen Planting.
Screen Planting - six (6) foot height by three (3) foot width where abutting residential use; tight screen, effective at all times.
 - (g) Entrance.
Not more than one (1) entrance from street.
 - (h) Parking Spaces.
One (1) per two (2) employees on largest shift.
 - (i) Development Plan.
Development Plan to be submitted with application.
 - (j) Signs and Lighting.
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - (k) Height.
Maximum height of structure forty five (45) feet
 - (l) Adequacy of Sewers.
Approval required.
 - (m) Thoroughfares.
Thoroughfares must be adequate.
- (63) Public or Commercial Sanitary Landfill or Garbage Disposal Plant
 - (a) Minimum Lot Area.
One hundred (100) acres
 - (b) Minimum Footage.
Front - three hundred (300); side (each) - three hundred (300)
 - (c) Fence.
Six (6) foot wire mesh around entire landfill area
 - (d) Screen Planting.
Screen planting - six (6) foot height by six (6) foot width surrounding the entire landfill property.
 - (e) Entrance.
Not more than one entrance from street.

ADVISORY ZONING CODE

- (f) **Hazardous Waste.**
No waste classified as hazardous by the E.P.A. shall be permitted unless it is treated in accordance with the E.P.A. standards.
 - (g) **Out of County Waste.**
No waste, hazardous or otherwise, generated outside Ohio County shall be permitted in a landfill located in Ohio County.
 - (h) **Consent of Neighbors.**
No private landfill shall be permitted unless the notarized consent of seventy five (75) percent of the property owners within a five (5) mile radius of the boundary of the private landfill is first obtained.
 - (i) **Dust and Mud Control.**
Adequate provisions must be made for the control of dust and mud.
 - (j) **Development Plan.**
A Development Plan including construction and opening of the landfill, day-to-day operation of the landfill, expansion of the landfill, inspection of the landfill, completion of the landfill, closing of the landfill, and short term and long term liability for the contents of the landfill shall be submitted with the application.
 - (k) **State Requirements.**
As a minimum, all state requirements for waste disposal shall be met.
- (64) **Bed and Breakfast**
- (a) **Intent.**
To provide temporary travelers' accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing structure designed for and occupied as a single family residence.
 - (b) **Type of Structure.**
 - (c) **The use shall be allowed only in older residential structures which are recognized as architecturally, historically or culturally significant, and which, through renovation and use as a Bed and Breakfast, will contribute significantly to the ambiance, character or economic revitalization of a neighborhood. The exterior appearance of the structure shall not be altered from its single-family character, and no exterior alterations, other than those necessary to ensure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast.**
 - (d) **Septic Systems.**
If public sewer system is not available then County Sanitation must certify septic system as adequate.
 - (e) **Outward Modifications.**
Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district

ADVISORY ZONING CODE

- in which it is located.
- (f) **Intensity of Use.**
The Bed and Breakfast use should remain incidental to the primary residential use of the property which will allow reconversion back to a single-family residential use.
 - (g) **Number of Bedrooms.**
A maximum of five (5) lodging or bedrooms shall be made available for rent. A bed and breakfast home having more than five (5) bedrooms for rent may be approved if the home is designated as a historic landmark. There must be at least five hundred (500) square feet of gross (interior) floor area for each rental unit. The potential rental units would be determined by dividing the gross floor area of the structure by five hundred (500) square feet.
 - (h) **Signs and Lighting.**
Outdoor advertising signs and outdoor artificial lighting must specifically be approved by the Board.
 - (i) **Off-Street Parking.**
Adequate off-street parking must be provided and it must be specifically approved by the Board.

Section 150.024: BUILDING SETBACK LINES

Building setback lines shall be required along all public streets in accordance with the specifications in Figure 1, and as hereinafter provided. Any yard abutting a street shall be deemed a front yard for purpose of determining front building setback lines.

(A) Front Yard.

- (1) For residential uses where twenty five (25) percent or more of the lots in the block frontage are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block frontage, but the front yard need not exceed fifty (50) feet in any case.
- (2) In business and industrial districts where twenty five (25) percent or more of the lots in a block frontage are occupied by buildings, the setback of such buildings shall determine the location of the building line, except for the B-2 district.
- (3) Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions.
- (4) On through lots, a front yard is required on each street.

(B) Conflict - Setback Requirements. In case of conflict with the front setback requirements of the Zoning Districts, Special Exceptions, Contingent Uses, or other applicable provisions of this Code, the most restrictive requirement shall govern.

Section 150.025: YARD EXCEPTIONS

(A) Application.

- (1) Any yard or setback line so placed or oriented that none of the specific terms in this Code are applicable shall necessitate a determination by the Building Inspector of suitable dimensions generally required for a similar situation in the zone district.
- (2) Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections and temporary storage as hereinafter provided, and signs in accordance with Sec. 150.036 of this Code.

(B) Yard Encroachments. No structure or part thereof shall project into a required front yard except:

- (1) An eave, cornice overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that in no event shall said encroachment protrude closer than twenty (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 two feet.
- (3) Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level are not to project a distance in excess of ten (10) feet.

(C) Projections. No structure or part thereof shall project into a required side or rear yard except:

- (1) An eave, cornice, overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
- (2) The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding two feet; provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
- (3) Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level.

(D) Alley Abutting Rear or Side Yard. One-half of an alley abutting the rear or side of a lot may be included in the rear yard or side yard, respectively, but such alley space shall not be included for loading and unloading berths.

(E) Side Yards. Where sixty (60) percent or more of the lots in a block frontage are occupied by buildings which provide side yards of less than the minimum required by this Code, the average side yard of such buildings may determine the required side yard; provided, however, no side yard shall be reduced to less than three (3) feet. Where an existing building is deficient in side yards, any addition to such an existing building shall maintain the existing side yards.

ADVISORY ZONING CODE

- (F) Tapered Yard Formula (for Accessory Building). Where an interior lot fronts on a side street in the rear of the corner lot by an alley, an accessory building located on the rear lot line of the corner lot shall set back from the side street as far as the dwelling on said interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four (4) inches closer to the front lot line along the side street required by this Code.
- (G) Fences.
- (1) Fences used for agricultural purposes, recreation use or the public safety shall not be regulated by this Code.
 - (2) Fences used for residential purposes shall be allowed without the issuance of any permit, subject to the following provisions:
 - (a) Fences shall be allowed in side and rear yards up to a height of six (6) feet.
 - (b) No setback shall be required for fences in side and rear yards.
 - (c) Fences shall be allowed to extend along side property lines provided that from the building setback line to the road right-of-way line they shall be of an open or wire mesh type and shall not exceed three and one-half (3-1/2) feet in height.
 - (d) Fences shall not be permitted to block passage along existing sidewalks.
 - (e) Front yard fences within the building setback line shall not exceed six (6) feet in height.
 - (f) Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a parcel, provided that it does not exceed three (3) feet in height.
 - (3) Fences in business (B-1, B-2, B-3) or industrial (I-1, I-2) districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:
 - (a) Fences intended for security purposes shall not exceed a maximum height of eight (8) feet, plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however, they shall not be allowed in any greenstrip or buffer area.
 - (b) Fencing intended for decorative purposes only may be allowed anywhere on a parcel, provided it does not exceed three and one-half (3-1/2) feet in height.
 - (4) Every outdoor swimming pool, which is more than eighteen (18) inches in depth, shall be surrounded by a fence not less than four feet in height. Such fence shall be either of chain link type and style or of a type of style offering equivalent protection. All gates or door openings through such enclosure shall be designed to permit locking and shall be kept locked when the pool is not in actual use, or left unattended. [See Sec. 151.032 (C) (4) (c) 2 and 3.]

(H) Screening and Minor Accessory Uses.

- (1) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, without the issuance of any permit.
- (2) Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard, except that vision clearance or corner lots shall be provided when required.

(I) Intersection Visibility.

- (1) In all districts, except the B-3 district, a triangular space at the street corner of a corner lot shall be maintained free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavement, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended at the corner of the lot.
- (2) In the case of a rounded property corner, said triangular area shall be measured from the intersection of the street right-of-way lines extended.
- (3) In addition, the above vision sight lines shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within forty (40) feet of the intersection of two street lines. (See Sec. 150.035.)

(J) Storage.

- (1) No portion of any required yard shall be used for the permanent storage of motor vehicles, recreational vehicles, recreational vehicles, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Code. (See Sec. 150.032.) Recreational boats and trailers are to be considered as Recreational Vehicles for the purpose of storage. (See Sec. 150.032 (C) Item 14.)
- (2) Permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of forty-eight (48) or more consecutive hours in any one week period. (See Sec. 150.032.)

ADVISORY ZONING CODE

Section 150.026: ACCESS AND FRONTAGE

Every building thereafter 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 access drive as defined in Subdivision Control Code Section 151.03 (28) (c), and all buildings shall be so located on lots so as to provide for safe and convenient access, fire protection, and required off-street parking.

Section 150.027: ONE PRIMARY BUILDING PER LOT

Every building hereafter erected shall be located on a lot unless otherwise specified for planned developments. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as otherwise provided in this Code for a recreational vehicle park or unit development plan.

ADVISORY ZONING CODE

Section 150.028: CONVERSIONS

- (A) It is the purpose of this Code to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two (2) families when such conversion is likely to lead to overcrowding, to lack of privacy, to lack of sufficient light and air, to unsafe or unsanitary living conditions or to inadequate provisions for off-street parking and open space.
- (B) Such conversions shall be consistent with the purposes of other applicable provision portions of this Code, including housing and building codes and fire safety and utility programs.
- (C) In connection with such conversion there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned codes and programs; all fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building; and no dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.
- (D) In cases of question as to the applicability of these standards, such proposed conversion shall be deemed an exception and placed before the Board in accordance with the requirements in Sec. 150.038.

Section 150.029: MANUFACTURED HOME AND MOBILE HOME PERMITTED

- (A) Manufactured Homes. Manufactured homes (see definition #91 in Section 150.041) shall be permitted in any district permitting installation of a single-family dwelling unit. However, the location of the manufactured home is subject to the requirements and limitations applying generally to dwelling units in such district. For example, see setback requirements, side and rear yard area requirements, lot size requirements, parking requirements and the like. In addition:
- (1) The manufactured home shall be a dwelling unit (see definition #44 in Section 150.041).
 - (2) All necessary improvement, location, building and occupancy permits and certifications required by this Zoning Ordinance, the Building Code and the Code of Ordinance of Ohio County shall be obtained.
 - (3) The manufactured home shall exceed nine hundred fifty (950) square feet of occupied space and meet any greater square footage requirements for the district and for the subdivision in which it is to be located.
 - (4) The manufactured home shall be attached and anchored to a permanent foundation (see definition #109 in Section 150.041). It shall also comply with manufacturer's installation specifications, if any.
 - (5) The manufactured home shall have a permanent perimeter wall (see definition #110 in Section 150.041).
 - (6) The manufactured home shall be covered with an exterior material customarily used on site built single-family residences in the district where it is to be located and such material shall extend over the top of the permanent perimeter wall.
 - (7) The manufactured home shall have a roof composed of a material customarily used on site built single-family residences in the district where it is to be located such as fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used and shaped as a gable roof with a minimum rise of three (3) inches per foot.
 - (8) The manufactured home shall have been constructed after January 1, 1981.
- (B) Mobile Homes. Manufactured dwellings (see Sec. 150.041 for definition) and mobile homes (see Section 150.041 for definition) are permitted uses in a mobile home park in the R-1C District or other Districts which permits mobile home parks. (See Sec. 150.023.)
- (C) Mobile Homes Permitted According to Certain Conditions. A mobile home located on a lot, when an Improvement Location Permit and a Certificate of Occupancy have been issued for such use which is on file in the office of the Building Inspector, is a permitted use on the lot and shall be classified by the Building Inspector according to one of the six (6) Mobile Home Classifications set forth in subsection (D) below. Accordingly, the existing "classified" Mobile Home may remain on the lot upon which it was legally located at the time of passage of this chapter of the Code. The owner of the lot has the following options:

ORDINANCE NO. 2005-3

AN ORDINANCE regulating the placement of mobile homes Ohio County, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-8-3 and IC 36-7-2-9; providing for the issuance of permits; inspections, and penalties for violations.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

BE IT ORDAINED by Planning Commission of Ohio County, Indiana as follows:

Section 150.029: MANUFACTURED HOME AND MOBILE HOME PERMITTED

(C) Mobile Homes Permitted According to Certain Conditions. A mobile home located on a lot, when an Improvement Location Permit and a Certificate of Occupancy have been issued for such use which is on file in the office of the Building Inspector, is a permitted use on the lot and shall be classified by the Building Inspector according to one of the six (6) Mobile Home Classifications set forth in subsection (D) below. Accordingly, the existing "classified" Mobile Home may remain on the lot upon which it was legally located at the time of passage of this chapter of the Code. The owner of the lot has the following options:

(1) The existing Mobile Home may be replaced with another Mobile Home having the same or a higher classification, provided that the exiting Mobile Home would either replace another Mobile Home in Ohio County, or be removed from Ohio County before an Improvement Location Permit could be issued by the Building Inspector.

(2) The existing Mobile Home may be replaced with any other use permitted in the particular District where the lot is located.

(3) If an existing or replaced Mobile Home is removed from a lot for a period of more than ninety (90) days, another Mobile Home cannot again be located on that lot.

Changed (4) Effective with the passage of this Ordinance, no Mobile Home may be located in Ohio County unless it is (a) equal to or more than nine hundred fifty (950) square feet of living space and (b) not older than ten (10) years at the time location is requested.

EFFECTIVE DATE

This Building Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

1. The County Planning Commission has approved this ordinance .
2. The County Commissioners have adopted this ordinance.

APPROVED this 12 day of MAY 2005, by the Ohio County Planning Commission.

Leroy J. Williams
Chair of Commission

Signatures of Commission members

Don Arnold

April Wautman

Dale E. Scudder

Tom Craker

Jimmy Dorval
Ernest McKelley



ADVISORY ZONING CODE

- (1) The existing Mobile Home may be replaced with another Mobile Home having the same or a higher classification, provided that the existing Mobile Home would either replace another Mobile Home in Ohio County, or be removed from Ohio County before an Improvement Location Permit could be issued by the Building Inspector.
 - (2) The existing Mobile Home may be replaced with any other use permitted in the particular District where the lot is located.
 - (3) If an existing or replaced Mobile Home is removed from a lot for a period of more than ninety (90) days, another Mobile Home cannot again be located on that lot.
- (D) Classification of Mobile Homes. Mobile Homes are hereby divided into the following classes by the Building Inspector:
- (1) Class A - Mobile Homes built on or after June 15, 1976, and manufactured dwellings built prior to January 1, 1981, or on or after June 15, 1976, certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development and approved as meeting "acceptable similarity" appearance standards in accordance with Sec. 504.10.
 - (2) Class B - Mobile Homes certified as meeting HUD Mobile Home Construction and Safety Standards, but not approved as meeting "acceptable similarity" appearance standards.
 - (3) Class C - Mobile Homes (built prior to June 15, 1976), certified as meeting "acceptable prior code or codes," or used mobile homes certified as meeting either HUD standards specified above or such prior code, found on inspection to be in excellent condition and safe and fit for residential occupancy.
 - (4) Class D - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in good condition.
 - (5) Class E - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in fair condition.
 - (6) Class F - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in poor condition, unsafe, and/or unfit for residential occupancy.

Section 150.030: HEIGHT

(A) Normal Maximum Building Heights.

- (1) The normal maximum height of a dwelling is as follows in the districts indicated: thirty five (35) feet or 2-1/2 stories in the A-1 and R-1 districts; twenty five (25) feet or two stories in the R-1A, R-1B, and R-1C districts; and forty (40) feet or 3-1/2 stories in the R-2, B-1, B-2, B-3, I-1, I-2, and UD districts.
- (2) The normal maximum height of business uses is as follows in the districts indicated: forty (40) feet in the B-1 and B-2 districts; sixty (60) feet in the B-3, UD and I-1 districts.
- (3) The normal maximum height of enclosed industrial uses is sixty (60) feet in the B-3, I-1, and I-2 districts; and for open industrial uses, sixty (60) feet in the I-2 district.
- (4) The normal maximum height of contingent uses is as follows in the districts indicated: thirty five (35) feet in the A-1 and R-1 districts; twenty five (25) feet in the R-1A, R-1B and R-1C districts; forty (40) feet in the R-2, B-1, B-2 and I-1 districts; and sixty (60) feet in the B-3 and I-1 districts.
- (5) The normal maximum height of accessory buildings is as follows in the districts indicated: eighteen (18) feet in the R-1A, R-1B, R-1C, R-2, B-1, B-2, I-2 and UD districts; and twenty four (24) feet in the B-3 and I-1 districts; provided that an accessory building to a farm house or farm dwelling may be erected to a normal maximum height of forty (40) feet.

(B) Height Exceptions.

- (1) In the districts limiting height to twenty five (25) feet, a dwelling may be increased in height to twenty five (25) feet, a dwelling may be increased in height not to exceed forty (40) feet provided the required side yards are increased an additional foot for each foot such structure exceeds twenty five (25) feet in height.
- (2) Business and industrial buildings and structures may be erected higher than the normal maximum if they are set back from front and rear property lines, one foot for each two feet of additional height above the normal maximum height, provided that the Zoning Inspector approves the increased height, primarily upon the availability of adequate fire protection.
- (3) Chimney's, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or the provisions of this Code.

ADVISORY ZONING CODE

Section 150.031: SUPPLEMENTARY BUSINESS STANDARDS

In any district where applicable, the following standards shall supplement the business use requirements of the district:

(A) General Standards.

- (1) No unusually loud amplification of radio music or other audio-advertising shall be permitted on the premises.
- (2) No lights utilizing an attracting device or lights on stringers of unshielded incandescent lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted on the premises.
- (3) There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.
- (4) Adequate indoor or outdoor trash containers shall be required; provided, however, that trash containers exceeding six (6) cubic feet shall be located within a solid, decorative stall behind or beside the primary structure, away from the view of the frontal street.
- (5) No vending machines shall be permitted on the exterior of any building on the premises except where contained in a shelter, stall or other area so located as not to interfere materially with the use of adjoining property.
- (6) No pennants or other similar attracting or advertising devices shall be permitted on the premises; however, notwithstanding the provisions of this Section, the use of pennants and other similar attracting devices in connection with a special promotional program may be permitted by the Board upon the issuance of a temporary improvement locations permit. (See Sec. 150.033.)

(B) Traffic Congestion.

- (1) The number of traffic access points for establishments with one hundred (100) feet or less of frontage on a street shall not exceed one.
- (2) Whenever practicable, for establishments with frontage of more than one hundred (100) feet, a service road shall be provided, of not less than two (2) lanes in width or a combined service road and parking area, parallel with an adjacent to the street upon which the establishments front. In the event the establishments front on more than one street, such service roads may be required on more than one street frontage.

The service road or roads required by this section shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.

In general, the use of public improved alleys, interior access roads or any other designed means to minimize the number of traffic access points and business intersections therein are encouraged.

ADVISORY ZONING CODE

- (C) Open-Air Business. Any establishment where the principal use is the drive-in type of business, or is generally characterized by open-air business operations, shall be subject to the following standards:
- (1) A decorative fence or wall of not less than five (5) feet in height shall be constructed and maintained along the side and rear lot lines. Where such use abuts a residential use, a buffer landscape strip at least twenty (20) feet in width shall be provided and maintained along the side and rear lot lines within this buffer, a landscape screen shall be provided not less than six (6) feet in height.
 - (2) Such business uses shall be limited to the characteristics customarily associated with such use and no other.

ADVISORY ZONING CODE

Section 150.032: ACCESSORY USES

(A) Intent. Accessory uses shall be permitted in all zone districts in accordance with the provisions of this section. Accessory uses:

- (1) Shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.
- (2) Shall be operated and maintained under the same ownership and on the same lot as the principal use.
- (3) Shall be clearly subordinate in height, area, bulk, extent and purpose to the principal use served.
- (4) Shall not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this Code.
- (5) Shall not be permitted prior to the erection and operation of the principal use, unless a Temporary Improvement Location Permit is obtained in accordance with Sec. 150.033.

(B) Interpretation.

- (1) Such appurtenant features as walks, driveways, curbs, drainage installations, retaining walls, mailboxes, lamp posts, bird baths, and structures of a like nature, are allowed without permits. (See Sec. 150.025.)
- (2) The growing of vegetation, provided it is not for profit, is allowed without a permit.
- (3) The keeping of domestic pets, provided it is not for profit and not construed as a kennel, is allowed without permit.
- (4) Fences, walls and structural screens are allowed without permit when they do not impede intersection visibility. (See Sec. 150.025 (H).)

(C) Application of Accessory Uses.

- (1) Such buildings or structures as garages, carports, canopies, porte-cocheres, patios, outdoor fireplaces, bath houses and cabanas, doghouses, children's play equipment, greenhouses, and similar accessory buildings or structures.
- (2) Off-street motor vehicle parking and loading areas, as set forth in Sec. 150.035; provided, however, for residential uses, not more than one such space shall be provided for a commercial vehicle of more than three (3) tons capacity (manufacturer's rating).
- (3) Signs, as set forth in Sec. 150.025.
- (4) Swimming Pools
 - (a) No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Building Commissioner. An application for such permit shall be filed with the Building Inspector, on a form furnished by him, together with the plans and specifications for such pool. The Inspector shall examine such plans and specifications to determine whether or not the pool will comply with the

provisions of this chapter. If it appears that the pool will comply therewith, he shall note his approval on the plans and specification and shall issue a permit authorizing the work to proceed.

- (b) The Building Inspector is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.
- (c) For the purpose of this Subsection the phrase "Family Swimming Pool" shall mean and include an artificial body of water, with a controlled water supply, designed for wading and swimming and used, or intended to be used, solely by the owner, or lessee thereof, and his family and by friends invited to use it without payment of any fee.

No family swimming pool shall be constructed except on the same lot as the owner's dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner:

- 1. The pool must be constructed in the rear yard but not closer at any point than ten (10) feet from the building itself.
 - 2. The pool must be enclosed by a fence in the manner set forth below and at no point may the fence be closer than ten (10) feet to any property line.
 - 3. A fence surrounding or partially surrounding a pool shall not be closer than six (6) feet to the edge of the pool at any point. [See Sec. 150.025 (G) (4).]
 - 4. The surface area of the pool may not exceed twenty five (25) percent of the area of the rear yard.
- (d) When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling the following conditions must be met.
 - 1. No part of the pool shall be located forward of the setback line of the owner's dwelling.
 - 2. No part of the pool shall be closer than ten (10) feet from the owner's dwelling and no closer than sixteen (16) feet from any property line of any other property owner.
 - 3. No pool shall be built across any property line regardless of the ownership thereof.
 - 4. If the contiguous lot has frontage on a street other than that on which the owner's dwelling is located, no part of the pool shall be forward of the minimum setback line.
 - (e) It shall be unlawful for any person to make, continue, or cause to be made or continued at any pool, any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument,

ADVISORY ZONING CODE

- phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person who is in the pool premises shall be unlawful.
- (f) Lights to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and streets.
- (5) Amateur radio-sending and receiving antennae, provided the height thereof, including masts, shall not exceed seventy five (75) feet measured from finished lot grade.
- (6) Management office in multi-family dwelling or apartment use, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, provided there is no exterior display.
- (7) Fall-out shelter.
- (8) Residential occupancy by domestic employees employed on the premises.
- (9) Foster family case where children unrelated to the residents by blood or adoption are cared for, provided that no sign shall be displayed.
- (10) Stables and animal pens, on residential lots of at least three (3) acres; provided, however, any structures, pens or corrals housing animals shall be two hundred (200) feet from an adjoining property line, except where animals are kept in sound-proof air conditioned buildings, in which case the required setback line is one hundred (100) feet. (See Sec. 150.023 for other stables and raising and breeding non-farm fowl or animals.)
- (11) Storage areas, as regulated in applicable sections of this Code.
- (12) Private residential garages and carports for the storage of motor vehicles, which are clearly accessory and not for commercial purposes.
- (13) Storage or parking of recreational vehicles in the open subject to the following conditions:
- (a) In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.
- (b) Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.
- (c) Not more than two recreational vehicles will be permitted to be parked or stored in the open on residential property at any one time; provided, however, that one additional such vehicle be permitted for visitation for seven consecutive days and not to exceed fourteen days in any one year, in accordance with Sec. 150.033.
- (d) At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (c) above.
- (e) Notwithstanding the provisions of (d) above, recreational

ADVISORY ZONING CODE

- vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight (48) consecutive hours in any one-week period. (See Sec. 150.025.)
- (14) Storage of a continually unoccupied mobile home is only permissible in a business or industrial district at a location legally qualified to render storage for said mobile home.
- (15) Satellite (earth) television antennas in accordance with the following standards:
- (a) There shall be one satellite television antenna permitted per residential lot.
 - (b) In all districts, a satellite television antenna having a diameter greater than four (4) feet shall be located on the ground upon and within a poured concrete foundation to the rear of the principal building on a lot, and within the building area, and shall not exceed thirteen (13) feet in height or the height of the main structure, whichever is less.
 - (c) In all districts, a satellite television antenna having a diameter of four (4) feet or less may be located on the principal building or an accessory building on a lot, and shall not exceed a height of more than four (4) feet above the roof on which it is mounted, subject to the particular height requirements of the district. When an antenna having a diameter of four (4) feet or less is located on the ground, all requirements contained in paragraph (b) herein shall apply.
 - (d) The satellite television antenna shall be screened from view by a fence or natural plants and can be located in a side yard to the rear of the Building Setback Lines if, in the opinion of the Building Inspector, the antenna can be adequately screened from view.
 - (e) No satellite television antenna shall be linked to a receiver which is not located on the same lot or parcel of real estate.

Section 150.033: TEMPORARY USES

- (A) Intent. Temporary uses shall be permitted in applicable districts by the grant of a Temporary Improvement Location Permit issued by the Board of Zoning Appeals in accordance with the requirements of this section.
- (B) General Provisions.
- (1) The duration of the temporary period is stated hereinafter; provided, however, renewal of such Permit may be requested.
 - (2) Temporary uses shall be subject to all the regulations of the applicable district.
 - (3) Mobile Homes shall be removed from the lot at the time of expiration of time period.
- (C) Uses Which May Be Permitted By The Board.
- (1) Temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district. Maximum eighteen (18) months.
 - (2) Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum eighteen (18) months.
 - (3) Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum eighteen (18) months.
 - (4) Parking lot designated for a special event in a district. Maximum thirty (30) days.
 - (5) Temporary signs in connection with a special event in a district, except temporary political signs in accordance with Sec. 150.036 (B) (1) (c). Maximum ten (10) days.
 - (6) Announcement signs necessary to explain the character of a building enterprise. Maximum eighteen (18) months.
 - (7) Subdivision or development signs, both incidental and necessary to advertise the sale, rental or lease of real property in a district. Maximum eighteen (18) months.
 - (8) Bazaars, carnivals, rummage or garage sales, and similar temporary uses. Maximum ten (10) days.
 - (9) Sale of Christmas trees, outdoor tent theater, sale of seasonal fruits and vegetables from roadside stands, tent sales. Maximum sixty (60) days.
 - (10) Parking of recreational vehicles for visitation. Maximum seven (7) days.
 - (11) Temporary mobile home living quarters as accessory use on same lot as principal building used for residential purposes when situation necessitates special health care for blood relative. Maximum two (2) years.
 - (12) Mobile home as a temporary office during the period of construction and development. Maximum eighteen (18) months.
 - (13) Mobile home as a temporary living place or dwelling for security purposes. Maximum eighteen (18) months.

ADVISORY ZONING CODE

- (14) Home occupation use. Maximum two (2) years. (See Sec. 150.034.)
- (15) Display of pennants and other similar attracting devices in connection with a special promotional program for an open-air business. (See Sec. 150.031.)
 - (a) During a seven (7) consecutive day period related to a special event.
 - (b) For use twice during any twelve (12) month period, in conjunction with a promotional sales or service program, each period not to exceed three (3) weeks in duration, and to be separated from any other such period by not less than four (4) weeks.
- (16) Other similar uses deemed temporary by the Board and attached with such time period, conditions and safeguards as the Board may deem necessary.

(D) Standards.

- (1) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
- (2) No public address systems or other noise-producing devices shall be permitted in a residential district.
- (3) Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- (4) No banners, pennants or unnecessary signs shall be permitted in a residential district.
- (5) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

Section 150.034: HOME OCCUPATIONS

- (A) Intent. A home occupation may be permitted as a temporary use to accompany residential uses by the grant of a Temporary Improvement Location Permit issued by the Board of Zoning Appeals, subject to the requirements of this section and Sec. 150.033.
- (B) General Provisions.
- (1) A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business.
 - (2) Home occupations shall be of a personal service nature limited to domestic crafts and professional service, including but not limited to:
 - (a) Such domestic crafts, as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair.
 - (b) Such professions or occupations as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring; provided, however, the service is limited to advice and consultation and the premises are not used for the general practice of the profession or occupation.
 - (3) For purposes of this Code, law offices, real estate and insurance offices, clinics, doctors' offices, barber shops and beauty parlors, dress shops, millinery shops, tourist homes, animal hospitals and kennels, trailer rentals, among others, shall not be deemed to be permitted home occupations unless such home occupations meet the requirements of this section.
 - (4) Home occupations shall be subject to all the regulations of the applicable district in which they are located.
 - (5) Home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.
- (C) Standards
- (1) The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
 - (2) The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.
 - (3) No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
 - (4) No more than twenty five (25) percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.

ADVISORY ZONING CODE

- (5) Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence. No home occupation shall be conducted in any accessory building.
- (6) No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
- (7) No provision for more than one extra off-street parking or loading facility, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional driveway to serve such home occupations shall be permitted, provided that a doctor's office (if allowed by the Board) may have additional parking facilities.
- (8) No display of goods or external evidence of the home occupation shall be permitted, except for one (1) non-animated, non-flashing announcement plate, indicating not more than the name of the occupation and name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed one (1) square foot in total surface area.
- (9) No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
- (10) No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in the line voltage off the premises, or violate the general performance standards of Sec. 150.006.

Section 150.035: OFF-STREET PARKING AND LOADING

(A) Intent.

- (1) 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 Code in accordance with the provisions of this section, or as otherwise indicated in Sec. 150.023, or elsewhere.
- (2) The regulations of this section 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) Scope.

- (1) No use lawfully established prior to the effective date of the ordinance establishing the Zoning Code of Ohio County, Indiana, shall be required to provide and maintain the parking and loading requirements herein; provided, however, that off-street parking and loading spaces required by any previous ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.
- (2) For any nonconforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, 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, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code 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 herein shall be provided for such increase in intensity of use.
- (4) Whenever the existing use of a building, structure or premises shall hereinafter be changed or converted to a new use permitted by this Code, 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 the ordinance establishing the Zoning Code of Ohio County, Indiana, 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 the provisions of this Code.
- (6) Nothing in this Code 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.
- (7) Accessory off-street parking and loading spaces shall be provided on the

ADVISORY ZONING CODE

- same lot as the use served, except as otherwise provided in this Code, and may be situated as one or more individual areas.
- (8) 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, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
 - (9) Accessory off-street parking and loading facilities provided to comply with the provisions of this Code shall not subsequently be reduced below the requirements of this Code.
 - (10) Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity, of patrons, occupants or employees of specified uses. Said parking facilities shall not be used for storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material.
 - (11) Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.
 - (12) Loading and unloading berths shall not be required for business uses and industrial uses which demonstrably do not receive or transmit goods or wares by truck delivery.
 - (13) Accessory off-street parking facilities are not required in a block frontage contained in a B-2 or I-2 district in which the ground floor area of business or industrial structures, including their accessory buildings, existing at the time of passage of the ordinance establishing the Zoning Code of Ohio County, Indiana, equaled fifty (50) percent or more of the entire area of the block frontage.

(C) General Provisions.

- (1) Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.
- (2) Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance; provided further that if more than one (1) berth is provided, the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen (14) foot height clearance.
- (3) Except on lots occupied by one (1), two-family and multi-family

ADVISORY ZONING CODE

dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with the following table, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

<u>Parking Angle</u> (in degrees)	<u>Aisle Width</u> (in feet)
45	14'
60	18'
90	24'

The angle shall be measured between center line of parking space and center line of aisle.

- (4) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (5) In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:
 - (a) If the unit of measurement is any fraction of the unit specified in relation to the number of space to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one (1) space.
 - (b) In sports arenas, church and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder.
- (6) Accessory off-street parking areas may count toward the open space requirements of this Code.
- (7) Accessory off-street parking and loading areas shall be provided to the rear of the required front building setback line, except as specified otherwise by this Code. When permitted within required setback distances, a landscape screen shall be provided along the property line.
- (8) Adequate employee and customer off-street parking area shall be provided, including such areas incidental to display, servicing and repair. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way, or in such a manner as to restrict motorists' visibility.

(D) Minimum Parking Requirements

ADVISORY ZONING CODE

TYPE OF USE	MINIMUM PARKING SPACE
1. Automobile service sales room, business services, clothing services, food services, personal services, retail service and retail stores generally, and tavern or night club	One (1) for each one hundred twenty five (125) square feet of net floor area.
2. Billiard room, dancing academy, sporting activities, department store and automobile, truck or trailer rental and sales area	One (1) for each two hundred (200) square feet of net floor area.
(3). Private (or commercial) club or lodge	Space to accommodate fifty (50) percent of the active membership at one (1) space per each three (3) members, or as determined by the Board. The determination shall be based upon the particular Lodge or Club use that would be require to satisfy estimated peak parking load requirements.
4. Automobile and truck repair	One (1) for each two hundred (200) square feet of net floor area.
5. Indoor theater	One (1) for each six (6) seats.
6. Bowling alley or roller rink	Three for each lane plus one (1) for each six (6) spectator seats.
7. Hotel or motel	One (1) for each three (3) employees plus one (1) for each sleeping unit.
8. Radio and television studios	One (1) per employee, plus one (1) for each six (6) seats in main auditorium.
9. Newspaper publishing	One (1) per employee on largest shift.
10. Motor bus or passenger station	One (1) for each three (3) employees plus one (1) for each ten seats in waiting room. Other retail uses in connection therewith shall provide one (1) space for each two (2) employees.
11. Storage warehouse or wholesale establishment	One (1) for each three (3) employees or occupants. The maximum number of employees or occupants to be used in determining spaces.
12. Residential uses a. Single-family dwelling b. Manufactured home c. Farm house or farm dwelling d. Two-family dwelling e. Multi-family dwelling (or apartment building)	As required in the applicable sections of this code. Two (2) Two (2) Two (2) Two (2) for each unit Two (2) for each dwelling unit
13. Community centers, public buildings, utilities and public service uses including libraries, museums, and similar places of assembly	One (1) parking space for each eight hundred (800) sq. ft. of gross floor area, or one (1) space for each two (2) employees per largest working shift, whichever is greater.
14. Philanthropic and charitable	One (1) parking space for each two (2)

ADVISORY ZONING CODE

institutions	employees per largest working shift, plus an adequate number of spaces to serve the public.
15. Schools, public and private (education institution)	
a. Elementary or junior high	At least three (3) parking spaces shall be provided for each classroom.
b. High school	At least six (6) parking spaces shall be provided for each classroom.
c. Sports area	At least one (1) parking space shall be provided for each five (5) seats when the facility is of an independent nature. When such facility is utilized in conjunction with a school, either the parking requirement based on seating capacity of the largest single facility contained herein or the above requirement based on classroom number shall be applicable, whichever results in the greater number of spaces.
16. Churches, theaters, auditoriums, assembly halls, undertaking establishments, and similar places of congregation	One (1) parking space for each five (5) seats in the main sanctuary or room, plus one (1) space for each employee per largest working shift.
17. Boarding schools, vocational and trade schools, colleges, and similar educational institutions	One (1) parking space for each six students, based on the maximum number of students attending classes on the premises at any one (1) time during a twenty four (24) hour period.
18. Group housing, including rooming and boarding houses, dormitories, elderly housing, fraternities and sororities	One (1) parking space for each two beds, or each two sleeping units, rooming units or dwelling units in the case of elderly housing, plus one (1) space for each employee per largest working shift.
19. Drive-in establishments	Two (2) parking spaces for each one hundred (100) sq. ft. of gross floor area, plus one (1) space for each employee for largest working shift.
20. Open-air type business uses, including auto and boat sales, kennels, plant nurseries and commercial amusement establishments	One (1) parking space for each employee per largest working shift, plus two (2) spaces for each service stall.
21. Commercial, manufacturing and industrial establishments not catering to the retail trade	One (1) parking space for each two (2) employees on the largest shift, plus an adequate number of spaces for visitors and company vehicles operating from the premises.
22. Amusement establishments, including swimming pools, golf courses, bowling alleys, skating rinks, and similar facilities	One (1) parking space for each five hundred (500) sq. ft. of gross floor area, or five (5) parking spaces for each hole, alley, or one hundred (100) sq. ft. of water area, whichever is greater.

ADVISORY ZONING CODE

- (23) For uses not specified in this subsection or in such instance when the requirement for an adequate number of spaces is unclear or not specified in another part of this Code or for special exceptions or a unit development plan, etc., the number of parking spaces shall be determined by the Zoning Inspector or the Board of Zoning Appeals, whatever the case may be, on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination, if made by the Zoning Inspector, may be appealed to the Board of Zoning Appeals.
- (24) In case of conflict between the provisions of this subsection, the higher requirement shall govern.
- (25) For purposes of determining off-street parking requirements under this subsection, gross floor area shall mean the total horizontal areas of the one (1) or several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities or elevator shafts.

(E) Off-Site Parking Facilities.

- (1) Required off-street parking facilities shall be provided hereinafter. The Board of Zoning Appeals is hereby authorized to grant an off-site parking facility as a special exception in accordance with the following conditions.
- (2) A development plan for such off-site parking facility shall be filed with the Board of Zoning Appeals as a required exhibit accompanying the special exception application and shall be made part of the conditions of any approval therefore. Said development plan shall demonstrate compliance with all applicable standards of this Code, shall be amended and reapproved to indicate any change or other modification of uses served, or number of parking spaces provided therefore, and shall indicate:
 - (a) Adjacent streets, alleys, and lots.
 - (b) All individual primary uses to be served, including the location use and number of parking spaces for each such use.
 - (c) A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.
 - (d) Type of lighting and pavement proposed, and identification signs including location, size and design thereof.
- (3) Off-site parking facilities shall be provided with setback distances equivalent to the requirements of the district, and ingress and egress points shall be limited to protect the function of adjoining streets.
- (4) Off-site parking facilities shall be encumbered by any instrument duly

ADVISORY ZONING CODE

executed and acknowledged, which subject said accessory off-street parking facilities to parking use served. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Said instrument shall be filed in the applicable Improvement Location Permit files of the Zoning Inspector's Office, and placed on public record in the office of the Ohio County Recorder.

- (5) Off-site parking facilities shall be developed in accordance with the provisions of Subsection (F) below. Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

(F) Development Standards.

- (1) All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this section, except in the case of one (1), two-family and multi-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Code.
- (2) Required off-street parking spaces shall be so designed, 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.
- (3) 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 for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
- (4) 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 district.
- (5) All open off-street parking areas shall be surfaced with an all-weather paving material capable of carrying a wheel load of four thousand (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, except that:
 - (a) A gravel surface may be used for a period not exceeding one (1) year after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.
 - (b) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.

- (6) Driveway entrances or exits shall be no closer than twenty five (25) feet to any adjoining residential property line or ten (10) feet to an adjoining non-residential 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 of the street shall exceed a width of thirty (30) feet; provided, however, two driveways not exceeding thirty (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 the Ohio County Highway Department.
- (7) In any district, each use which is so located that it fronts upon and provides access to an arterial thoroughfare shall provide a frontage land paralleling and adjoining the improved part of the right-of-way at least eleven (11) feet in width for turn traffic entering the lot. Such frontage lane shall be at least one (1) hundred (100) feet in length, exclusive of the entrance way and taper area; provided, however, if the lot frontage is too small to meet such requirements, the frontage lane shall extend the entire width of the lot.
- (8) 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.
- (9) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow or water onto either adjacent property or public sidewalks. Further, any additional run-off generated by such improved areas shall be disposed of in appropriate drainage facilities.
- (10) Such parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces, and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto adjoining property.
- (11) No business signs or advertisements shall be permitted in parking areas; provided, however, directional and identification signs shall be permitted in accordance with Sec. 150.036.
- (12) Parking areas located in the business and industrial districts shall be provided with a landscape screen not less than four (4) feet in height whenever the parking area is located within one hundred (100) feet of adjoining residential uses or fronting upon any adjoining residential uses, except as otherwise provided in this Code.
- (13) The ground area between the required off-street parking area setback and any lot line shall be landscaped with appropriate material to adequately indicate delineation.
- (14) Parking areas may be provided with a one-story shelter building or guard building which shall not exceed one hundred (100) square feet of gross floor area and shall conform to all the structural requirements of the district.

(G) Loading Requirements.

ADVISORY ZONING CODE

- (1) Uses and buildings with a gross floor area of five thousand (5,000) square feet or more shall provide off-street loading spaces in accordance with the following table, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery:

<u>Use Description</u>	<u>Floor Area in Square Feet</u>	<u>No. of Loading Spaces Required</u>
Manufacturing,	5,000 - 25,000	One (1)
distribution,	25,001 - 50,000	Two (2)
wholesaling,	50,001 - 100,000	Three (3)
storage and similar uses	Each 50,000 above 100,000	One (1)
Office buildings	5,000 - 60,000	One (1)
hotels and motels	60,001 - 100,000	Two (2)
retail sales, hospitals institutions, and similar uses.	Each 100,000 above 100,000	One (1)

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

Section 150.036: SIGNS

(A) Definitions.

- (1) A sign shall mean any identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building or other outdoor surface or parcel of land, and which directs attention to an object, product, place, activity, business, person, service or interest.
- (2) Sign surface shall mean the entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (3) An advertising sign or billboard shall mean an off-site sign which directs attention to an object as described in item (1) above; provided, however, such advertising sign shall not be associated with the primary use, business, activity or service conducted on the premises.
- (4) A business sign shall mean an on-site sign which identifies or directs attention to an object as described in item (1) above associated or offered as the primary use, business, activity or service on the premises; provided, however, that window displays relating to such items for sale or promoted on the premises shall not be construed as business signs.
- (5) Sign facing shall mean the surface of the sign upon, against or through which the message of the sign is exhibited.
- (6) Sign structure shall mean the supports, uprights, bracing and frame work for the sign. In the case of a sign structure consisting of two or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.
- (7) Projecting sign shall mean any sign suspended from or supported by a building, and extending outward therefrom more than eighteen (18) inches.
- (8) A free-standing sign shall mean any sign attached to a self-supporting sign structure which is essentially unattached to any other structure.
- (9) An incidental sign shall mean a nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent or lease.

(B) Application. No sign, billboard or exterior graphic display will be permitted in any district until permits are obtained therefore, except as specified otherwise in this Subsection.

- (1) The following incidental signs shall be excepted from the requirements of this Subsection, subject to the conditions specified:
 - (a) Signs not exceeding one (1) square foot in area and bearing only property numbers, address numbers, names of occupants of

ADVISORY ZONING CODE

- premises, or other identification of premises not denoting commercial activity.
- (b) Flags and insignia of any governmental unit, or civic, educational or religious organization, except when displayed in connection with promotion.
 - (c) Temporary political signs of any size pertaining to an election, referendum, or other voting event, may be displayed within thirty (30) days before and seven (7) days after the voting date.
 - (d) Legal notices, identification, information, warning, trespassing, or directional signs erected or required by governmental units.
 - (e) Memorial plaques, historical markers, integral decorative or architectural features of buildings, except trademarks, moving parts or moving lights.
 - (f) One (1) real estate sign for each lot frontage not exceeding six (6) square feet in area, indicating the sale, rental or lease of the premises on which displayed. A solid sign may be attached to such real estate sign; both signs shall be removed within seven (7) days from the time the premises were sold, rented or leased.
 - (g) Such signs may be illuminated but not flashing or animated.
- (3) The following incidental signs shall be permitted subject to the requirements of this Subsection.
- (a) Signs directing and guiding traffic, pedestrian or other control, designating entrances or exits to or from a parking or loading area, or indicating parking or loading area, or loading spaces, on private property, not exceeding four (4) square feet in surface area for each such sign and not bearing any advertising matter, limited to two (2) such signs for each entrance or exit.
 - (b) One (1) identification sign for a parking or loading area not exceeding sixteen (16) square feet in surface area for each street frontage of such area. Said sign shall include only the name and address of the owner or the name and address of the use for which it is provided, the hours of operation, and similar such information.
 - (c) Temporary signs in connection with a special event, in accordance with Sec. 150.033.
 - (d) One (1) temporary announcement sign for each street frontage of premises or buildings which are under construction, demolition, remodeling, or rebuilding, which sign announces the character of the building enterprise, including names of architects, engineers or contracts. Such sign shall not exceed sixty-four (64) square feet of surface area, and shall be removed when said indicated purpose is completed, in accordance with Section 150.033.
 - (e) One (1) temporary subdivision sign for each street entrance to the subdivision, or not less than two hundred (200) feet of street frontage, in accordance with Sec. 150.033, which sign is both incidental and necessary to advertise the sale, rental or lease of real property in the district. Such sign shall not exceed two hundred (200) square feet of surface area and shall not be erected until the subdivision has been approved and recorded.

ADVISORY ZONING CODE

- (f) One (1) temporary office, model home or model apartment sign for each such use, in accordance with Sec. 150.033, which sign is both incidental and necessary to identify or promote said use. Such sign shall not exceed sixteen (16) square feet of surface area.
- (g) Such signs may be illuminated but not flashing or animated. Such signs shall conform to all the requirements of the district; provided, however, in the case of (a), (b), (d), and (f), above, said signs may encroach into required setback distances but not closer than fifteen (15) feet to any adjoining property line; provided, further, said signs shall not project higher than sixteen (16) feet above the lot ground level.

(C) Advertising Signs or Billboards.

- (1) It is the intent of this Subsection to establish reasonable and uniform limitations, safeguards and controls for the operation and use of advertising signs in highway-oriented business locations. Such requirements are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interest of the community.
- (2) For purposes of this Subsection an advertising sign shall be construed in accordance with the definition and subject to the provisions of this Section.
- (3) One (1) advertising sign shall be permitted on any lot of at least three hundred (300) feet of frontage on a street designated as a secondary arterial or primary arterial in the B-2 and I-1 districts, and one additional advertising sign shall be permitted for each three hundred (300) feet of additional frontage.
- (4) Minimum setback lines shall be provided in accordance with the requirements of the applicable district, or fifty (50) feet, whichever is greater.
- (5) No advertising sign shall be permitted within one hundred (100) feet of a residential or agricultural district unless said sign is provided and maintained with landscape screening in order to mask the sign from view of the district.
- (6) The number of traffic access points shall not exceed one for each such sign frontage.
- (7) The facing of an advertising sign shall not be greater than eighteen (18) feet in vertical dimension, nor greater than fifty-five (55) feet in horizontal dimension, except as provided in (9) below, and shall not contain more than two advertising signs per facing.
- (8) The face of an advertising sign shall be viewed along the line of travel to which it is exposed for a distance of at least two hundred fifty (250) feet along the centerline of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's centerline; provided, however:
 - (a) In the case of a sign parallel [or within twenty (20) degrees of parallel] to a one-way street, the required viewing distance shall be at least four hundred (400) feet.

Section 150.036

ADVISORY ZONING CODE

- (b) In the case of a sign which is from three (3) to twenty (20) degrees of parallel to a two-way street, the required viewing distance shall be at least four hundred (400) feet.
 - (c) In the case of a sign parallel [or within three (3) degrees of parallel] to a two-way street, the required viewing distance shall be at least two hundred fifty (250) feet in each direction.
 - (d) In the case of a sign so placed that it can be viewed from more than one (1) street, the above viewing distance requirements shall be applicable to only one (1) street.
- (9) The vertical dimension of the sign face may be increased to twenty-two (22) feet provided the required viewing distance in (8) above is increased to five hundred (500) feet and said facing contains only one (1) sign, and the sign is perpendicular to the frontage street.
- (10) The maximum height of advertising signs erected upon the ground shall not exceed forty (40) feet above the street elevation to which the sign is oriented.

(D) Business Signs

- (1) The number and size of business signs for uses permitted in a business or industrial district shall be limited as follows:
- (a) The total number of signs for a lot having a business use located thereon shall be based upon the following formula: For each ten (10) lineal feet of property constituting frontage on a street, twenty (20) square feet of sign surface area shall be allowed, provided that this total surface area may be allocated into any number of signs; and provided further, that in no case shall the total number of such signs exceed two (2) per street frontage for each occupant therein.
 - (b) The minimum size allotment for signs for each lot having a business use located thereon shall be at least three hundred (300) feet of total surface area, and this area may be divided into two signs.
- (2) For unified centers, including shopping centers, planned business areas and enclosed industrial parks, in single ownership or under unified control, or individual uses with a collective and contiguous minimum frontage of four hundred (400) feet, one (1) additional business sign in addition to those signs permitted in this section shall be permitted for each main entrance to such center subject to the following:
- (a) Such sign shall indicate only the name and location of such center and the name and type of business of the occupants of such center.
 - (b) The maximum surface area of such sign shall be neither flashing nor animated.

(E) Center Identification Signs.

- (1) The following provisions shall apply to residential uses in any zone district:

ADVISORY ZONING CODE

- (a) Two sign structures identifying and/or providing information regarding a residential subdivision or project area shall be permitted for each main entrance to such residential area.
 - (b) Said sign shall not exceed sixty-four (64) square feet in surface area, and may be illuminated but not flashing or animated.
 - (c) Said sign shall indicate only the name and address of the building or use, the name and address of the management thereof, or associated information, but not including permanent promotional information.
 - (d) Provisions for maintenance shall be made for permanent residential identification signs in platted subdivisions. Said sign shall be constructed of ornamental metal, stone, masonry or other permanent material.
- (2) The following provisions shall apply to special exception uses:
- (a) One (1) identification sign not exceeding sixty-four (64) square feet in surface area shall be permitted for each street frontage adjoining any residential property; provided, however, for each two hundred (200) feet of additional street frontage, one (1) additional such sign shall be permitted, not to exceed a total number of four (4); provided, further, when not adjoining residential property such sign surface area may be increased to a maximum of one hundred twenty eight (128) square feet.
 - (b) Said sign may be illuminated but not flashing or animated.
 - (c) Said sign shall indicate only the name and address of the building or use, conditions of operation and associated information, but not including permanent promotional information.

(F) Accessory Signs and Sign Structures.

Accessory signs and sign structures shall be permitted for all buildings, structures or premises used for purposes permitted by this Code in accordance with the provisions of this Section.

(G) Maintenance and Removal.

- (1) All signs shall be kept in repair and in proper state of preservation.
- (2) Signs which are no longer functional or are abandoned shall be removed or relocated in compliance with the regulations of this Code within thirty (30) days following such abandonment. Signs shall be considered no longer functional or abandoned when such sign is materially obstructed from view, when its essential elements are no longer readable, or when a condition of dilapidation is in evidence.
- (3) Any legally established non-conforming sign shall be permitted without alteration in size or location, unless movable or unattached, in accordance with Sec. 150.007 (F) of this Code. If such sign is damaged or dilapidated to an extent of more than fifty (50) percent of its replacement cost at time of damage or repair, as determined by the Building Inspector, it shall not be rebuilt; provided, however, that

ADVISORY ZONING CODE

nothing herein shall prevent maintenance, repainting or normal repair of legally established non-conforming signs.

- (4) Whenever any movable or unattached sign is erected or maintained in violation of this Code, said sign may be removed by action of the Zoning Inspector after due notice is given to the person in interest.

(H) General Provisions.

- (1) No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- (2) No sign or sign structure other than official highway signs shall be placed upon, over or in any street or highway right-of-way or any sidewalk, except as provided in paragraph (5) below.
- (3) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "Stop", "Look", "Danger", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
- (4) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (5) It shall be unlawful to erect and maintain:
 - (a) Any sign which is not included under the types of signs permitted in this Code.
 - (b) Any portable or movable sign, except as permitted under the provisions of this Code.
 - (c) Any sign which projects more than eighteen (18) inches over public property except when such sign is necessary to the public safety and convenience and so authorized by the applicable governmental unit.
 - (d) Any sign or sign structure affixed to a roof top or known as a roof-top sign, which superstructure extends above the highest point of the roof.
 - (e) A business sign and advertising sign on the same lot.
- (6) Signs or sign structures located on a marquee or canopy shall be affixed flat to the surface thereof, and shall not:
 - (a) Be greater than three (3) feet in vertical measurement above the marquee or canopy.
 - (b) Extend vertically below or horizontally beyond more than eighteen (18) inches from the marquee or canopy limits.
- (7) Signs located on awnings shall be affixed flat to, or painted upon the surface thereof, shall not extend vertically or horizontally beyond the limits of said awning, and shall not be illuminated. Only the name and address of the use shall be indicated.
- (8) No sign or sign structure, except a projecting sign structure, attached to

ADVISORY ZONING CODE

- the wall of a building shall extend more than eighteen (18) inches horizontally from such wall.
- (9) No sign or sign structure attached to the wall of a building shall extend above the roof or parapet lines of such building; provided, however, in the case of unified center, including unit development plans, shopping centers, planned business areas and enclosed industrial parks, in single ownership or under unified control, the Board of Zoning Appeals may grant a special exception in accordance with Sec. 150.023, for one (1) such sign per occupant extending not more than four (4) feet above the roof or parapet line of such building.
- (10) Business and advertising signs may be illuminated, unless specified otherwise; provided, however, light reflectors shall not extend more than twelve (12) feet from the face of the sign. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of adjoining property.
- (11) Not more than one projecting business sign structure shall be allowed for each lot or occupant thereof, and the maximum surface area of such sign shall not exceed two hundred forty (240) square feet per side. Only one (1) side of a projecting sign shall be considered in computing total allowable sign surface area. In no case shall the sign structure extend more than eight (8) feet from or beyond its supporting building. No projecting sign shall be at its lowest point less than eight (8) feet above grade level.
- (12) Free-standing signs shall not be higher than forty (40) feet above the street elevation to which the sign is oriented, and the maximum surface area of such sign shall not exceed three hundred (300) square feet per side.
- (13) Signs or sign structures shall be set back in accordance with the building setback lines required by the district; provided, however:
- (a) In case the supporting building for a projecting sign is located closer than eight (8) feet to the building setback line, the projecting sign may extend in front of said setback line, but in no case shall such sign extend beyond the property line, in accordance with the standards of this Subsection; or
- (b) In the case of free-standing signs where graphic illustration is exhibited to the Board of Zoning Appeals, indicating extensive landscaping, compliance with all other standards of this Code and appropriate safeguards for the public safety, such sign or sign structure located no closer than twenty (20) feet to the front property line shall be deemed a sign setback special exception, and in accordance with the requirements of Sec. 150.023, the Board of Zoning Appeals may approve such special exception.

Section 150.037: ADMINISTRATION

- (A) Enforcement Officer. The Building Inspector is hereby designated and authorized to enforce the Zoning Code.
- (B) Improvement Location Permits. Within the jurisdiction of the Ohio County Advisory Plan Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the Comprehensive Plan of Ohio County, Indiana, and the Code of Ordinances of Ohio County, Indiana, and an Improvement Location Permit for such structure, improvement, or use has been obtained from the Building Inspector by the owner(s) of the property or his agent.
- (1) Compliance with Comprehensive Plan. The Building Inspector shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the Comprehensive Plan of Ohio County, Indiana.
 - (2) Building Permits. The Building Commissioner may issue a Building Permit which may include an Improvement Location Permit. (See Chapter 153.)
- (C) Application for Improvement Location Permit. Any person, who shall make application for an Improvement Location Permit, shall, at the time of making such application, furnish a site plan or development plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) day period may be waived. Said site plan shall be drawn to scale showing the following items:
- (1) Address of property and a legal or site description of the real estate involved including acreage.
 - (2) Location and size of all buildings and structures, existing and proposed.
 - (3) Width and length of all entrances and exits to and from said real estate.
 - (4) All adjacent and adjoining roads, alleys or highways, and their names.
 - (5) Lot number and area in square feet.
 - (6) Actual shape and dimensions of the lot to be built upon.
 - (7) Front, side and rear yard lines and their distance from the street or lot lines.
 - (8) Number of families or housekeeping units the building is designed to accommodate and such other information in regard to the lot and neighboring lots and their use as may be necessary to determine and provide for the enforcement of the provisions of this Code.
 - (9) Any other items required by this Code.

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

(D) Basic Duties of Building Inspector

- (1) Issue, in the name of the Board of Zoning Appeals, Improvement Location Permits and certificates of occupancy and maintain records thereof.
- (2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter, and report the findings and violations to the Plan Commission and Board of Zoning Appeals for the purpose of ordering compliance thereof.
- (3) Provide interpretation of the Planning and Zoning and Building Construction codes when necessary and such technical and clerical assistance as the Commission and Board may require.
- (4) Provide and maintain a public information service relative to all matters arising out of the Planning and Zoning and Building Construction codes.
- (5) Maintain permanent and current records of the Planning and Zoning and Building Construction codes, including but not limited to, all maps, amendments, improvement location permits, building permits, certificates of occupancy, variances, special exceptions and appeals, and applications therefore, and records of hearings thereon.
- (6) Review of applications for improvement location permits and subdivisions to ascertain as to whether the proposed use lies in a flood hazard area as defined in this Code. If the proposed use is found to lie in such an area, the Building Inspector will enforce the requirements set forth in Sec. 153.10 in the event that any structures involved are not directly covered by the Building Code regulations.
- (7) The Building inspector, during his review of improvement location permits and building permits, shall assure that all national flood insurance program regulations pertaining to state and federal permits, subdivision review, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

(E) Responsibility of the Building Inspector.

- (1) The official assigned to administer and enforce the provisions of this chapter is designated the Building Inspector. He shall be appointed in accordance with the provisions of the Code of Ordinances of Ohio County, Indiana. The authority to perform inspections, review applications, and issue permits may be delegated to such other officials by the Building Inspector. In the performance of these functions the Building Inspector and such other officials shall be responsible to the Ohio County Plan Commission and the Board of Zoning Appeals.
- (2) If the Building Inspector shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violations of the provisions of this chapter.

ADVISORY ZONING CODE

- (3) It is the intent of this chapter that all questions of interpretation of provisions of this chapter be first presented to the Building Inspector. Recourse from the decision of the Building Inspector (on matters pertaining to zoning) shall be only to the Board of Zoning Appeals, and recourse from the decision of the Board shall be to the courts as provided by law.
- (F) Relocation of Proposed Building, Structure, or Exit. The Building Inspector may require the relocation of any proposed building or structure or exit or entrance shown on the site plan or the location of new exits or entrances not shown on the site plan before issuing an improvement location permit when such action is necessary to carry out the purpose and intent of the zoning code.
- (G) Certificate of Compliance for Industrial Uses. An application for an Improvement Location Permit for any use subject to the provision of Sections 150.018 and 150.019 of this Chapter shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer of the State of Indiana, certifying that the use intended will satisfy the performance standards of the open industrial use or enclosed industrial use, as the case may be, and in the district in which it is to be located. The Building Inspector may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Building Inspector has not required any additional information or stated any objection in writing, the Building Inspector shall issue the Improvement Location Permit.
- (H) Site Plans Must be Filed for Record. Site plans so furnished shall be filed and shall become a permanent public record.
- (I) Special Exception. The Building Inspector shall issue an Improvement Location Permit for a special exception use only following receipt of notice from the Board that the application therefore has been approved by the Board.
- (J) Certificate of Occupancy. No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued stating that the building and use comply with all of the provisions of this Code applicable to the building or premises of the use in the district in which it is to be located.
- Such a certificate of occupancy shall be required before any existing building can be put to a business use different from the former use of the building. Such a certificate of occupancy shall be required even though the building has undergone no reconstruction and no structural alteration. Failure to obtain such a certificate of occupancy is a violation of this code. (Ohio County Ordinance No. 6, 1995.)
- (K) Completion of Improvements. On completion of the improvement covered by the improvement location permit, the Building Inspector shall cause an inspection of the premises, and, if this inspection shall reveal that the

Section 150.037

ADVISORY ZONING CODE

improvement has been completed in substantial conformity with the site plan or development plan, and certificate of compliance when required, submitted in the application pursuant to Subsection (C) of this Section, a Certificate of Occupancy shall then be issued.

- (L) Temporary Certificate. A temporary Certificate of Occupancy may be issued by the Building Inspector after application has been made for completed portions of a development plan which has been approved as a special exception, provided that a Certificate of Occupancy is required upon completion of the total development plan.
- (M) Change of Use. No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued, and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this Code.
- (N) Coincidental Application. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful change of use, lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed, provided the Building Inspector has been notified of such completion by the applicant.
- (O) Certificates of Occupancy Filed for Record. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.
- (P) Excavations. No Improvement Location Permit shall be issued for excavation or for the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.
- (Q) Health Requirements. An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Building Inspector that the proposed Use meets the minimum standards for a sewage disposal system and water supply system as required by the Ohio County Health Officer. No Certificate of Occupancy shall be issued for a commercial or industrial structure or for any other applicable use until the plans for such structure shall have been approved by the Department of Fire Prevention and Building Safety of the State of Indiana.
- (R) Time Limit. The work or use authorized by an Improvement Location Permit, Certificate of Occupancy or permit for a variance, contingent use or other permit, except for a conditional use, must be commenced within six (6) months of the date of issuance of such certificate or permit; otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within twelve (12) months from the issuance of the certificate or permit therefore, except for a special exception and provided that for good cause shown, the Building Inspector can extend the completion of time.

Section 150.037

ADVISORY ZONING CODE

- (S) Proper Compliance. The Zoning Inspector shall review all development (and subdivision) proposals to assure compliance with the flood plain district requirements of this Chapter. All development applications for uses located in the flood plain district which are not permitted by right (see Sec. 150.020) will require the review and approval by Natural Resources prior to the issuance of an Improvement Location Permit or Building Permit. The Zoning Inspector shall forward all these specifications, along with plans and specifications, to Natural Resources for review and comment.

The Zoning Inspector, during his review of Improvement Location Permits and Building Permits, shall assure that all National Flood Insurance Program regulations pertaining to State and Federal permits, (subdivision review), mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

- (T) Soil and Drainage Conditions Met. An Application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Building Inspector that the proposed use meets the applicable criteria of the Ohio County Soil and Water Conservation District for the lot or tract of land concerning types of soils involved and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage. Also, the Building Inspector must be satisfied that any Indiana Drainage Code requirements have been met before approving applications for Improvement Location Permits.

- (U) Temporary Improvement Location Permit. A Temporary Improvement Location Permit may be issued by the Building Inspector after application has been made for a temporary use authorized by this Code. (See Sec. 150.033 and Sec. 150.036.)

- (V) Issuance of Permits. Any permits authorized by the County, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Ohio County Advisory Plan Commission, shall be issued only if, in addition to satisfying the requirements of the Code of Ordinances of Ohio County, Indiana, the proposed street right-of-way as set forth in the Thoroughfare Plan will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street, subject to Building Setback Lines as set forth in Sec. 150.024.

- (W) Certain Requirements Regarding Real Estate Transfers. All offers for the sale of real estate shall be accompanied by a description setting forth the zoning classification and permitted uses of the real estate being offered for sale, which description shall be provided by the seller or his agent.

- (X) Erroneously Issued Permits - Restrictive Covenants. The issuance of an Improvement Location Permit and/or a Certificate of Occupancy in no way validates such a permit or certificate in the event that same is erroneously issued or does not comply with applicable laws and the Code of Ordinances of Ohio County. Furthermore, the issuance of an Improvement Location Permit and/or a

Section 150.037

ADVISORY ZONING CODE

Certificate of Occupancy in no way permits the violation of any restrictive covenants relative to the real estate. (See Sec. 150.039.)

Section 150.037

ADVISORY ZONING CODE

Section 150.038: BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with I.C. 36-7-4-901 and 902 - 907, and all acts now or hereafter amendatory thereto.

- (A) Organization. At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a Secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.
- (B) Rules. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Code.
- (C) Meetings Open to Public. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record, and a copy of which shall be filed with the Plan Commission Secretary following each Board meeting.
- (D) Appeals Jurisdiction. The Board shall hear and determine appeals from and review:
- (1) Any order, requirement, decision, or determination made by an administrative official, including the Building Inspector, or staff member under this Zoning Code;
 - (2) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of the zoning ordinance; or
 - (3) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of an ordinance adopted under this Code requiring the procurement of an Improvement Location Permit or a Certificate of Occupancy.
- (E) Exceptions and Uses. The Board shall approve or deny all:
- (1) Special exceptions;
 - (2) Special uses;
 - (3) Contingent uses; and
 - (4) Conditional uses;
- from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in this Zoning Code. The Board may impose reasonable conditions as a part of its approval.
- (F) Variances of Use From Terms of Zoning Code. The Board shall approve or

Section 150.038

ADVISORY ZONING CODE

deny variances of use from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- (3) The need for the variance arises from some condition peculiar to the property involved.
- (4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
- (5) The approval does not interfere substantially with the Comprehensive Plan Resolution of Ohio County, Indiana, 1987, as amended.

(G) Variances From Development Standards of Zoning Code. The Board shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Code. A variance may be approved under this section only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- (3) The strict application of the terms of the Zoning Code will result in practical difficulties in the use of the property.
- (4) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.
- (5) Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.
- (6) That the granting of such variance will not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets.

(H) Variances in FP District. Applications for variances to the provisions of this Chapter concerning an Improvement Location Permit or Building Permit for a use located in the FP district shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any such Permits. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

ADVISORY ZONING CODE

- (I) Appeals to Board - Grounds - Transmissions of Record - Disposition
- (1) An appeal filed with the Board must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board by rule.
 - (2) The Building Inspector, or other person from whom the appeal is taken shall, on the request of the Board of Zoning Appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.
 - (3) Certified copies of the documents, plans, and papers constituting the record may be transmitted for purposes of subsection (b).
 - (4) Upon appeal, the Board may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the Board has all the powers of the Official, Officer, Board, or body from which the appeal is taken.
 - (5) The Board shall make a decision on any matter that it is required to hear under the Zoning Code.
 - (a) At the meeting at which that matter is first presented.
 - (b) At the conclusion of the hearing on that matter, if it is continued.
 - (6) Within five (5) days after making any decision under the Zoning Code, the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.
- (J) Writ of Certiorari. Every decision of the Board shall be subject to review by certiorari.

Section 150.039: GENERAL PROVISIONS

- (A) Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The Ohio County Advisory Plan Commission has given consideration to the existing and future probable use of land in the territory affected by this Chapter, and has prepared a comprehensive plan showing the future development of this area, which has served as a guide in the preparation of this Chapter.
- (B) Non-Interference With Greater Restrictions Otherwise Imposed. It is not intended by this Chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor any ordinances, rules, regulations or permits previously adopted or issued and which are not in conflict with any of the provisions of this Chapter, except that, where this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance rules, regulations or permits, the provisions of this Chapter shall control.
- (C) Use. No building or land shall be used and shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.
- (D) Height. No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located. (See Sec. 150.030.)
- (E) Yard, Lot Area and Size of Building. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.
- (F) Parking Space: Loading and Unloading Berths. For each building hereafter erected and for certain other uses of land, parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except that parking spaces may not be required for business or industrial uses in accordance with the provisions of Sec 150.035 (B) (13), but it is the intent of this Code to encourage the establishment of adequate parking spaces wherever normally required by this Chapter.
- (G) Building Relocated. No building or structure shall be moved from one lot or premises to another unless such building and lot shall thereupon conform to all the regulations of the zone district to which such building shall be moved.
- (H) Farms Exempt. Land, farm barns, farm outbuildings, or other buildings, except

ADVISORY ZONING CODE

for farm houses or farm dwellings [which include dwellings for the farm owner, operator or farm assistants (See Sec. 150.022)], structures or erections which are adapted, by reason of nature and area, for use by agricultural purposes as a primary means of livelihood, while so used, shall not be affected by restrictions or regulations of this Code, except for structures proposed to be located in the FP Flood Plain District.

- (I) Public Utility Installations Exempt. Structures and land use for public utility installations so defined herein, while so used, shall not be affected by restrictions or regulations of this Code; provided, however, terminal facilities and treatment or processing plants in residential developments are contingent uses, but a sewage treatment facility (primary use) is a special exception and is subject to the provisions of this Chapter. (See Sec. 150.023 for Transmission Lines.)
- (J) Mineral Extraction Exempt. Nothing herein shall prevent, outside of urban areas, the complete use and alienation of any mineral resources of forests by the owner or alienee thereof. For the purpose of this subsection, urban areas shall include all lands or lots within the limits of incorporated cities and towns and any other lands or lots used for residential purposes where there are eight (8) or more residences within any quarter mile square and such other lands or lots as have been or are planned for residential areas contiguous to incorporated cities or towns.
- (K) Invalidity of Portions. Should any section or provision of this Code be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the Code as a whole, or any portion thereof, other than the portion so declared to be invalid.
- (L) Amendments. All amendments to or repealers of the Zoning Code shall be made in accordance with the provisions of I.C. 36-7-4.

Section 150.040: SOIL SURVEY, DRAINAGE, EROSION AND SEDIMENT CONTROL

Before an Improvement Location Permit or a Certificate of Occupancy shall be issued, the Zoning Inspector shall be satisfied that the proposed use meets the applicable criteria set forth herein for the lot or tract of land concerning types of soils involved, and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage. The Building Inspector shall be guided by the information set forth in the findings in the NATIONAL COOPERATIVE SOIL SURVEY prepared by the USDA Soil Conservation Service in cooperation with the Purdue Experiment Station and the Ohio County Soil and Water Conservation District, and the specifications set forth in Subsection (E) herein. The Building Inspector shall also be guided by advice from the USDA Soil Conservation Service, Ohio County Soil and Water Conservation District, Department of Natural Resources - Division of Water, and other agencies or officials offering technical assistance on the subjects of soils, drainage, erosion and sediment control. The applicant shall provide the above information, report, or plan with his application, and additional expense necessary to ensure adequate information, report, or plan shall be met by the applicant.

- (A) **Definitions.** Unless otherwise expressly stated, the following words shall, for the purposes of this Section, have the meaning herein stated. Words in the singular number include the singular. Present tense includes the future. The word "building" shall be deemed to include the word "structure".
- (1) **CUT:** An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.
 - (2) **EROSION:** The removal of surface materials by the action of natural elements.
 - (3) **EXCAVATION:** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.
 - (4) **FILL:** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
 - (5) **FLOOD PLAIN:** See Sec. 150.041 Definitions.
 - (6) **QUALIFYING TRACT:** Any tract where twenty (20) or more cubic yards of earth is removed.
 - (7) **RUNOFF:** The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
 - (8) **RUNOFF FROM A FULLY DEVELOPED AREA UPSTREAM:** The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the comprehensive plan.

ADVISORY ZONING CODE

- (9) **SEDIMENTATION:** The process by which mineral or organic matter is accumulated or deposited by moving, wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."
- (10) **SLOPE:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet or horizontal distance.
- (11) **SOIL STABILIZATION:** Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
- (12) **SWALE:** A low-lying stretch of land which gathers or carries surface water runoff.
- (13) **TOP SOIL.** Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon."
- (14) **WATERCOURSE:** A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water whether natural or man-made.

(B) Plan for Minimizing Erosion and Sedimentation.

- (1) No changes shall be made in the contour of the land; or grading, excavating, removal or destruction of the top soil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Building Inspector, or there has been a determination by the Zoning Inspector that such plans are not necessary.
- (2) No development plan shall be approved unless there has been a plan approved by the Building Inspector that provides for drainage and minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with Ohio County or Rising Sun, as the case may be, in the form of an escrow guarantee satisfactory for the planning which will ensure installation and completion of the required improvements; or there has been a determination by the Building Inspector that a plan for drainage and minimizing erosion and sedimentation is not necessary.
- (3) Measures used to control erosion and reduce sedimentation and to provide drainage shall as a minimum meet the standards and specifications of the Ohio County Soil and Water Conservation District. The Building Inspector shall ensure compliance with the appropriate specifications, copies of which are available from the Ohio County Soil and Water Conservation District or the Plan Commission Office.

(C) Measures to Minimize Erosion and Sedimentation. The following measures are effective in minimizing erosion and sedimentations and shall be included where applicable in the control plan:

ADVISORY ZONING CODE

- (1) Stripping of vegetation, regarding, or other development shall be done in such a way that will minimize erosion.
- (2) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- (3) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- (4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
- (5) Disturbed soils shall be stabilized as quickly as practicable.
- (6) Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
- (7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- (8) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
- (9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

(D) Making Sites More Suitable. In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- (1) The location, grading and placement of sub-grade (base) material of all driveway and parking areas shall be accomplished as the first work done on a development plan.
- (2) All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Building Inspector.
- (3) All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be of such slope, shape and size as to conform with the requirements of Ohio County.
- (4) Concentration of surface water runoff shall only be permitted in swales or watercourses.

(E) Excavations and Fills.

- (1) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Building Inspector when handled under special conditions.

Section 150.040

ADVISORY ZONING CODE

- (2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installations of temporary or permanent drainage across or above these areas.
- (3) Cut and fills shall not endanger adjoining property.
- (4) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (5) Fills shall not encroach on natural watercourses or constructed channels.
- (6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- (7) Grading will not be done in such a way so as to divert water on to the property of another land owner without the expressed consent of the Building Inspector.
- (8) During grading operations, necessary measures for dust control will be exercised.
- (9) Grading equipment will not be allowed to ford live streams.
- (10) Provisions will be made for the installation of temporary or permanent culverts or bridges.

(F) General Provisions.

- (1) Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the applicant, person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- (2) Maintenance of all driveways, parking areas, drainage facilities and watercourses within any development plan area is the responsibility of the applicant, or owner developer.
- (3) It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the flood plain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
- (4) No applicant and person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Building Inspector or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
- (5) Where a development plan area is traversed by a watercourse, the total development of the watercourse shall be considered. There shall be provided, a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage to the satisfaction of the Building Inspector. [See Sec. 150.037 (M).]

(G) Responsibility of Applicant.

- (1) Each applicant, person, corporation, or other entity which makes any surface changes shall be required to:

Section 150.040

ADVISORY ZONING CODE

- (a) Collect on-site surface runoff and dispose of it to the point of discharge into an adequate outlet approved by the Building Inspector.
 - (b) Handle existing and potential off-site runoff through its development by designing to adequately handle storm runoff from a fully developed area upstream.
 - (c) Pay its proportionate share of the total cost of off-site improvements to the common natural watercourse based on a fully developed drainage.
 - (d) Provide and install at its expense, in accordance with the Building Inspector's requirements, all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.
- (2) It is the responsibility of the applicant or owner to keep all major streams, not under the jurisdiction of other official agency, open and free flowing.
 - (3) The applicant or owner shall assume the responsibility for maintaining an open and free-flowing condition in all minor streams, watercourse and drainage systems, constructed or improved in accordance with Ohio County design criteria on its property, which are necessary for proper drainage in the discretion of the Zoning Inspector if adequate right-of-way exists or can be acquired.
- (H) Design Standards. The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the following standards and specifications on file in the office of the Ohio County Soil and Water Conservation District and the Building Inspector.

"URBAN SOIL AND WATER CONSERVATION GUIDELINES,
SPECIFICATION NO. 1"

Adopted by the Ohio County Soil and Water Conservation District, Rising Sun,
Indiana.

(I) Plan Approval.

- (1) The Approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development, and become a part thereof.
- (2) Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Building Inspector.
- (2) In the event the applicant or developer proceeds to clear and grade prior to the approval of the development plan, without satisfying conditions specified under paragraph (2) above, the Board may revoke the approval of all plans.

ADVISORY ZONING CODE

Section 150.041: DEFINITIONS

For the purpose of the Zoning Code, certain terms and words used herein shall be interpreted and defined as follows: Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure" and vice-versa; the word "shall" is mandatory and not directory.

- (1) **ABUTTING:** Bordering.
- (2) **ACCESSORY BUILDING AND USE:** A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy; such as public utility installations, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.
- (3) **AGRICULTURE:** The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for a man's use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, dairying, sugar making, etc.
- (4) **AIRPORT:** Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.
- (5) **ALLEY:** A permanent public service way providing a secondary means of access to abutting lands, and which is less than thirty (30) feet in width.
- (6) **ALLEY LINE:** A lot line bordering on an alley.
- (7) **APARTMENT:** A building or portion thereof designed for or occupied by more than two (2) families. Also, a Multi-Family Dwelling.
- (8) **AUCTION USE:** A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an Auction.
- (9) **AUTOMOBILE OR TRAILER SALES AREA:** An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.
- (10) **AUTOMOBILE WRECKING YARD:** Any place where two or more motor vehicles, not in running condition, lacking current license plates and state inspection stickers, including inoperable equipment and parts thereof, are stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods articles, or merchandise. (See "Junk Yard".)
- (11) **BASEMENT:** A story, wholly or partly underground, which, unless subdivided into rooms and used for tenant purposes, shall not be included

Section 150.041

ADVISORY ZONING CODE

- as a story for the purpose of height measurement.
- (12) **BLOCK:** A unit or property bounded by streets, or by streets and/or railroad rights-of-way, waterways, or other barriers.
 - (13) **BLOCK FRONTAGE:** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.
 - (14) **BOARD OR BOARD OF ZONING APPEALS:** The Ohio County Advisory Board of Zoning Appeals.
 - (15) **BOARD OF COUNTY COMMISSIONERS:** The Board of Commissioner of Ohio County, Indiana.
 - (16) **BOARDING HOUSE:** A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over thirty (30), persons regularly; a lodging house.
 - (17) **BUILDING:** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.
 - (18) **BUILDING, DETACHED:** A building having no structural connection with another building.
 - (19) **BUILDING, FRONT LINE OF:** The line of the face of the building nearest the front lot line.
 - (20) **BUILDING, HEIGHT OF:** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
 - (21) **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be considered a part of the principal building.
 - (22) **BUILDING INSPECTOR:** The official designated by the Board of County Commissioners of Ohio County and authorized to enforce this Chapter of the Code and other chapters and ordinances pertaining to planning and zoning and building construction.
 - (23) **BUILDING LINE.- BUILDING SETBACK LINE:** The line nearest the front or side of and across a lot establishing the minimum yard to be provided between the building or structure and the lot line.
 - (24) **BUILDING PERMIT:** A permit signed by the Building Inspector stating that a proposed improvement complies with the provisions of this Code and such other parts of the Code of Ohio County, Indiana, as may be applicable. A Building Permit may also include an Improvement Location Permit. Same as "Construction Permit."
 - (25) **BUSINESS OR COMMERCIAL:** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.
 - (26) **CAMP, PUBLIC:** Any area or tract of land used or designed to

Section 150.041

ADVISORY ZONING CODE

- accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.
- (27) **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. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanizing car wash.
- (28) **CEMETERY:** Land used for the burial of the dead and dedicated for Cemetery purposes, including columbiums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- (29) **CERTIFICATE OF OCCUPANCY:** A certificate signed by the Building Inspector stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the Code of Ordinances of Ohio County, Indiana.
- (30) **CLUB:** Private buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- (31) **COMMISSION OR PLAN COMMISSION:** The Ohio County Advisory Plan Commission.
- (32) **COMPREHENSIVE PLAN:** A composite of all plans of land use, of thoroughfares, of sanitation, of recreation, and other related matters according to the requirements of the 500 Series of I.C. 36-7-4.
- (33) **COUNTY:** Ohio County, Indiana.
- (34) **Day Care Center or Child Development Center.** A building or part thereof including the lot devoted to the care and/or education and training of infants (younger than two years of age) and/or children (two to fifteen years) at a location away from home for less than twenty four (24) hours per day during weekday working hours, and not including overnight accommodations or overnight sleeping. This definition encompasses facilities generally known as child care center, pre-school, kindergarten, nursery school, and similar programs and facilities for infants and children, but does not include, "Educational Institution." (See definition Family Day Care Home.)
- (35) **DECIBEL:** A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.
- (36) **DENSITY:** The number of dwelling units developed per acre of land.
- (37) **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
- (38) **DEVELOPMENT PLAN:** Specific plans for the residential, commercial, or industrial development or other development of property setting forth certain information and data required by the Plan Commission. This information and data may include:
- (a) The proposed name of the development;
 - (b) The name and address of developers;
 - (c) The location by public way, township, and section;

- (d) The legal description;
 - (e) A map including date, scale and point north, location, size, capacity, and use of all buildings and structures existing or to be placed in the development;
 - (f) The nature and intensity of the operations involved in or conducted in connection with the development;
 - (g) The site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading, and unloading;
 - (h) The name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements and other public open spaces;
 - (i) The layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;
 - (j) A description of the use of adjacent property and an identification of that property;
 - (k) The location, size, and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;
 - (l) The proposals for sewer, water, gas, electricity, and storm drainage;
 - (m) The contours with spot elevations of the finished grade and the directions of storm runoff;
 - (n) The layout of proposed lots with their numbers and dimensions; and
 - (o) The land use density factors.
- (39) **DEVELOPMENTAL DISABILITY:** A disability of a person which:
- (a) Is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition found to be closely related to mental retardation because this condition results in similar impairment of general intellectual functioning or adaptive behavior, or requires similar treatment and services; or is attributable to dyslexia resulting from a disability described in this clause;
 - (b) Originates before the person is age eighteen (18); and
 - (c) Has continued or is expected to continue indefinitely and constitutes a substantial handicap to the person's ability to function normally in society.
- (40) **DEVELOPMENTAL DISABILITIES RESIDENTIAL FACILITY:** A facility:
- (a) That provides room and board services only, which are paid for exclusively out of private funds; or
 - (b) That provides only those services which are minimally required, based on each recipient's needs, for federal financial participation under Title XIX of the Federal Social Security Act (42 U.S.C. 1396 et seq.); for at least four (4), but not more than eight (8) developmentally disabled individuals who are not related to the individual owning or leasing the facility; however, the term does not apply to a boarding house which is approved by the department of mental health under IC 16-14-4.

ADVISORY ZONING CODE

- (41) **DISTRICT:** A section of Ohio County for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings are herein established.
- (42) **DRIVE-IN ESTABLISHMENT:** Any place or premises used for sale, dispensing, or serving of food, refreshments, beverages or services in automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.
- (43) **DWELLING:** A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.
- (a) A single-family dwelling is a detached building designed for or occupied by one family, exclusively.
- (b) A two-family dwelling is a detached building designed for or occupied by two families, exclusively.
- (c) A multi-family dwelling is a building designed for or occupied by three or more families, exclusively.
- (44) **DWELLING UNIT:** One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- (45) **EASEMENT:** A right of the owner on one (1) parcel of land, by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property.
- (46) **EDUCATIONAL INSTITUTION:** Public or parochial pre-primary, primary, grade, high, preparatory school or academy; junior college; college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.
- (47) **FAMILY DAY CARE HOME:** An occupied dwelling in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a family day care home is limited to that care given to twelve (12) or fewer children, including children living in the home and children or close relatives cared for in the home for less than 24 hours per day during weekday working hours. A Small Family Day Care Home is limited to six (6) or fewer children and a Large Family Day Care Home is limited to twelve (12) or fewer children. (See definition Day Care.)
- (48) **FARM:** A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops, pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures.

Section 150.041

ADVISORY ZONING CODE

- (49) **FARM HOUSE OR FARM DWELLING:** The principal dwelling or residence of the owner or operator of the farm.
- (50) **FAMILY:** One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, fraternity or sorority house.
- (51) **FILLING STATION/SERVICE STATION:** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, limited to the following:
- (a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
 - (b) Tire servicing and repair, but not recapping or regrooving;
 - (c) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
 - (d) Radiator cleaning and flushing;
 - (e) Washing and polishing, and sale of automobile washing and polishing materials;
 - (f) Greasing and lubrication;
 - (g) Providing and repairing fuel pumps, oil pumps, and lines;
 - (h) Minor servicing and repair of carburetors;
 - (i) Adjusting and repairing brakes;
 - (j) Emergency wiring repairs;
 - (k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
 - (l) Sales of cold drinks, packaged foods, ice, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;
 - (m) Rental of hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes or recreational vehicles, as accessory and incidental to principal operation;
 - (n) Provision of road maps and other informational materials to customers; provision of restroom facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.
- (52) **FLASH POINT:** The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.
- (53) **FLOOD PLAIN:** The area adjoining the river or stream which has been or may hereafter be covered by flood-waters.
- (54) **FLOOR AREA, GROSS:** The total area, computed on a horizontal plane, within the outside dimensions of a building. [See Sec. 155.065 for application to off-street parking under subsection (D).]

ADVISORY ZONING CODE

- (55) **FLOOR AREA, NET:** The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.
- (56) **FREE BURNING:** A rate of combustion described by a material which burns actively and easily supports combustion.
- (57) **FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
- (58) **GARAGE, PRIVATE:** An accessory building with capacity for not more than three (3) motor vehicles per family, not more than one (1) of which may be a commercial vehicle of not more than three (3) tons GVW. A garage designed to house two (2) motor vehicles for each family housed in a two-family dwelling or a multi-family dwelling shall be classed as a private garage.
- (59) **GARAGE, PUBLIC:** Any building, except those defined herein as a "Private Garage", used for storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
- (60) **GRADE:- Also, Lot Ground Level.**
- (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
 - (b) For buildings having walls adjoining more than one street, the overage of the elevation of the sidewalk at the center of all walls adjoining the streets; and
 - (c) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.
- (61) **GROUND FLOOR AREA:** The square foot area of a residential building within its largest outside dimensions computed on a horizontal plan at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways. Same as "Occupied Space."
- (62) **HEALTH OFFICER:** Any officer of authority, Ohio County Health Department, and the State Board of Health. Same as "County Health Officer," includes County Sanitation.
- (63) **HEALTH FACILITY:** Any building, structure, institution, or other place, for the reception, accommodation, board, care or treatment extending beyond a continuous twenty four (24) hour period in any week of more than two (2) unrelated individuals requiring, in apparent need of, or desiring such services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, incompetence, deformity, or any physical, mental or emotional disability, or other impairment, illness or infirmity, not specifically mentioned hereinabove, including institutions or places furnishing those services usually furnished by places or institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitariums, convalescent homes, homes for the chronically ill, homes

for the indigent. The reception, accommodation, board, care or treatment in a household or family, for compensation, of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousins, shall not be deemed to constitute the premises in which the person is received, boarded, accommodated, cared for or treated, a health facility. Any state institution or any municipal corporation may specifically request such licensure and upon compliance with all sections of this chapter and upon compliance with all existing rules and regulations, the petitioning facility may then be so licensed under the provisions of I.C. 16-10-2; provided that the term Health Facility does not include hotels, motels, or mobile homes when used as such; hospitals, mental hospitals, institutions operated by the federal government; boarding homes for children; schools for the deaf or blind; day schools for the retarded; day nurseries; children's homes; child placement agencies; offices of practitioners of the healing arts; offices of Christian Science Practitioners; industrial clinics providing only emergency medical services or first-aid for employees; a residential facility, as defined in I.C. 16-10-2.1-1; and any hospital, sanitarium, nursing home, rest home, or other institution wherein any health care services and private duty nursing services are rendered in accordance with the practice and tenets of the religious denomination known as the Church of Christ, Scientist.

- (64) **HOME OCCUPATION:** An accessory use conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.
- (65) **HOSPITAL:** An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.
- (66) **HOTEL:** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to the boarding or lodging house.
- (67) **IMPROVEMENT LOCATION PERMIT:** A permit which may be combined with a **BUILDING PERMIT** signed by the Building Inspector stating that a proposed improvement or use complies with the provisions of this Code. A **TEMPORARY IMPROVEMENT LOCATION PERMIT** is an **IMPROVEMENT LOCATION PERMIT** authorized by the Ohio County Advisory Board of Zoning Appeals with a definite time limit attached thereto.
- (68) **INDUSTRIAL PARK:** A single or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

ADVISORY ZONING CODE

- (69) **INTENSE BURNING:** A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.
- (70) **JUNK YARD:** Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
- (71) **JURISDICTION OF THE COMMISSION:** The unincorporated territory Ohio County, Indiana, the boundaries of which are shown on the Zone Map, dated 1987, as amended, which includes all of the area over which this Chapter is effective.
- (72) **KENNEL:** Any lot on which four (4) or more dogs, or small animals at least four (4) months of age, are kept.
- (73) **LOADING AND UNLOADING BERTHS:** The off-street area required for the receipt or distribution by vehicles of material or merchandise.
- (74) **LODGING HOUSE:** A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons, not open to transients, in contradistinction to a hotel or lodge which is open to transients.
- (75) **LOT:** A parcel, tract or area of land accessible by means of a street or place, and for residential uses as set forth in this Code, abutting upon a street or place for at least fifty (50) percent of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plan which is recorded in the Office of the County Recorder of Ohio County, or it may include parts of, or a combination of such 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 or a place shall be included.
- (76) **LOT, CORNER:** A lot at the junction of and having frontage on two or more intersecting streets.
- (77) **LOT, DEPTH OF:** The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.
- (78) **LOT, INTERIOR:** A lot other than a Corner Lot or Through Lot.
- (79) **LOT, REVERSED INTERIOR:** An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the Interior Lot Line by an alley.
- (80) **LOT, THROUGH:** A lot having frontage on two parallel, or approximately parallel streets. Also Double Frontage Lot.
- (81) **LOT, WIDTH:** The dimension of a lot, measured between side lot lines on the building line.
- (82) **LOT, AREA:** The horizontally projected area of a lot computed exclusive of any portion of a street, existing or proposed.
- (83) **LOT COVERAGE:** The total ground area of a lot usually expressed as a

ADVISORY ZONING CODE

- percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.
- (84) **LOT FRONTAGE:** The linear distance of a lot measured at the front lot line where said lot abuts a street, measured between side lot lines.
- (85) **LOT LINE:** The property line between two established parcels of land or one parcel and a public right-of-way or place.
- (86) **LOT LINE, FRONT:** In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.
- (87) **LOT LINE, REAR:** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- (88) **LOT LINE, SIDE:** Any lot boundary line not a front lot line or a rear lot line.
- (89) **LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Ohio County, or a parcel of land, the deed to which has been recorded in the office of the Ohio County Recorder.
- (90) **MANUFACTURED DWELLING:** A dwelling unit, built in a factory and bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards Law or Indiana Public Law 360, Acts of 1971, and construction prior to January 1, 1981, and, although it is not actually a Mobile Home, for the purposes of this Code, it is a Mobile Home.
- (91) **MANUFACTURED HOME:** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.) or Indiana Public Law 360, Acts of 1971 (I.C. 22-11-1-9), constructed after January 1, 1981, and exceeds nine hundred fifty (950) square feet of occupied space.
- (92) **MOBILE HOME:** A transportable dwelling unit built prior to June 15, 1976, which is greater than eight (8) feet in body width and longer than thirty two (32) feet in body length and designed for year-round occupancy.
- (93) **MOBILE HOME PARK:** A tract of land which has been developed with all necessary facilities and services in accordance with a development plan meeting all legal requirements and which is intended for the purpose of providing a site for five (5) or more manufactured homes, manufactured dwellings or mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such Mobile Home Park.
- (94) **MOBILE HOME LOT:** A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway and parking area for said occupants.

ADVISORY ZONING CODE

- (95) **MOBILE HOME SLAB OR FOUNDATION:** The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a Permanent Foundation.
- (96) **MOBILE HOME STAND:** That part of the mobile home park which has been reserved for the placement of one (1) mobile home unit, including the mobile home slab, lawn area, driveway area and parking area for the unit.
- (97) **MODERATE BURNING:** A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.
- (98) **MOTEL:** A building or detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients and no unit cooking facilities are offered.
- (99) **NATURAL RESOURCES:** The Indiana Natural Resources Commission.
- (100) **OCCUPIED SPACE:** The total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.
- (101) **OCTAVE BAND:** A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.
- (102) **OPACITY:** A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed.

<u>Opacity Percent</u>	<u>Ringelmann</u>
10	0.5
20	1
30	1.5
40	2
60	3
80	4
100	5

See Definition of Ringelmann Number.

- (103) **OPEN SPACE:** The total horizontal area of a lot excluding the building are but including parking areas and recreational areas; provided, however, in residential districts, said open space may include the useable roof area within the project which has been improved for outdoor use of occupants, plus one-half of that space, such as balconies, which may be open on its sides but not open above to the sky.
- (104) **OUTDOOR RECREATION:** Outdoor recreation includes one or more of the following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conservation clubs, Girl Scout and Boy Scout lodges or clubhouses, private parks or playgrounds, archery ranges, and other outdoor recreation uses approved by the Board of Zoning Appeals; and accessory uses, buildings and structures such as

ADVISORY ZONING CODE

- off-street parking and loading facilities, administration maintenance, and clubhouse building. Outdoor recreation may be private recreational developments or outdoor commercial enterprises. (See Business).
- (105) **PARK MANAGEMENT:** The person who owns or has charge, care or control of a mobile home park.
- (106) **PARKING AREA:** An area paved with a hard surface in accordance with City specifications, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.
- (107) **PARKING SPACE:** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and twenty (20) feet long exclusive of passageways. For computing purposes, the average area of passageways shall be at least seventy (70) square feet per space. Accordingly, the minimum total average area for a parking space is two hundred fifty (250) square feet.
- (108) **PARTICULATE MATTER:** Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.
- (109) **PERMANENT FOUNDATION:** Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. (See I.C. 22-11-1-1.5.)
- (110) **PERMANENT PERIMETER WALL:** An approved non-load-bearing perimeter structural system composed of a continuous masonry, wood, or street wall, having the appearance of a permanent load-bearing foundation characteristic of a site-constructed home designed to support the loads imposed. The vertical supports or footers must extend below the established front line. Standard skirting is unacceptable. The perimeter wall must be able to withstand wind and rain and the freezing and thawing of the ground. Suitable openings for access to the area beneath the structure are permitted, but such openings must be fitted with an appropriate door so the appearance of a continuous wall is maintained.
- (111) **PERSON:** A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person or persons.
- (112) **PLACE:** An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
- (113) **PLAN COMMISSION OR COMMISSION OR ADVISORY PLAN COMMISSION:** The Ohio County Advisory Plan Commission.
- (114) **PLAN COMMISSION STAFF:** The Building Inspector and other persons the Plan Commission has employed to advise them on matters pertaining to Planning and Zoning.
- (115) **PLAT:** A map or chart indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.
- (116) **PREMISES:** A lot, tract, or plat including buildings thereon, if any.
- (117) **PRIVATE SCHOOL:** Private, primary, grade, high or preparatory school or academy.

ADVISORY ZONING CODE

- (118) **PROFESSIONAL OFFICE:** Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.
- (119) **PROFESSIONAL OFFICE CENTER:** An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods. Such center shall conform to the standards and requirements of this chapter.
- (120) **PROFESSIONAL OFFICE IN RESIDENCE:** An office in the dwelling of a member of the following recognized professions: doctor, dentist, lawyer, engineer, and certified public accountant, provided that the professional service is performed by a member or members of the family occupying such dwelling, that not more than one additional person is employed in rendering such service, that not more than twenty five (25) percent of the gross floor area is devoted to such use, and that there shall not be used any nameplate or sign nor any artificial lighting or any display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a dwelling.
- (121) **PUBLIC UTILITY INSTALLATIONS:** The erection, construction, alteration, or maintenance by public utilities, municipal department, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare.
- (122) **RECREATIONAL VEHICLE:** A portable vehicular structure designed as a temporary dwelling for travel, vacation and recreational uses which is either a structure mounted on an automobile or truck and designed to be used for human habitation, including sleeping, or identified on the unit by the manufacturer as a travel trailer or recreational vehicle, and is not more than eight (8) feet in width, and not more than thirty six (36) feet in length.
- (123) **RECREATIONAL VEHICLE PARK:** A tract of land which has been developed with all necessary facilities in accordance with a site development plan meeting all legal requirements and which is for short term occupancy by recreational vehicles only. It shall include, but not be limited to, travel trailers, pick-up coaches, motor homes, camping trailers, and tents.
- (124) **REGULATORY FLOOD:** Any flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a hundred-year period as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having the probability of occurrence of one (1) percent in any given year.
- (125) **RINGELMANN NUMBER:** The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke.

Section 150.041

ADVISORY ZONING CODE

The Ringelmann Chart is described in the U.S. Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of I.C. 7718) May 1, 1967, or any adaption thereof which has been approved. The Chart illustrates graduated shades of gray for use in estimating smoke density. See Definition of Opacity.

- (126) SERVICE DRIVE, COMMERCIAL: A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).
- (127) SHOPPING CENTER: An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this Code.
- (128) SIGN: [See Sec. 150.036 (A) (1) for definition.]
- (129) SLOW BURNING OR INCOMBUSTIBLE: Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support, combustion during an exposure for five (5) minutes to a temperature of twelve hundred (1200) degrees F.
- (130) SMOKE: Small gas-born particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material, that form a visible plume in the air.
- (131) SMOKE UNIT: The number obtained when the smoke density in Ringelmann number is multiplied by the times of emissions in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.
- (132) SPECIAL SCHOOL: Any school which has as its primary purpose the instruction, care, and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.
- (133) STORY: That portion of a building included between the surface of any floor and surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.
- (134) STORY, HALF: That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.
- (135) STREET: A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.
- (136) STREET, FRONTAGE: A street that runs parallel to the frontal street

Section 150.041

ADVISORY ZONING CODE

- and located within the space between the building(s) and the frontal street.
- (137) **STRUCTURE:** Anything constructed or erected on the ground or attached to the ground.
- (138) **STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.
- (139) **SUBDIVISION:** The division of land parcels as defined in Chapter 151 of the Code of Ohio County, Indiana.
- (140) **SWIMMING POOL, PRIVATE:** A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence and not for monetary gain.
- (141) **THOROUGHFARE, ARTERIAL:** A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.
- (142) **TOURIST HOME:** A building in which one but not more than five (5) guest rooms are used to provided or offer overnight accommodations to transients for compensation.
- (143) **TOWNHOUSE:** A two (2) or two and one-half (2½) story dwelling, which may include a basement, and which is normally an integral part of an apartment or multi-family use as set forth in this Code.
- (144) **TRADE OR BUSINESS SCHOOL:** Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.
- (145) **USE:** The employment or occupation of a building, structure or land for service, benefit or enjoyment to a person.
- (146) **USE, NONCONFORMING:** An existing lawful use of land or building which fails to comply in any manner with the requirements set forth in this Code applicable to the districts in which such use is located.
- (147) **VARIANCE:** A modification of the specific requirements of this Code granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.
- (148) **VIBRATION:** Oscillatory motion transmitted through the ground.
- (149) **VISION CLEARANCE ON CORNER LOTS, ALSO INTERSECTION VISIBILITY:** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the intersection of the property lines or the property lines extended at the corner of the lot using each of the street right-of-way lines.

ADVISORY ZONING CODE

- (150) YARD: A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.
- (151) YARD, FRONT: A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the least distance between the front lot line and the building line.
- (152) YARD, REAR: A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty (30) percent of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.
- (153) YARD, SIDE: A yard between the building and site lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more than twenty four (24) inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four (4) feet, and certain accessory uses in accordance with the provisions of this Chapter. The width of the required side yard is measured horizontally at ninety (90) degrees with the side lot line from the nearest point of the building.
- (154) ZONE MAP: A map entitled: "Zone Map, Ohio County, Indiana", dated 1987, and any amendments thereto.

ADVISORY ZONING CODE

Section 150.042: FILING FEES AND FORMS

- (A) Application Forms. Applications and petitions shall be prepared on the forms provided by the Building Inspector, and accompanied by the filing fees herein specified, to be paid to the Building Inspector who shall forthwith pay over to the Auditor of Ohio County to the credit of the General Fund of Ohio County.
- (B) Improvement Location Permit Fee. For each application for an Improvement Location Permit or a Temporary Improvement Location Permit, the sum of Ten Dollars (\$10.00) shall be paid.
- (C) Certificate of Occupancy Fee. For each application for a Certificate of Occupancy or Temporary Certificate of Occupancy, the sum of Five Dollars (\$5.00) shall be paid.
- (D) Fees for Amendments, Appeals and Requests. Applications for petitions to amend this Code, appeals from the decision of the Building Commission, requests for Variances, Special Exceptions, Temporary Uses, Exceptions and other matters upon which the Board is required to act, shall be accompanied by the following fees for each application.

(1)	Variance	\$	100.00
(2)	Amendments: Change of Zone Classification or Change of Text	\$	100.00
(3)	Change in Development Plan (Which previously has been approved)	\$	100.00
(4)	Unit Development Plan		
	(a) Preliminary Unit Development Plan		
	1. Less than twenty (20) acres	\$	400.00
	2. One hundred (100) acres	\$	500.00 plus
		\$	10.00 for each acre over 19 acres.
	3. Over one hundred (100) acres	\$	10.00 for each acre.
	4. Maximum Fee	\$	2000.00
	(b) Detailed Unit Development Plan		
	1. Any number of acres	\$	200.00 plus
		\$	5.00 for each acre.
	2. Maximum Fee	\$	500.00
(5)	Special Exception	\$	100.00
(6)	Exceptions and Temporary Uses	\$	70.00

- (E) Fees Must Be Paid. Until all applicable fees have been paid in full, including any fees or deposits for building permits, no application shall be processed by the Building Inspector.
- (F) Fees Not Returnable. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.

ADVISORY ZONING CODE

- (G) Publication Costs. In addition to the fees set forth herein, the applicant, petitioner or appellant shall meet the cost of publication notices and due notices to interested parties, when required.

- (H) Coincidental Applications. An Improvement Location Permit shall be applied for coincidentally with the application for a Building Permit whenever a Building Permit is necessitated by the proposed improvements. In such cases, the Improvement Location Permit fee is charged in addition to the Building Permit fees (and deposit) set forth in Sec. 153.11 of the Code of Ordinances of Ohio County, Indiana.

ADVISORY ZONING CODE

Section 150.043: SPECIFICATIONS

The following specifications are hereby declared to be a part of this Code:

- (A) Figure 1. Lot and Yard Requirements. Figure 1, Lot and Yard Requirements, shows the minimum lot areas, area per unit, lot widths, front yard depths, side yard widths, rear yard depths, height limits and ground floor areas for the various districts. Figure 1 may be found on the base of the Zone Map.
- (B) Flood Insurance Criteria and Maps. The Flood Plain District (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration on the Flood Insurance Rate Map dated September 4, 1987, along with any subsequent revisions to the text of the federal criteria or maps, and all NFIP regulations (contained in CFR 44, Chapter 60 3(d) and as specified on attachment A (Section 10 Review Sheet for NFIP Regulations) are adopted by reference and are on file for public examination in the Plan Commission Office in the Ohio County Court House. (See Sec. 150.002: Establishment of Districts and Zone Map.)
- (C) Figure 2 - Profiles, Ohio River. Figure 2 - Profiles, Ohio River is a drawing showing profiles of the Ohio River by the Corps of Engineers, U.S. Army, Ohio River Division, Cincinnati, Ohio.

Section 150.044: INDIANA DRAINAGE CODE REQUIREMENTS

- (A) Seventy five (75) Foot Drainage Right-of-Way. The Indiana Drainage Code provides that all regulated drains in the State of Indiana shall have a seventy five (75) foot right-of-way on either side of the centerline of any tiled drain and from the top edge of each bank of an open ditch as determined by the County Surveyor. This right-of-way is for the use of an authorized representative of the Ohio County Board of County Commissioners.

- (B) Use of Drainage Right-of-Way. The owners of land over which the right-of-way runs may use the land in any manner consistent with the Indiana Drainage Code and the proper operation of the drain. Permanent structures may not be placed upon or over the right-of-way without the written consent of the Ohio County Board of County Commissioner. Temporary structures may be placed upon or over the right-of-way without written consent of the Board of Commissioners but shall be removed immediately by the owner when so ordered by the Board of Commissioners or an authorized representative of the Board.

ADVISORY ZONING CODE

Section 150.045: COMPLAINTS

Whenever a violation of this Chapter of the Code occurs, or is alleged to have occurred, any person may make a complaint. Such complaints shall be investigated by the Building Inspector who shall report his findings to the Ohio County Advisory Plan Commission at its next regular meeting. Any Plan Commission member may report a violation at any meeting of the Commission. The Commission shall determine what action to take.

Section 150.046: REPEALER

The (original) City of Rising Sun and Ohio County, Indiana Zoning Ordinance as amended, passed on the 10th day of October, 1961, is hereby repealed.

Section 150.047: COMMON NUISANCE

Any structure erected, raised, or converted, or land or premises used, in violation of this chapter of the Code, is a common nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining a common nuisance. Suit to abate the nuisance may be brought by any individual or by the Plan Commission.

Section 150.999: REMEDIES AND PENALTIES

- (A) Remedies and Enforcement. Remedies and enforcement of the provisions of the Zoning Code are set forth in I.C. 36-7-4-1000, "1000 Series - Remedies and Enforcements."
- (B) Penalty. Any person or corporation in violation of Chapter 150 may be punished subject to the provisions of I.C. 36-1-3-8, specifically: a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for an ordinance violation.

Section 150.999

ORDINANCE NO. 2003-3

AN ORDINANCE CONCERNING ENFORCEMENT OF BUILDING
STANDARDS INCORPORATED UNDER INDIANA LAW

WHEREAS, IC 36-7-9 et seq. sets forth Indiana Law regarding unsafe building standards including sections regarding unsafe buildings and premises and enforcement mechanisms; and

WHEREAS, the Ohio County Board of Commissioners believes that adoption of said Indiana Code Sections as permitted under IC 36-7-9-3 is appropriate and is in the best interest of the health, safety, and welfare of the citizens of Ohio County, and

WHEREAS, the Ohio county Board of Commissioners believes that the appropriate department to administer and enforce there provisions in Ohio County is the Ohio County Building Commissioner.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Ohio County, Indiana as follows:

1. That Indiana Code IC 36-7-9-1 to IC 36-7-9-28 and any subsequent revisions or additions to said chapter by the Indiana Legislature are hereby adopted by the Ohio County Board of Commissioners.
2. That the Ohio County Building Commissioner is hereby appointed to administer these provisions as adopted by the Ohio County Board of Commissioners.
3. That the Ohio County Board of Commissioners are hereby designated as the Hearing Authority for purposes of this ordinance.

4. That this ordinance shall be effective immediately following any necessary publication required by law.

ADOPTED by a vote of _____ ayes and _____ nays this _____ day of August, 2003.

ORDINANCE NO. 2003-4

AN ORDINANCE regulating the constructing, alternation, equipment, use, occupancy, and location of buildings and structures in Ohio County, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-8-3 and IC 36-7-2-9; providing for the issuance of permits; inspections, and penalties for violations.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

BE IT ORDAINED by Planning Commission of Ohio County, Indiana as follows:

ARTICLE 1. GENERAL REQUIREMENTS

SECTION 1. TITLE. This ordinance and all materials included herein by reference shall be known as the "Building Code of Ohio County, Indiana."

SECTION 2. PURPOSE. The purpose of this ordinance is to protect the life, public safety, health and general welfare of the citizens of Ohio County, Indiana, and shall be constructed in such a manner to effectuate this purpose.

SECTION 3, DEFINITIONS. Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

1. "Building Commissioner" as used in this ordinance, includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.
2. "Class 1 structure" pursuant to IC 22-12-1-4, has the following definition:
 - (a) "Class 1 structure" means any part of the following:
 - (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - (a) The public.
 - (b) Three (3) or more tenants.
 - (c) One (1) or more persons who act as the employees of another.
 - (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
 - (3) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (e).
 - (b) Subsection (a) (1) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:

- (1) are intended to be or are used or leased by the owner of the unit;
and
 - (2) are not completely separated from each other by an unimproved space.
 - (c) Subsection (a) (1) does not include a building or structure that:
 - (1) is intended to be or is used only for an agricultural purpose on the land where it is located; and
 - (2) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.
 - (d) Subsection (a) (1) does not include a Class 2 structure.
 - (e) Subsection (a) (1) does not include a vehicular bridge.
 - (f) Pursuant to IC 22-12-1-24, structure includes swimming pool.
3. "Class 2 structure" pursuant to IC 22-12-1-5, has the following definition:
- (a) "Class 2 structure" means any part of the following:
 - (1) A building or structure that is intended to contain only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.
 - (2) An outbuilding for a structure described in subdivision (1) such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.
 - (b) Subsection (a) does not include a vehicular bridge.
 - (c) Pursuant to IC 22-12-1-24, structure includes swimming pool.
4. "Construction" Pursuant to IC 22-12-1-7, means any part of the following:
- (a) Fabrication of any part of an industrialized building system or mobile structure for use at another site.
 - (b) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.
 - (c) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.
 - (d) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.
 - (e) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.
5. "Industrialized building system" pursuant to IC 22-12-1-14, means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.
6. "Manufactured home" pursuant to IC 22-12-1-16, has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 1984. this definition is as follows:
"Manufactured home" means 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 designated 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 this 42 U.S.C. 5402.

7. "Mobile structure" pursuant to IC 22-12-1-17, has the following definition:
 - (a) "Mobile structure", means any part of a fabricated unit that is designated to be:
 - (1) towed on its own chassis; and
 - (2) connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.
 - (b) The term includes the following:
 - (1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.
 - (2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.
8. "Person", pursuant to IC 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.
9. "Structure" means both Class 1 and Class 2 structure, unless specifically stated otherwise.
10. "Vehicular bridge", pursuant to IC 22-12-1-26, means any bridge that is neither:
 - (a) a pedestrian walkway; nor
 - (b) a passageway for light vehicles; suspended between two (2) or more parts of a buildings.

SECTION 4. SCOPE.

1. All construction shall be accomplished in compliance with the provisions of this Building Ordinance.
2. Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-14-4; however, the provisions of this Building Ordinance and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under IC 22-15-4.
3. Pursuant to IC 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

SECTION 5. AUTHORITY. The Building Commissioner is hereby authorized and directed to administer and enforce the following:

1. All of the provisions of this Building Ordinance.
2. Variances granted in accordance with IC 22-13-2-11.
3. Orders issued under IC 22-12-7.

SECTION 6. SEVERABILITY. Should any provision (section, clause, phrase, word, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 7. EFFECT OF ADOPTION ON PRIOR ORDINANCE. The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. These rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

ARTICLE 11. BUILDING PERMITS

SECTION 8. BUILDING PERMIT REQUIRED.

- 1 Any person required to have a permit shall submit a complete application to the Building Commissioner.
- 2 This application shall be submitted on a form prepared by the Building Commissioner, and shall contain the following:
 - (a) Information that the Building Commissioner determines to be necessary to locate and contact the applicant.
 - (b) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.
 - (c) A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.
 - (d) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Design Release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshall pursuant to IC 22-15-3.

- (e) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.
 - (f) The fee established by Ohio County Commissioners.
2. Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The building Commissioner may require that such an employee or agent provide written authority to apply for a permit.

SECTION 10. ISSUANCE OF BUILDING PERMIT. The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

SECTION 11. CERTIFICATE OF OCCUPANCY. No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this Building Ordinance. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building commissioner.

ARTICLE III INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

SECTION 12. GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.

1. All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.
2. The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this Building Ordinance or to the rules of the Fire Preventions And Building Safety Commission is located for the purposes of inspection and investigation of such structure. Such inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this Building Ordinance and the rules of the Fire Prevention And Building Commission.

SECTION 13. INSPECTIONS BY FIRE DEPARTMENT. The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has

independent authority to conduct inspections and take enforcement actions under IC 36-8-17).

ARTICLE IV. ENFORCEMENT AND PENALTIES

SECTION 14. WITHHOLD ISSUANCE OF PERMITS.

1. Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees, inspection fees) the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.
2. Whenever a person applies for a building permit for a structure that is not used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

SECTION 15. PERMIT REVOCATION.

The Building Commissioner may revoke a building permit when any of the following are applicable:

1. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.
2. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.
3. There is failure to comply with the Building Ordinance.
4. The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

SECTION 16. STOP-WORK ORDER.

1. The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.
2. The stop work order shall:
 - (a) Be in writing,
 - (b) State with specificity the construction to which it is applicable and the reason for its issuance.
 - (c) Be posted on the property in a conspicuous place.
 - (d) If practicable, be given to:
 - (a) The person doing the construction; and
 - (b) To the owner of the property or the owner's agent.
 - (e) The stop-work order shall state the conditions under which construction may be resumed.

3. The Building commissioner may issue a stop-work order if:
 - (a) Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this Building Ordinance or any state law pertaining to safety during construction.
 - (b) Construction is occurring in violation of this Building Ordinance or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation.
 - (c) Construction for which a building permit is required is proceeding without a building permit being in force.
4. The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this Building Ordinance.

SECTION 17. MONETARY PENALTY.

Any person violating any provision of this Building Ordinance may be subject to a fine in any sum and exceeding two thousand five hundred dollars (\$2,500). The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this Building Ordinance.

SECTION 18. RIGHT OF APPEAL.

Any person aggrieved by an order issued under this Building Ordinance shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

1. **Appeal to the Fire Prevention and Building Safety Commission.**
 - (a) A person aggrieved by an order issued under this Building Ordinance may submit a petition for review to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7.
 - (b) The Commission may modify or reverse any order that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety, or a building rule.
 - (c) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under IC 4-21.5-3-7 within thirty (30) days after the issuance of the order.
 - (d) The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Ordinance that cover a subject governed by IC 22-12, IC 22-14, IC 22-15, a fire safety rule, or a building rule.
 - (e) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

2. Appeal to an Established Local Administrative Body or Court.

Pursuant to IC 36-7-8-9, a person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the County Executive a fifteen (15) day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to IC 36-1-6-9, the County has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order.

ARTICLE V. MINIMUM CONSTRUCTION STANDARDS

SECTION 19. ADOPTION OF RULES BY REFERENCE.

1. Pursuant to IC 22-13-2-3 (b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.
 - (a) Article 13- Building Codes
 - (1) Fire and Building Safety Standards.
 - (2) Indiana Building Code.
 - (b) Article 14- Indiana Residential Code
 - (c) Article 16- Indiana Plumbing Code
 - (d) Article 17- Indiana Electrical Code
 - (e) Article 18- Indiana Mechanical Code
 - (f) Article 19 – Indiana Energy Conservation Code
 - (g) Article 20 – Indiana Swimming Pool Code
 - (h) Article 22- Indiana Fire Code
2. Two (2) copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.
3. The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the Fire safety laws and building laws adopted in this Building Ordinance. Pursuant to IC 22-13-2-7 (b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.

SECTION 20. LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

1. Pursuant to IC 22-12-1-22 (b) (12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting

devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

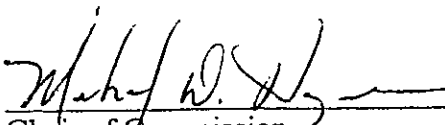
- (a) Part 5.3, Private Residence Elevators, ANSI/ASME; A17.1-2000, Safety Code for Elevators and Escalators, published by the American Society of Mechanical Engineers, Three park avenue, New York, New York, 10016.
 - (b) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
 - (c) Section 5, Private Residence Vertical Platform Lifts, ASME A18. 1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
 - (d) Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
 - (e) Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
2. Two (2) copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.

ARTICLE VI. EFFECTIVE DATE

SECTION 21. EFFECTIVE DATE. This Building Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

1. The County Commissioners have adopted this ordinance.
2. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by 22-13-2-5 and IC 36-7-8-3.

Approved this 3rd day of November 2003, by the Fire Prevention and Building Safety Commission of the State of Indiana.



Chair of Commission

for
Connie Brown

Ordinance No. 2003-5

AN ORDINANCE TO REGULATE
THE SETTING OF WIRELESS TELECOMMUNICATIONS FACILITIES
IN CONFORMITY WITH
THE FEDERAL TELECOMMUNICATIONS ACT OF 1996
AND THE 2020 VISION COMPREHENSIVE PLAN.

WHEREAS, the Ohio county Planning Commission Zoning Ordinance does not currently allow towers to be built by wireless telecommunications service providers in any zoning district within the community; and

WHEREAS, the Federal Telecommunications Act of 1996 (the "Federal Act") prohibits local governments from taking steps that effectively prohibit wireless services, or from unreasonably discriminating among the various providers of wireless services; and

WHEREAS, the Federal Act requires local officials to rule on zoning and other requests from wireless telecommunications providers within a reasonable period of time, and to provide written grounds for their rulings supported by substantial evidence in a written record; and

WHEREAS, the Federal Act allows appeals from local rulings to be taken to any court of competent jurisdiction; and

WHEREAS, the Planning Commission, at the direction of the Commissioners Council and through its telecommunications tower task force, has reviewed the requirements of the Federal Act and has recommended to the Commissioners that the Zoning Ordinance as it applies to wireless telecommunications services should be amended so as to balance the interests of the service providers who must construct towers for their transmitters against the interests of the Rising Sun/Ohio County community in maintaining its land use policies.

WHEREAS, the Planning Commission has further recommended to the Commissioners Council that the local regulatory responsibility over such wireless telecommunications services should be granted to the Ohio county Board of Zoning Appeals, with telecommunications towers to be regulated as "special uses" or "special exceptions" under the Zoning Ordinance and Indiana statutes;

NOW, THEREFORE, be it ordained by the Ohio County Planning Commission that, pursuant to IC 36-7-4-600 et seq., its adopts this ordinance as an amendment to the text of the Zoning Ordinance as follows:

- A. Section 150-41 of the Zoning Ordinance, entitled Definitions, is amended by adding three additional definitions to read as follows:

ANTENNA. A structure or device that is used for the purpose of collecting or transmitting signals, images, sounds, or information of any nature by wire, radio, visual, or electromagnetic waves, including but not limited to directional or omnidirectional antennas, panels, and microwave or satellite dishes. The term does not include an amateur radio station antenna.

TOWER. A ground or roof-mounted pole, spire, structure, or combination thereof taller than fifty (50) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above grade. The term does not include a water tower that is owned by public utility or municipally owned utility.

WIRELESS TELECOMMUNICATIONS SERVICE. Licensed commercial wireless telecommunications services, including but not limited to cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and other similar services that are marketed to the general public.

- B. Section 150-00 of the Zoning Ordinance, entitled Permitted Uses, is amended by adding the following to the list of permitted uses applicable in all residential districts:

Antenna, if collocated on an existing or previously approved tower.

- C. Sections 150-023 of the Zoning Ordinance, which are entitled Permitted Special Uses, are amended by adding the following to the list of permitted special uses applicable in all residential districts:

Antenna, if visually integrated with or camouflaged on or within a structure other than a tower (such as a chimney stack, church spire, light standard, monument, power line support device, or water tower).

- D. Section 150-60, to be entitled Special Exceptions is added to the Zoning Ordinance to list the following as a special exception applicable in all residential districts:

Wireless telecommunications service tower, monopole-type construction only.

- E. Sections 150-023 all of which are to be entitled Special Exceptions, are added to the Zoning Ordinance to read as follows:

- F. Section 150-023 of the Zoning Ordinance, entitled Permitted Uses, is amended by adding the following to the list of permitted uses applicable in all business districts:

Wireless telecommunications service antenna, if visually integrated with or camouflaged on or within another structure (such as a chimney stack, church spire, light standard, monument, penthouse, power line support device, or water tower), or if collocated on an existing or previously approved tower.

- G. Section 150-060 of the Zoning Ordinance, entitled Permitted Uses, is amended by adding the following to the list of permitted uses applicable in the 150-023 district:

Wireless telecommunications service antenna, if visually integrated with or camouflaged on or within another structure (such as a chimney stack, church spire, light standard, monument, penthouse, power line support device, or water tower), or if collocated on an existing or previously approved tower.

- H. Section 150-000 of the Zoning Ordinance, entitled Permitted Uses, is amended by adding the following to the list of permitted uses applicable in all manufacturing districts:

Wireless telecommunications service antenna, if visually integrated with or camouflaged on or within another structure (such as a chimney stack, church spire, light standard, monument, penthouse, power line support device, or water tower), or if collocated on an existing or previously approve tower.

- I. Sections 150-060 of the Zoning Ordinance, all of which are entitled Permitted Special Uses, are amended by adding the following to the list of permitted special uses applicable in all business districts:

Radio or television transmission antenna, if mounted on another structure Tower.

- K. Section 150-060 of the Zoning Ordinance, entitled Permitted Special Uses, is amended by adding the following to the list of permitted special uses applicable in the 150-023 district:

Radio or television transmission antenna, if mounted on another structure Tower.

- L. Section 150-060 of the Zoning Ordinance, entitled Permitted Special Uses, is amended by adding the following to the list of permitted special uses applicable in the 150-023 district:

Radio or television transmission antenna, if mounted on another structure Tower.

M. Section 150-060 of the Zoning Ordinance, entitled Permitted Special Uses, is amended by adding the following to the list of permitted special uses applicable in the 150-027 district:

Radio or television transmission antenna, if mounted on another structure Tower (delete listing of towers exceeding 50 feet in height).

N. Section 150-060 of the Zoning Ordinance, entitled Permitted Special Uses, is amended by adding the following to the list of permitted special uses applicable in the 150-023 district:

Radio or television transmission antenna, if mounted on another structure Tower (delete listing of towers exceeding 50 feet in height).

O. Chapter 150-023 of the Zoning Ordinance, entitled SPECIAL USE REGULATIONS, is amended to read as follows:

21.0 SPECIAL USES AND SPECIAL EXCEPTIONS

21.1 General Information

Special use or special exception approval by the Board shall be necessary prior to the establishment of a special use or special exception, so cited by the district regulations herein, or the issuance of an Improvement Location Permit for said special use. Special uses shall generally be considered favorably by the Board, except in cases where the Board finds the proposed special use obviously inappropriate as a result of special and unique conditions determined as a result of the review procedure established herein.

21.2.1 Procedure generally. Whenever an application for a special use or special exception within the jurisdiction of this ordinance is made, it shall follow the procedure set forth herein and shall conform to the regulations and requirements of this ordinance.

21.2.2 Consultation with the Director and Application. Applicants shall meet with the Director to review the zoning classification of their site, review copies of the regulatory ordinances and materials, review the special use or special exception procedures and examine the proposed use and development of the property. The Director shall aid and advise the applicant in preparing his application and supporting documents as necessary. The applicant shall submit two (2) copies of the written application form and all necessary supporting documents and materials.

21.2.3 Initial Review of the Application and Supporting Documents and Materials by the Director: Submission to the Board. Following the receipt of the written application and necessary supporting documents and materials by the Director, he shall then review the materials solely for the purpose of determining whether the application is complete, and in technical compliance with all applicable ordinances, laws and regulations, and therefore entitled to be forwarded to the Board. If the materials submitted by the applicant are not complete or do not comply with the necessary legal requirements, the Director shall inform the applicant of the deficiencies in said materials. Unless and until the Director formally accepts the special use or special exception application as complete and in legal compliance, it shall not be considered as formally filed for the purpose of proceeding to succeeding steps toward special use or special exception approval as hereinafter set forth. Within thirty (30) days of the formal acceptance of the application by the Director, he shall formally file the application by placing it upon the agenda of the Board, according to the Board's Rules of Procedure.

21.2.4 Public Hearing By the Board. Once the Director has accepted and filed the application with the Board or its delegate shall assign a docket number and set a date and time for a public hearing as required by the Rules of Procedure of the Board. The applicant shall be responsible for the cost and publication of the required published legal notification of the public hearing. The applicant shall also notify all interested parties and property owners as required by the Rules of Procedure of the Board. The minimum time period for giving of the notice shall be at least thirty (30) days prior to the initial hearing date. The conduct of the public hearing shall be in accordance with the Board's Rules of Procedure.

21.2.5 Approval or Denial of the Special Use or Special Exception Application by the Board. Upon approval of the special use or special exception, the Board shall inform the Director that he may issue Improvement Location Permits for the special use or special exception and inform the applicant of the time limits set forth in Section _____. The Board shall inform the applicant that he may apply to the Director for Improvement Location Permits for the special use or special exception, if necessary, or may commence the special use or special exception if no permits are required. After denial of a special use or special exception application, a variance, special use, special exception, or zoning amendment concerning the same property shall not be filed for a period of six (6) months. Failure of the Director to inform the applicant of the time limits set forth in Section _____ shall not relieve the applicant of complying with said Section. If the petition is denied by the Board, the Board shall provide the applicant with a copy of said reasons, if requested.

21.2.6 Authorization. In no event shall a special use or special exception be established or an Improvement Location Permit be issued for improvements for a special use or special exception prior to the approval

of the special use or special exception by the Board unless otherwise excepted herein.

21.2.7 Time Limit. Any person to whom a special use or special exception is granted by the Board, Under the procedures set forth in this chapter, shall have commenced continuous construction of said special use or special exception or implemented said special use or special exception within one years of the date of the granting of the approval or said approval shall become null and void. Upon application to the Director before the expiration of said approval, and upon good cause shown, said approval may be extended for six (6) months.

21.3 Basis of Board Review The Board, in reviewing the special use or special exception application, shall give consideration to the particular needs and circumstances of each application and shall examine the following items as they relate to the proposed special use or special exception:

- 1) Topography;
- 2) Zoning on site;
- 3) Surrounding zoning and land use;
- 4) Streets, curbs and gutters and sidewalks;
- 5) Access to public streets
- 6) Driveway and curb cut locations in relation to other sites;
- 7) General vehicular and pedestrian traffic;
- 8) Parking location and arrangements;
- 9) Number of parking spaces needed for the particular special use;
- 10) Internal site circulation;
- 11) Building height, bulk and setback;
- 12) Front, side and rear yards;
- 13) Site coverage by building(s), parking area(s) and other structures;
- 14) Trash and material storage;
- 15) Alleys, service areas and loading bays;
- 16) Special and general easements for public or private use;
- 17) Landscaping and tree masses;
- 18) Necessary screening and buffering;
- 19) Necessary fencing;
- 20) Necessary exterior lighting;
- 21) On-site and off-site, surface and subsurface storm and water drainage;
- 22) On-site and off-site utilities;
- 23) Dedication of streets and rights-of-way;
- 24) Proposed signage (subject to regulations established by the sign ordinance); and
- 25) Protective restrictions and/or covenants.

21.4 Basis of Board Approval or Rejection

21.4.1. Special Use Decisions. The Board, in approving or rejecting a special use application, shall base its decision upon the following factors as they relate to the above listed items concerning the proposed special use:

1. The particular physical suitability of the premises in question for the proposed special use.
2. The economic factors related to the proposed special use, such as cost/benefit to the community and its anticipated effect on surrounding property values.
3. The social/neighborhood factors related to the proposed special use, such as compatibility with existing uses and those permitted under current zoning in the vicinity of the premises under consideration and how the proposed special use will affect neighborhood integrity.
4. The adequacy and availability of water, sewage and storm drainage facilities and police and fire protection.
5. The effects of the proposed special use on vehicular and pedestrian traffic in and around the premises upon which the special use is proposed.

21.4.2 Special Exception Decisions. A special exception application may be approved by the Board only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community, in relation to the above listed items
- (2) concerning the proposed special exception;
- (3) The use and value of the area adjacent to the premises under consideration will not be affected in a substantially adverse manner;
- (4) The need for the special exception arises from the applicant's responsibility to provide public utility service, and not from any condition peculiar to the premises under consideration;
- (5) It will constitute an unnecessary hardship for the applicant if the special exception is denied, in that there are no existing or approved towers or other structures in the vicinity of the premises under consideration which would be suitable for the collocation of the equipment that the applicant needs to locate in such vicinity, having regard to the following factors:
 - (a) Whether the needed equipment would exceed the structural capacity of such existing or approved towers or structures, as documented by a qualified professional engineer, and whether such towers or structures could be reinforced, modified, or replaced to accommodate the needed or equivalent equipment at a reasonable cost;

- (b) Whether the needed equipment would cause interference materially impacting the usability of existing or planned equipment at such existing or approved towers or structures, as documented by a qualified professional engineer, and whether such interference could be prevented at a reasonable cost; and
- (c) Whether the needed equipment could be accommodated on such existing or approved towers or structures at a height necessary to function reasonably, as documented by a qualified professional engineer; and
- (6) The approval of the special exception does not interfere substantially with the Comprehensive Plan, in that there are no alternative sites suitable (having regard to the factors listed above in subparagraph (4) for the equipment that the applicant needs to locate in the vicinity which are located either Business, Industrial, or Manufacturing Districts, or on property outside of the jurisdiction or otherwise exempt from the requirements and procedures of this Zoning Ordinance.

21.5 Expansion of Approved Special uses or Special Exceptions

An approved special use or special exception may be expanded up to ten (10) percent of the approved gross floor area without obtaining further use or special exception approval if the approved use or exception is continued in the expansion, if the particular building height, bulk, setback, yard, parking, etc. Requirements are adhered to and if the proper permits for the expansion, such as an Improvement Location Permit, are obtained.

21.6 Special Uses or Special Exception in Flood Plain Districts.

The Board may not exercise special use or special exception approval in any of the Flood Plain Districts until the Board has received written approval from the Indiana Natural Resources Commission for the proposed special use or special exception, including any reports supplementary thereto.

21.7 Provisions for Financial Performance and Maintenance Guarantees for Special Uses

(No changes in this Section from the existing text of the Zoning Ordinance.)

P. Section ____ of the Zoning Ordinance is added to read as follows:

25. Towers

25. Development Standards:

- (1) Zoning. Towers shall be permitted as special uses only in the Business, Industrial, and Manufacturing Districts, and as such are subject to the approval of the Board of Zoning Appeals under Chapter ____ of the Zoning Ordinance. Towers shall be permitted in the Residential Districts only as special exceptions, and as such are

subject to the approval of the Board of Zoning Appeals under Chapter 150-023 of the Zoning Ordinance. If a tower is located in an overlay zone, it may also be subject to ADLS approval in accordance with the development standards established for that overlay zone.

- (2) Lighting. A tower may not be illuminated by artificial means or display strobe lights unless such lighting is specifically required by federal or state law for that tower. However, when incorporated into the approved design of a tower, light fixtures that are used to illuminate athletic fields, parking lots, stadiums, or other such facilities may be attached to the tower.
- (3) Landscaping. A fifteen (15) foot landscaped and maintained area, composed of trees not less than two and one-half (2 ½) inches (caliper) in size (measured at forth (40) inches and spaced fifty (50) feet on center), and including a solid visual buffer or screen of at least five (5) feet in height, shall be provided on all sides of a tower, unless otherwise determined by the Commission (pursuant to ADLS review) or unless otherwise required by the Board for a special use or special exception.
- (4) Signage. No sign (other than a warning or equipment information sign needed for health and safety purposes) may be affixed to a tower.
- (5) Interference. Any telecommunications services provided or transmitted via a tower must comply with all federal and state laws regulating interference levels and emissions.
- (6) Collocation. In the case of an application for a special use or special exception seeking approval for the erection of a new tower, the Board shall, before approving such special use or special exception, require the applicant to make a written commitment that:
 - (a) If technologically feasible, the tower will be designated and erected in such manner that it can reasonably accommodate the equipment of up to four (4) wireless telecommunications service providers (however, if a public safety agency wants to locate its equipment on the tower, the agency may be counted as one of those service providers);
 - (b) The owner of the tower will offer to any wireless telecommunications service provider that seeks to collocate its equipment on the tower commercially reasonable lease or license terms, so as to accomplish the purpose of minimizing the number of such towers that must be erected in the Rising Sun/Ohio County community, and agree to submit any disputes regarding the commercial reasonableness of such terms to binding arbitration; and
 - (c) The owner of the tower will notify the Building inspector within thirty (30) days after any oral or written communication from a wireless telecommunications service provider inquiring about collocation on the tower, providing the Building inspector with the name and address of the provider making the inquiry.
- (7) Enforcement. A commitment made under subparagraph (6) above shall be recorded pursuant to state statute and may be enforced by the Board, by the Director, or by any wireless telecommunications service provider that desires to collocate its equipment on the tower subject to the commitment. If, after thirty (30) days notice from the Board, a person subject to a binding commitment

refuses to honor or abide by such commitment, the special use or special exception approval shall be revoked by the Board.

25.13.2 Submittal Requirements:

- (1) Plot plan. An application for a permit to erect a tower must include a plot plan showing the proposed location of the tower.
- (2) Site plan. An application for a permit to erect a tower must include a site plan that shows not only the locations of all structures on the subject parcel but also the locations of all structures on adjacent parcels.
- (3) Code compliance. An application for a permit to erect a tower must include a report from a qualified professional engineer that (a) describes the tower height and design including a cross section and elevation, (b) documents the height above grade for all potential mounting positions for collocation of equipment and the minimum recommended separation distances between wireless telecommunications service antennas, (c) describes the tower's capacity, including the number and types of antennas that it can accommodate, (d) documents that the applicant will operate the tower and any attached antennas in compliance with applicable federal and state law, (e) documents that the applicant has, before filing the application, investigated the possibility of collocation with the owners of all other towers in the vicinity, and (f) includes any other information that may be reasonably requested by the Director as necessary to evaluate the application.
- (4) Inspection. Before a tower is placed in service, the owner must submit to the Director a report from a qualified professional engineer that demonstrates that the tower complies with all structural and electrical standards.

25.13.3 Abandonment of Tower. If a tower is abandoned or remains unused for a period of six (6) months, the owner shall remove the tower and all associated facilities from the site. Such removal shall be completed within twelve (12) months of the cessation of operations at the site. In the event that a tower is not removed within the required twelve (12) month period, the Director may remove the tower and the associated facilities, and the costs of such removal shall be assessed against the owner of the parcel.

25.13.4 Nonconforming Use. Any tower or radio or television transmission antenna in existence or operation as of the effective date of this amendatory ordinance may continue to exist and operate as a nonconforming use. Such a tower or antenna may be repaired, reconstructed, replaced or maintained without a use variance or special use or special exception approval so long as the use is not substantially altered and the height of the antenna or tower is not increased. This paragraph authorizes the owner of a tower or antenna to construct a new tower or antenna on the same premises at a height not to exceed the existing tower or antenna if the use of the premises is not substantially altered and the existing tower or antenna is removed immediately upon completion of the new tower or antenna.

25.13.5 Transitional Provisions. This paragraph applies to any application for a variance to erect a tower which is pending before the Board on the effective date of this amendatory ordinance. The applicant may request that the board treat such a variance

application as if it were a special use or special exception application filed pursuant to the above provisions of this Section 25.13. If the Board grants such a request, the application shall then be approved or rejected by the Board in accordance with Section 21.4.1 (special uses) or Section 21.4.2. (special exceptions), as added by this amendatory ordinance. This paragraph expires _____.

26.1.4 Upon approval by the appropriate authority, chimney stacks, church spires, monuments, flagpoles, water towers, stage towers or scenery lofts, may be erected to minimum height appropriate unless prohibited by other laws. In the Business, Industrial and Manufacturing Districts, special use approval of a tower (or antenna mounted on another structure) may include an increase in height to not more than one hundred fifty (150) feet. In the Residential Districts, special exception approval of a tower (or special use approval of an antenna mounted on another structure) may include an increase in height to not more than one hundred twenty (120) feet.

26.2.13 On corner lots the minimum buildable width of twenty-eight (28) feet for main buildings is reduced to twenty-two (22) feet for accessory buildings. In addition, no tower may be erected between a principal building and a street, except in the required side yard in Manufacturing or Industrial Districts.

26.2.17 Accessory uses are permitted in the required front yard in the Business, Industrial and Manufacturing Districts. However, a tower must meet all setback requirements of the district in which it is erected, except that in the Industrial and Manufacturing Districts a tower may encroach into the required rear yard so long as the rear property line does not abut a Residential District. In addition, if a tower is permitted as a special exception in a Residential District, the tower must be built:

- (1) not less than one hundred (100 feet), plus one additional foot for every foot of the tower's height, from the property line of any parcel used for residential purposes, and
- (2) not less than one-half (1/2) mile from any other existing or approved tower on which collocation is possible.

PASSED by the Planning Commission of Ohio County, Indiana this ____ day of _____ 2003, by a vote of _____.

President, Planning Commission



ADVISORY ZONING CODE

THE FOLLOWING AMMENDS WILL BE MADE TO THE UD UNIT DEVELOPMENT
PLAN DISTRICT

150.021: UD UNIT DEVELOPMENT PLAN DISTRICT

Existing code will be amended from procedure subsection C on page 34 up to and including subsection D on page 37.

Under B applicability, section 1 page 33 shall be amended to state in line four "in which the primary or entire use is residential, business: that the word residential is added that's make four acres. Section 2 is now added to say "any residential lot within a Planned Unit Development shall consist of not more than one single family dwelling and shall be on not less than three acres with 300 feet of road frontage" and what is now Section 2 will be renamed Section 3, which is not 3 will be renamed 4, which is now 4 will be renamed 5.

All of Section 6 of the Indiana Model Zoning Ordinance is included in the amendments.

The above changes will become effective following the Planning Commissioner Meeting on December 12, 2002.



Section 6 Planned Unit Developments

Preface

The purpose of this section is to allow innovative and diverse design in land development that is consistent with the adopted Comprehensive Plan and the intent of this Zoning Ordinance and the Subdivision Ordinance. The goal is to provide a variety of environmentally appropriate residential, nonresidential, and mixed-use developments to meet the needs of the community. PUD zoning is encouraged in the following contexts:

- to accommodate compatible development in environmentally sensitive locations.
- to enhance compatibility with surrounding land uses.
- to permit a harmonious variety of uses within a single development.
- to promote efficiency and thus economy by clustering structures and/or by using shared facilities or services.
- to foster new site treatments not contemplated in other kinds of zones.

6.1 Planned Unit Development Process

PD zones are not identified on the zoning maps in advance. PD zones are the result of a public hearing to rezone a specific parcel(s) to a new PD zone based on the negotiated development plan between the petitioner(s), Advisory Plan Commission, the administrator, and representatives of the checkpoint agencies. The provisions of Sections 5.1 through 5.14 of this Ordinance shall not be applied, or be applicable, to a PD zone or district since the negotiated development plan determines the nature of the PUD district.

The remainder of Section 6 explains this process in further detail.

6.2 Origination of Proposals

1. A request to rezone from any other zoning classification to a PD zone may be initiated by: (a) all owners of the property in question; or (b) any group of owners united in interest acting jointly under an agreement to carry out the proposal in separate ownership.
2. The negotiated agreement is the substance of a PD zone. Therefore, a request to reclassify the PD zone shall include among the petitioners either: (a) all owners of the property within the current planned unit development; or (2) the owner's association acting on behalf of a majority of property owners in the current planned unit development, as constituted in the recorded bylaws.
3. PD zoning is mandatory for any new condominium construction or condominium conversion.

6.3 Classifications of Planned Unit Development

To identify the nature of planned unit developments on zoning maps, they shall be classified as one of the following four zones:

- A. PDRS, in which all buildings and land are developed for residential use and those activities customarily accessory to residential use;
- B. PDNR, in which no building or land is developed for residential use, but rather for commercial and/or industrial and/or recreational and/or some other nonresidential use;
- C. PDMX, in which buildings and land are developed as a mix of both residential and nonresidential uses.
- D. PDCC, in which the only change proposed, involves either:

- (1) the conversion to condominium ownership of a development which has received occupancy permits for all parts no less than three years prior; or
- (2) the conversion to condominium ownership of an existing building in a CB or in a PD zone adjoining or surrounded by a CB zone; where there is no further division of land involved.

Those PD zones and overlays approved prior to the adoption of this zoning ordinance shall be reclassified to one of the above four categories.

6.4 Pre-Submission Conference

- A. Before filing a request for a rezoning petition to either PDRS, PDNR, or PDMX, the petitioner arrange a meeting with the Administrator. A pre-submission conference is not required for a rezoning request to PDCC.
- B. The petitioner shall bring a scaled site plan of the proposed planned unit development to the meeting. The site plan should show the location of proposed uses and major buildings, layout and classification of roads, all entrances and exits, and any environmental sensitive areas. Also, the petitioner shall bring a chart detailing the phasing and a time frame for development.
- C. Discussion at the meeting shall include:
 1. The proposed treatment of environmentally sensitive areas;
 2. The petitioner's intentions and objectives regarding land use, street improvements, and utilities;
 3. The petitioner's intentions assuring compatibility between uses proposed for the perimeter of the PUD and surrounding land uses and zoning classifications;
 4. The general availability of utilities to the site;
 5. The area's current zoning pattern;
 6. The classification of the proposed rezoning to a PD category.

6.5 Filing Procedure

- A. After the pre-submission meeting, or to initiate a PDCC action, the petitioner may file a rezoning request to one of the PD classification categories.

B. This submission shall contain the following:

1. A non-refundable processing fee as set by the Advisory Plan Commission.
2. A signed and notarized Petition to Rezone containing a metes and bounds legal description, the PD classification category sought, and signed by the owner or owners of all property involved; or with a notarized affidavit of consent of all owners attached;
3. A list of names, addresses and tax assessment parcel numbers of all property owner's located adjacent to and directly across the street, alley, or railroad right-of-way from the subject property;
4. Two (2) notices of Public Hearing, each with a metes and bounds or other legal description and the common address or location of the subject property.
5. Two (2) release letters authorizing the staff to submit Notices of Public Hearings to the designated newspapers;
6. A typed original and 16 copies of the proposed ordinance to rezone the property, using the sample format provided by the Administrator;
7. Three sets of drawings, labeled Draft Plan, to include a recorded boundary survey satisfying the requirements of IAC Title 865 Article 1 Rule 12
8. If dividing land, three (3) copies of the preliminary plat prepared by a Registered Land Surveyor. Detailed instructions on the information to be provided on said preliminary plat can be obtained from the Administrator.
9. Three (3) copies of any proposed covenants and horizontal property ownership and owner's association documents written in plain language with a table of contents.
10. Signatures from the representatives of all checkpoint agencies, or post office receipts of certified mailing indicating receipt of one set of items listed as (7) through (9) above. The Checkpoint agencies are:
 - Design Review Board
 - Director of Public Works and Safety
 - Police Department

- Fire Department
- Parks and Recreation Department
- School Corporation
- County Soil and Water Conservation District

and other agencies having jurisdiction in areas potentially affected by the petitioner's proposed development.

- C. If the petitioner fails to meet the filing requirements of Subsection 6.5 (B) above within six (6) months of the pre-submission meeting, the petitioner shall reschedule a new pre-submission meeting in order to continue the project.

6.6 Required Review Meeting

- A. The purpose of the Required Review Meeting is to give the Administrator and checkpoint agency representatives an opportunity to recommend revisions to the Draft Plan Submission and to discuss these recommendations with the petitioner and the petitioner's representatives.
- B. The Administrator shall determine if the petitioner's submission is complete. Within 30 days of the finding of a complete submission, the Required Review Meeting shall be held. Written notice shall be sent to the petitioner, the petitioner's representatives, the checkpoint agencies, and the Advisory Plan Commission stating the time and place of the Required Review Meeting.
- C. If the submission is incomplete, the petitioner shall be provided written notice of the deficiencies. The Required Review Meeting shall not be scheduled until the deficiencies are addressed by the petitioner.

6.7 Preliminary Plan Submission Requirements

- A. Following the Required Review Meeting, the petitioner shall submit a Preliminary Plan no later than three weeks before the proposed public hearing of the rezoning petition. A complete Preliminary Plan submission shall contain the following:
 1. Eight (8) sets of drawing labeled Preliminary Plan. These drawings must contain all the elements of the Draft Plan plus the changes resulting from the Required Review Meeting.
 2. If dividing land, eight (8) copies of the preliminary plat shall be included within the Preliminary Plan. The plat shall be prepared by a Registered Land Surveyor.

3. Eight copies of any covenants and horizontal property ownership and owner's association documents written in plain language with a table of contents.
- B. If the petitioner fails to meet the Preliminary Plan submission requirement within six months of the Required Review Meeting, his rezoning petition shall be void. If the petitioner wishes to continue the project, a new pre-submission meeting is required.

6.8 Preliminary Plan Hearing and Disposition

- A. The rezoning petition and Preliminary Plan shall be heard by the Advisory Plan Commission as a petition for zoning ordinance amendment. Upon hearing the request the Plan Commission may recommend either approval, amendment, or disapproval of the Preliminary Plan.
- B. The Commission may impose reasonable conditions with its recommendation. However, if the Commission requires changes in design, regarding the proposed site, utilities, or landscape plans, then the Commission shall vote to recommend amendment. In this case, the petitioner may resubmit a second Preliminary Plan for rehearing by the Commission at a later date.
- C. If the Commission recommends approval or disapproval, the eight (8) sets of the Preliminary Plan shall be stamped with that recommendation and signed by the President and Secretary of the Commission. Distribution of the plan sets shall be as follows: One (1) set shall be retained in the office of the Commission; Two (2) sets shall be returned to the petitioner, Four (4) sets shall be distributed to the affected gas, electric, telephone, and cable television utilities, and One (1) set shall be certified to the Legislative Body for adoption as a Planned Unit Development zone.
- D. The Legislative Body may adopt or defeat the certified Preliminary Planned Unit Development, but shall not amend the Plan. If adopted by the Legislative Body, the petitioner may prepare Final Detailed Plans.

6.9 Approval of Final Detailed Plans for PDCC Zones

- A. The petitioner may submit Final Detailed Plans after rezoning to PDCC by the legislative body. The Administrator shall approve the Final Detailed Plans before recordation.
- B. A complete PDCC Final Detailed Plan submission shall contain:

1. Evidence that any conditions imposed at the hearing of the Advisory Plan Commission have been met.
 2. A minimum of eight (8) sets of drawings labeled Final Detailed Plan –Condominium Conversion shall be submitted. The content of the submission shall be the same as the Approved Preliminary Plan except that any imposed conditions will be addressed.
 3. A minimum of eight (8) signed copies of any covenants and horizontal property agreement and owner's association documents.
- C. The Administrator shall review the PDCC Final Detailed Plan Submission. If the submission is complete and the conditions imposed by the Advisory Plan Commission are met, then the Administrator shall approve the Final Plan. A copy of the Final Plan shall be provided to the Advisory Plan Commission. If the Administrator finds that the PDCC Final Detailed Plan Submission is incomplete, the petitioner shall be so notified in writing.

6.10 Approval of Final Detailed Plans for PDRS, PDNR, and PDMX Zones.

- A. The petitioner may file the Final Detailed Plans following rezoning to PDRS, PDNR, or PDMX.
- B. A complete PDRS, PDNR, or PDMX Final Detail Plans Submission shall contain the following:
 1. Evidence that any conditions imposed at the hearing of the Advisory Plan Commission have been met.
 2. A minimum of ten (10) sets of drawings labeled Final Detailed Plan shall be submitted. The content of the submission shall contain all the elements of the Approved Preliminary Plan, plus full construction plans for all public improvements to be provided by the developer.
 3. A minimum of ten (10) signed copies of any covenants and horizontal property agreement and owner's association documents.
 4. A release from the mortgage company, if any, covering the necessary right-of-way, where right-of-way is to be dedicated.
 5. If one or more lots are being created, the petitioner shall provide 10 copies and a reproducible mylar of the signed final plat, prepared by a Registered Land Surveyor.

The Administrator and representatives of the checkpoint agencies shall review the Final Detailed Plan. Improvement Location Permits shall not be issued nor development activity begin until the Administrator determines the final submission is complete, the checkpoint agency approvals are realized, and the Administrator approves the Final Detailed Plan.

- C. If public improvements or improvements for common usage are to be installed by the petitioner, such improvements must be completed after approval of the Final Detailed Plan, but before work on the dwelling units commences. Otherwise, surety must be provided before an improvement location permit will be issued for a dwelling unit. A planned unit development containing common facilities shall be provided with an owner's association or other private organization responsible to and controlled by the property owners. This organization's purpose is to ensure adequate operation and maintenance of these common facilities. Recorded legal assurances shall be provided which show this organization to be self-perpetuating.

6.11 Recording Approved Final Detailed Plans.

- A. The petitioner shall record the Final Detailed Plans, after approval by the Administrator, in the Office of _____ (Recordation) before any development, construction, earth moving activity, or application for improvement location permits, or condominium documents shall occur.

6.12 Amendment of the Approved Final Detailed Plans.

- A. The petitioner may wish to make changes to the Approved Final Detailed Plans after recordation. The Administrator shall make a determination if the changes constitute a minor modification or a major modification. An approved written determination of minor modification by the Administrator shall be attached to the Amended Final Plans before recording. A major modification will require rezoning.
- B. A minor modification cannot include: (1) any increase in residential density; (2) any decrease in residential density of 10% or more; (3) any change in building dimension or location other than within the defined building envelope; (4) any change in lot lines; (5) any change in landscaping other than substitution of species or redesign with the same materials; (6) any alteration in the size and/or location of signage; (7) any change in the alignment or intersection of streets; (8) or any change in restrictive covenants, or horizontal property ownership and owner's association documents regarding the items (1)-(7) above.
- C. The petitioner shall provide the Administrator an as-built survey locating

buildings and common lot lines after the foundations are in place for all condominium or attached zero lot line projects. The revised plans needs to be submitted to and approved by the Administrator and recorded as Amended Final Detailed Plans.

- D. Changes to restrictive covenants and any horizontal property ownership and owner's association documents can only be initiated by a majority of property owners within the planned unit development. Multiple owners of a single unit shall be considered one owner. The developer shall be considered a single owner until all property is sold. The proposed changes shall be reviewed by the Administrator and the determination made as to whether the changes amount to a minor or major modification. The disposition of the minor or major modification shall be made as stated in 6.11 (A) above.

6.13 Lapsed and Abandoned Plan Developments

- A. An intended condominium conversion has lapsed if two years have passed since the date on which rezoning to PDCC was granted, and no Final Detailed Plans have been approved and recorded. The Advisory Plan Commission shall initiate a petition to rezone the property to its former classification following such a lapse.
- B. A planned unit development has been abandoned if two years have passed since the date on which rezoning to PDRS, PDNR, or PDMX was granted, and no Final been approved and recorded for the project. The Administrator shall not issue an improvement location permit for an abandoned planned unit development.



FIGURE 1 - LOT AND YARD REQUIREMENTS:
OHIO COUNTY ZONING ORDINANCE
(Sheet 1 of 2)

DISTRICT & TYPE OF DWELLING UNIT	MINIMUM LOT AREA	MINIMUM LOT AREA PER DWELLING UNIT	MINIMUM GROUND FLOOR AREA	MINIMUM LOT WIDTH	MAXIMUM LOT COVERAGE	MINIMUM DEPTH FRONT YARD ****	MINIMUM DEPTH REAR YARD	MINIMUM WIDTH SIDE YARD (ONE)	AGGREGATE OF BOTH SIDE YARDS AS PERCENT OF TOTAL LOT WIDTH		NORMAL MAXIMUM BUILDING HEIGHT
									FEET	PERCENT (%)	
A-1 AGRICULTURE Single-Family Dwelling: Two-Family Dwelling:	130,680 (3 acres)	130,680 (3 acres)	900	300*	10	35	40	20	20	20	35
	217,800 (5 acres)	108,900 (2-1/2")	950-2 story 1,200- 1 story	300*	15	35	40	20	20	20	or 2-1/2 Stories
Manufactured Home: Other Permitted Uses: (Unless otherwise specified)	130,680 (3 acres)	130,680 (3 acres)	1,000	300*	10	35					
	43,560 (1 acre)			200*	25	35					
R-1 Single-Family Residence Single-Family Dwelling: Manufactured Home: Other Permitted Uses: (Unless otherwise specified)	12,000	12,000	900	60	25	25	25	10	25	25	35
	12,000	12,000	1,000	60	25	25	25	10	25	25	or 2-1/2 Stories
	20,000			100	25	25	25	10	25	25	
				Lot of Record							
R-1A Single-Family Residence Single-Family Dwelling: Manufactured Home: Other Permitted Uses: (Unless otherwise specified)	12,000	12,000	1,200	80	25	25	25	10	25	25	25
	12,000	12,000	1,200	80	25	25	25	10	25	25	or 2 Stories
	20,000			100	25	25	25	10	25	25	
R-1B Single-Family Residence Single-Family Dwelling: Manufacture Home: Other Permitted Uses: (Unless otherwise specified)	43,560 (1 acre)	43,560 (1 acre)	2,000	100	20	50	50	12	25	25	25
	43,560 (1 acre)	43,560 (1 acre)	2,000	100	20	50	50	12	25	25	or 2 Stories
	130,680 (3 acres)			300	10	50	50	20	20	20	
R-1C Mobile Home Park Single-Family Dwelling: Mobile Home when located in Mobile Home Park: Manufactures Home: Other Permitted Uses: (Unless otherwise specified)	12,000	12,000	900	80	25	25	25	10	25	25	25
											or 2 Stories
	12,000	12,000	650	80	25	25	25	10	25	25	
	12,000		1,000	80	25	25	25	10	25	25	
R-2 General Residence Single-Family Dwelling: Manufactured Home: Two Family Dwelling: Multi-Family Dwelling: Other Permitted Uses: (Unless otherwise specified)	9,000	9,000	900	60	35	25	25	8	25	25	40
	9,000	9,000		60	35	25	25	8	25	25	or 3-1/2 Stories
	12,000	6,000	1,250	80	40	25	25	10	25	25	
	12,000	3,000	1,250	100	45	25	25	10	25	25	
			100	45	25	25	10	10	25	25	

*NOTE: A lot which is a part of a subdivision in accordance with definition number (2)(c) of Section 151.03 Definitions of Chapter 151 - Subdivision Control Code of Ohio County, Indiana 198, is exempted from this requirement.

**NOTE: Requirements for Farm House or Farm Dwelling in the A-1 Agriculture District are the same as the requirements for a Single-Family Dwelling in the District.

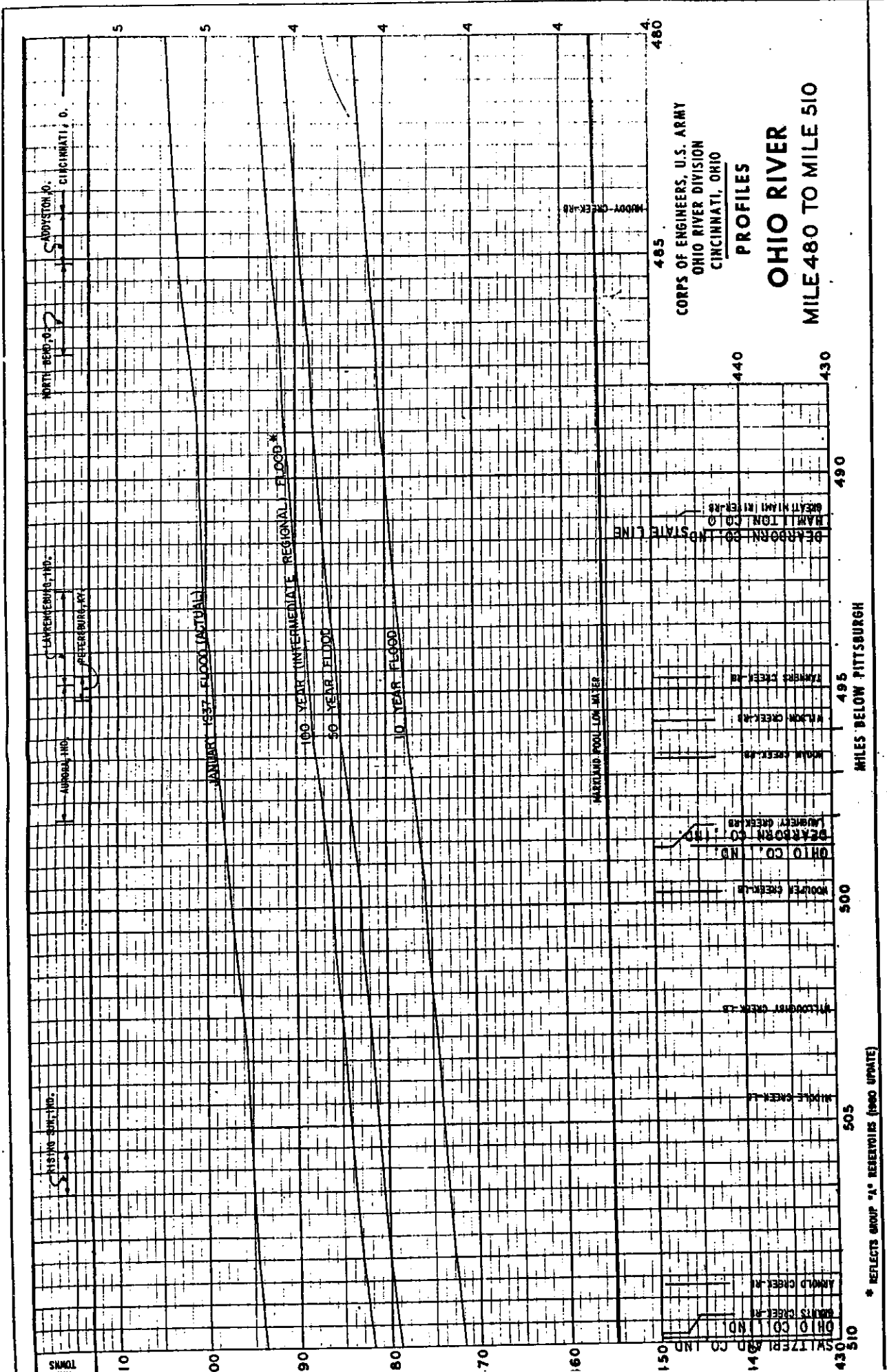
***NOTE: Business uses in the B-2 Roadside Business District require Board of Zoning Appeals Approval.

****NOTE: Frontage shall be only on State or maintained County road.

FIGURE 1 - LOT AND YARD REQUIREMENTS:
OHIO COUNTY ZONING ORDINANCE (Sheet 2 of 2)

INFORMATION IN THESE COLUMNS REFER TO BUSINESS AND INDUSTRIAL DISTRICT REQUIREMENTS FOR VARIOUS TYPES OF USES DENOTED BY THE NAMES OF THE DISTRICTS AND THEIR YARD AND HEIGHT REQUIREMENTS:	DISTRICTS IN WHICH THIS TYPE OF USE IS PERMITTED	MINIMUM DEPTH FRONT YARD	MINIMUM DEPTH REAR YARD	MINIMUM LOT WIDTH	MINIMUM SIDE YARD WHERE BUSINESS OR INDUSTRIAL DISTRICT ADJOINS RESIDENCE DISTRICT WITHIN BLOCK FRONTAGE	MINIMUM SIDE YARD IN BLOCKS NOT INCLUDING RESIDENCE DISTRICT	MINIMUM SIDE YARD ALONG SIDE STREET LINE OF CORNER LOT WHERE BLOCK (OR TRACT) IS ADJOINED BY RESIDENCE DISTRICT	NORMAL MAXIMUM BUILDING HEIGHT
B-1 Local Business Local Business Uses: Single-Family Dwelling: Two-Family Dwelling: Multi-Family Dwelling: Manufactured Home: Other Permitted Uses: (Unless otherwise specified)	FBET ***	B-1=25 B-2=30 B-3=0 I-2=0	10	B-1-B-3, & I-2 = No Req. B- 2=100	15	B-1=10 B-2=20 B-3=0 I-2=10	15	B-1=40 B-2=40 B-3=60 I-2=60
B-2 Roadside Business Roadside Business Uses: Single-Family Dwelling: Two-Family Dwelling: Multi-Family Dwelling: Manufactured Home: Other Permitted Uses: (Unless otherwise specified)	FBET ***	B-2=30 B-3=0 I-1=0	20	B-2=100 B-3 = I-2 = No Req.	30	B-2=20 B-3=0 I-2=10	15	B-2=40 B-3=60 I-2=60
B-3 General Business General Business Uses: Single-Family Dwelling: Two-Family Dwelling: Multi-Family Dwelling: Manufactured Home: Other Permitted Uses: (Unless otherwise specified)	B-3 & I-2	0	10	No Req.	15	B-3=0 I-2=10	15	B-3=60 I-2=60
UD UNIT DEVELOPMENT PLAN FP FLOOD PLAN	SPECIAL PROVISIONS FOR DWELLING, ETC.: SEE 150.021 DWELLINGS NOT PERMITTED							

*NOTE: A lot which is a part of a subdivision in accordance with definition number (2)(c) of Section 151.03 Definitions of Chapter 151 - Subdivision Control Code of Ohio County, Indiana 198, is exempted from this requirement.
**NOTE: Requirements for Farm House or Farm Dwelling in the A-1 Agriculture District are the same as the requirements for a Single-Family Dwelling in the District.
***NOTE: Business uses in the B-2 Roadside Business District require Board of Zoning Appeals Approval.
****NOTE: Frontage shall be only on State or maintained County road.



CORPS OF ENGINEERS, U.S. ARMY
 OHIO RIVER DIVISION
 CINCINNATI, OHIO
PROFILES
OHIO RIVER
 MILE 480 TO MILE 510

* REFLECTS GROUP "A" RESERVOIRS (1960 UPDATE)

A-1

BEAR BRANCH

37

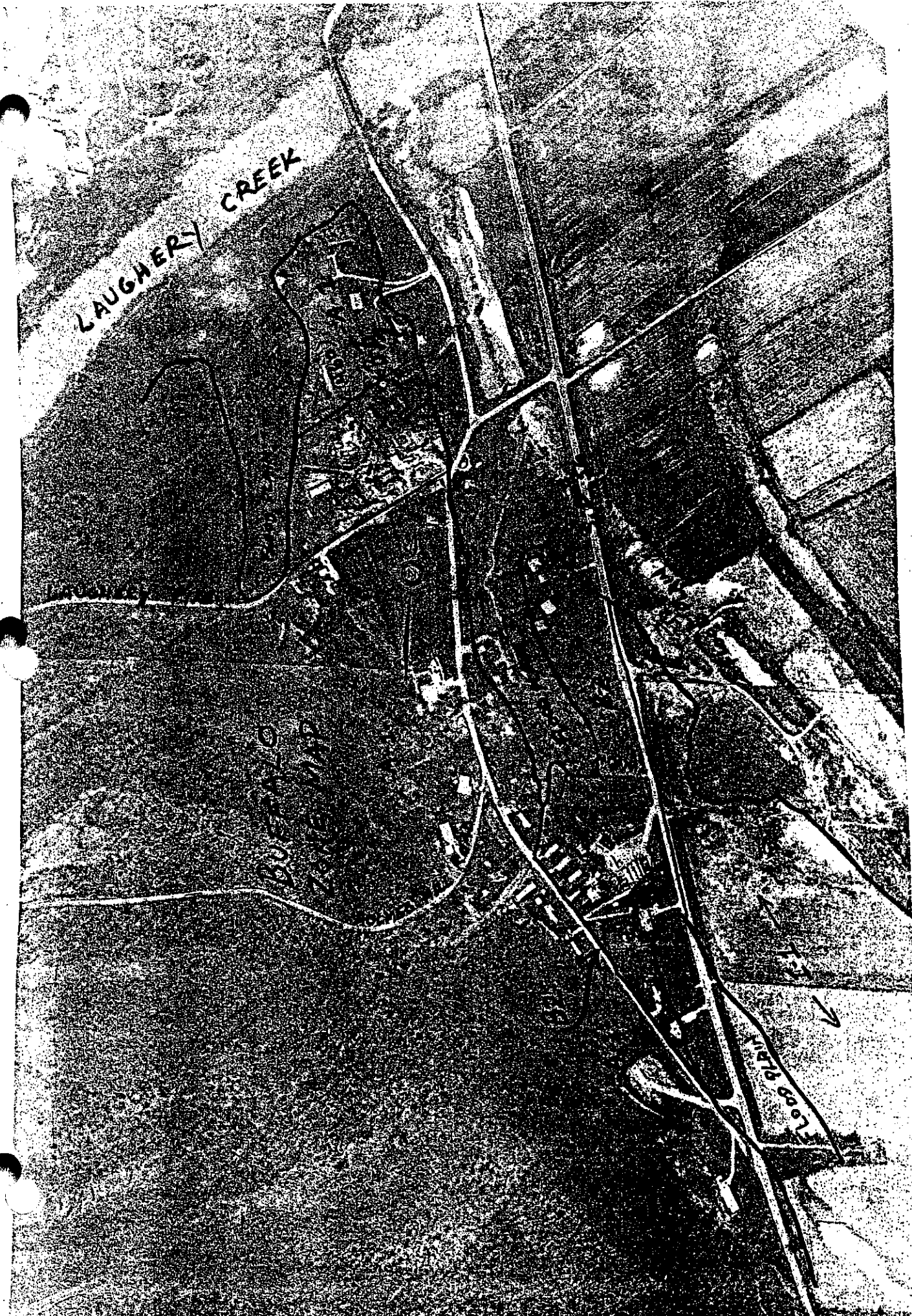
ZONE MAP
BEAR BRANCH



LAUGHERY CREEK

LAUGHERY CREEK

LAUGHERY CREEK



LAUGHERY CREEK

FLOOD PLAIN

WATFORD ST

ALL

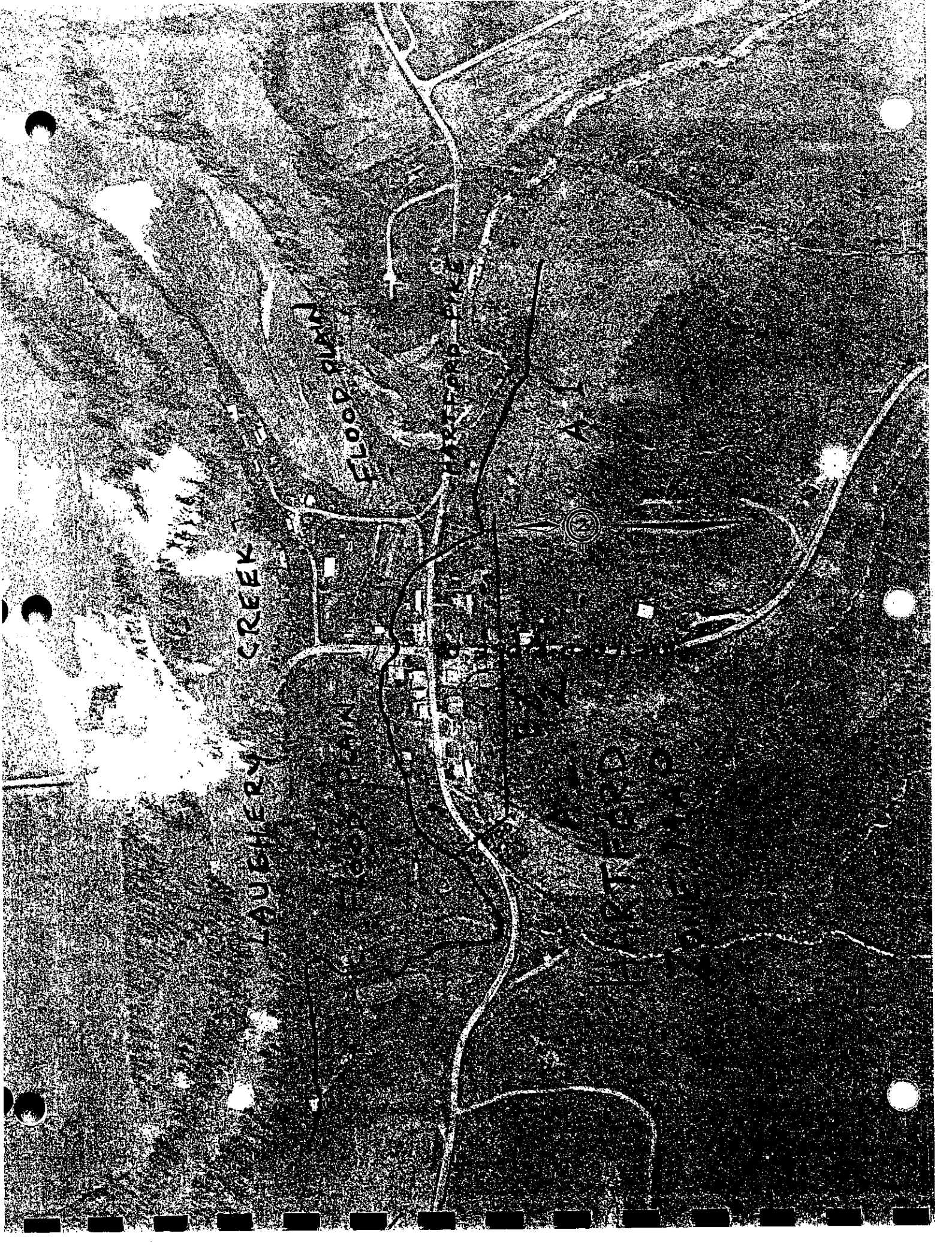
TRAIN

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE



SUBDIVISION CONTROL CODE

OHIO COUNTY, INDIANA

ORDINANCE NO. 8-7-12-4

AN ORDINANCE FOR THE DEVELOPMENT THROUGH
SUBDIVISION CONTROL OF THE TERRITORY WITHIN
THE JURISDICTION OF THE OHIO COUNTY ADVISORY
COMMISSION, OHIO COUNTY, INDIANA.

BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF OHIO, INDIANA,
UNDER AUTHORITY OF THE INDIANA AREA PLANNING
LAW [I.C. 36-7-4], AND ALL ACTS AMENDATORY OR
SUPPLEMENTAL THERETO, GENERAL ASSEMBLY OF
THE STATE OF INDIANA:

Revised December 1999
Commissioners Approval, March 2000
Reformatted April 2001

SUBDIVISION CONTROL CODE

Chapter 151: SUBDIVISION CONTROL PLAN

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>		
151.01	2	SHORT TITLE	
151.02	3	ESTABLISHMENT OF CONTROL	
151.03	4	DEFINITIONS	
151.04	7	PROCEDURE	
	7	(A) Subdivision Must Be Fit	
	7	(B) Fee Required	
	7	FIGURE 1	
		(See 151.10 SPECIFICATIONS (A) below)	
151.05	12	PRINCIPALS AND STANDARDS OF DESIGN	
	12	(A) General	
	12	(B) Streets	
	13	(C) Blocks	
	13	(D) Lots	
	14	(E) Easements	
	14	(F) Building Setback Lines	
151.06	15	PUBLIC OPEN SPACES	
151.07	16	STANDARDS OF IMPROVEMENTS	
	16	(A) Monuments and Markers	
	16	(B) Streets	
	19	(C) Drainage Facilities	
	19	(D) Sewers	
	20	(E) Water	
	20	(F) Improvement Credit Procedure	
	20	(G) Curb and Gutter	
	21	(H) Sidewalks	
	21	(I) Street Signs	
	21	(J) Driveway Entrances	
	21	(K) Certain one (1) and two (2) Lot Subdivisions	
	21	(L) Flood Control	
	22	(M) Certain One Lot Subdivision	
151.08		PLAT CERTIFICATES AND DEED OF DEDICATION	23
		(A) Commission Certificate For Primary Approval	23
		(B) Commission Certificate For Secondary Approval	23
		(C) Surveyor's Certificate	23
		(D) Plan Commission Staff Certificate	24
		(E) County Soil and Water Conservation District Certificate	24
		(F) Deed of Dedication	24
151.09		VARIANCE	27
151.10		SPECIFICATIONS	28
		(A) Figure 1	7
		<u>Step 1</u> – Application for Primary Approval of a Plat of a Subdivision	7
		<u>Step 2</u> – After the Hearing for Primary Approval	9
		<u>Step 3</u> – Appeals	10
		<u>Step 4</u> – Secondary Approval	10
		(B) Figure 2	28
		Typical Subdivisions and Other Divisions	
		(C) Standard Specifications For the Indiana Department of Highways	28
		(D) County Sanitary Sewer And Construction Specifications	28
151.11		CONTENTS OF APPENDIX	29
151.12		AMENDMENTS	30
151.13		VALIDITY	31
151.14		PENALTY	32
		APPENDIX	

SUBDIVISION CONTROL CODE

Section 151.01: SHORT TITLE

The ordinances, as amended, comprising Chapter 151 of the "Code of Ordinances of Ohio County, Indiana," shall hereafter be referred to as the "Subdivision Control Code Ohio County, Indiana, 1987." Revised 1999.

Section 151.01

SUBDIVISION CONTROL CODE

Section 151.02: ESTABLISHMENT OF CONTROL

No plat or replat of a subdivision of land located within the jurisdiction of the Ohio County Advisory Plan Commission shall be filed with the County Auditor and recorded by the County Recorder unless it has first been granted secondary approval by the Ohio County Advisory Plan Commission, and such approval shall have been signed and certified on the Plat by the President of the Commission.

Section 151.02

SUBDIVISION CONTROL CODE

Section 151.03: DEFINITIONS

- (1) Section 151.03: DEFINITIONS is changed by adding thereto a new definition, "Access Drive", which shall read as follows: "ACCESS DRIVE: A strip of land not less than fifty (50) feet in width designed to connect one (1) or two (2) lots with a street, thereby providing equal access to each lot. (See definition (28) SUBDIVISION, paragraph (c).)
- (2) ALLEY: A permanent public service way or right-of-way, dedicated to public use, other than a street, place, road, crosswalk, or easement, designed to provide a secondary means of access for the special accommodation of abutting property.
- (3) AREA ENGINEER: An engineer employed by the Area Plan Commission or by the Board of County Commissioners or the County Surveyor or as determined by the Plan Commission.
- (4) BLOCK: A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, or other barriers, or a combination thereof.
- (5) BLOCK FRONTAGE: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.
- (6) BUILDING SETBACK LINE – BUILDING LINE: The line nearest the front or side of and across a lot establishing the minimum yard to be provided between the principal building or structure and the lot line.
- (7) CITY: The City of Rising Sun, Indiana.
- (8) COMMISSION, PLAN COMMISSION: The Ohio County Advisory Plan Commission.
- (9) COMPREHENSIVE PLAN: A composite of all materials prepared and approved under the 500 series of I.C. 36-7-4 or under prior law. It includes a master plan adopted under any prior law.
- (10) COUNTY: Ohio County, Indiana.
- (11) CUL-DE-SAC (Court or Dead End Street): A short residential street having one end open to traffic and being permanently terminated by a vehicle turnaround.
- (12) EASEMENT: A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.
- (13) HEALTH OFFICER: The Ohio County Health Officer.
- (14) JURISDICTION OF THE COMMISSION: The jurisdiction of the Ohio County Advisory Plan Commission, which includes all of the area over which this Chapter of the Code is effective: specifically, all of the unincorporated territory in Ohio County, Indiana.
- (15) LOT: A portion of subdivision, or other parcel of land intended as a unit for transfer of ownership or development.

SUBDIVISION CONTROL CODE

- (16) **PERSON:** A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.
- (17) **PLACE:** An open, unoccupied, officially designated space, other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
- (18) **PLAN COMMISSION STAFF:** The staff of the Ohio County Advisory Plan Commission, specifically, the Building Inspector, and any other persons employed by the Advisory Plan Commission, under the supervision of the Building Inspector who have regular duties in the Advisory Plan Commission Office.
- (19) **PLAT:** A map or chart indicating the subdivision or re-subdivision of land intended to be filed for record. Also, **PLAT OF A SUBDIVISION OF THE SUBDIVISION.**
- (20) **PRIMARY APPROVAL:** An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of a subdivision in which the procedures, standards of improvement, and conditions have been met by the applicant as required by this Code. A primary approval is a final decision of the Plan Commission inasmuch as it may be reviewed by the courts.
- (21) **REPLAT:** A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land, previous subdivision or plat.
- (22) **SECONDARY APPROVAL:** An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of a subdivision which the Plan Commission has already given its primary approval before it can be filed with the County Auditor and recorded by the County Recorder, and the improvements and installations have been completed as required by this Code; or, if the improvements and installations have not been completed as required, the applicant therefore has provided a bond or other proof of financial responsibility in accordance with the requirements of the Subdivision Control Plan Code.
- (23) **STREET:** A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.
- (24) **STREET, ARTERIAL:** A street designated for large volumes of traffic movement. Certain arterial streets may be classed as Limited Access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.
- (25) **STREET, FEEDER:** A street planned to facilitate the collection of traffic from residential streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.
- (26) **STREET, RESIDENTIAL:** A street designated primarily to provide access to abutting properties, usually residential. Certain residential streets may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

Section 151.03

SUBDIVISION CONTROL CODE

- (27) **SUBDIVIDER:** Any person responsibly engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this Chapter.
- (28) **SUBDIVISION:** (a) The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites, or lots, any one of which is less than five (5) acres in area, for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five (5) acres, not involving any new street or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision; or (b) the improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities; or (c) in the A-1 Agriculture District shown on the Zone Map, the improvement of one (1) or two (2) parcels of land not adjoining another subdivision and each having not less than five (5) acres in area with a rectangular or near rectangular configuration with a depth of not more than two and one-half (2 ½) times the minimum width of three hundred (300) feet, and an access drive of at least fifty (50) feet in uniform width, except where topographical features, drainage ways, or structures necessitate additional width, and extending from a street to each of the parcels, provided that each owner of each lot shall have one-half (1/2) or full interest, as the case may be, in fee simple of the entire access drive, and provided further that none of the area contained in the access drive shall be counted toward the minimum five (5) acre area requirement for the parcel(s). See Figure 2 for typical subdivision and other divisions of land which shows examples of paragraphs (a) and (b) subdivision and non-subdivisions.
- (29) **THOROUGHFARE PLAN:** The part of the Comprehensive Plan, now or hereafter adopted, which includes a Thoroughfare Plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares.
- (30) **ZONING ORDINANCE:** An ordinance now or hereafter adopted under the 600 Series of IC 36-7-4, including a zone map which divides the jurisdiction of the Commission into districts, with regulations and requirements and procedures for the establishment of land use controls, and which indicates where subdivision of land may occur; specifically, Chapter 15: ZONING CODE.

SUBDIVISION CONTROL CODE

Section 151.04: PROCEDURE

A subdivider desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Commission shall submit a written application therefore to the Plan Commission Staff. Such application shall be accompanied by the information, requirements, and plans set forth in Figure 1, all in accordance with the requirements set forth in this Code.

- (A) Subdivision Must Be Fit. The application shall show the manner in which the plat of the subdivision is coordinated with the Comprehensive Plan and its provisions, specifically, with relation to the requirements of the Thoroughfare Plan, school, and recreational sites, shopping centers, community facilities, sanitation, water supply, and drainage, and other developments existing and proposed in the vicinity; provided, however, that no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.
- (B) Fee Required. The application shall be accompanied by a certified check or money order made payable to Ohio County, Indiana, in the amount of Twenty-five Dollars (\$25.00), plus Five Dollars (\$5.00) per lot for the first twenty (20) lots, and Three Dollars (\$3.00) per lot in excess of twenty (20) lots, as shown on the plat of the subdivision, to cover the cost of checking and verifying the plat, and the Building Inspector shall surrender the check or money order to the Auditor of Ohio County for deposit in the General Fund of the County. No part of this filing fee shall be returnable to the applicant.

FIGURE 1

Step 1.

Application for a Primary Approval Of a Plat of a Subdivision.

- (A) Upon receipt of an application for primary approval of a plat of subdivision, the Plan Commission Staff shall review the application for technical conformity with the standards set forth in this Chapter of the Code. Within thirty (30) days after receipt, the Plan Commission Staff shall announce the date for a hearing before the Commission and provide notice in accordance with paragraphs 1, 2, and 3, herein.

After the Plan Commission Staff has announced a date for a hearing before the Commission, it shall:

- (1) Notify the applicant in writing;
 - (2) Give notice of the hearing by publication in accordance with I.C. 5-3-1; and
 - (3) Provide for due notice to interested parties at least ten (10) days before the date set for the hearing.
- (B) The subdivider shall provide a plat of a subdivision showing the following:

Section 151.04

SUBDIVISION CONTROL CODE

- (1) Proposed name of the subdivision.
 - (2) Names and addresses of the owner and the subdivider.
 - (3) Streets and rights-of way, on and adjoining the site of the subdivision, showing the names (which for new streets shall not duplicate other names of streets in the County, except for extensions of existing streets) which shall meet with the approval of the Commission, and including roadway widths, approximate gradients, types and widths of pavement, curbs, walks, crosswalks, sidewalks, tree planting, and other pertinent data.
 - (4) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
 - (5) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.
 - (6) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - (7) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley, and lot lines.
 - (8) Layout of lots, showing dimensions and numbers.
 - (9) Accurate locations of easements for utilities and any limitations on such easements, showing widths and purposes of easements.
 - (10) Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use.
 - (11) Location and size of storm and sanitary sewers and water distribution system.
 - (12) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is ten percent (10%) or greater.
 - (13) Building setback lines and dimensions.
 - (14) Locations, type, material, and size of all monuments and lot markers.
 - (15) North point, scale, and date.
 - (16) Restrictions of all types which will run with the land and become covenants in the deeds for lots.
 - (17) Certificate for primary approval by the Commission, to be signed by the President of the Commission.
 - (18) Certificate for secondary approval by the Commission, to be signed by the President of the Commission.
 - (19) Certification by a registered land surveyor and registered professional engineer (when required).
 - (20) Certification of dedication of streets and other public property.
 - (21) Plan Commission Staff Certificate.
 - (22) Certification of dedication of streets and other public property.
 - (23) County Soil and Water Conservation District Certificate.
- (C) The subdivider shall submit the following Engineering Plans and Specifications and other required information with the application:
- (1) Profiles, typical cross-sections, and specifications for proposed street improvements.
 - (2) Profiles and locations and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution system.
 - (3) A description of the portion of the overall plat of the subdivision intended to be filed for record, including a program for the progressive development of the entire area contained in the overall plat.

Section 151.04

SUBDIVISION CONTROL CODE

- (4) A statement of the estimated amount of money sufficient to complete the improvements and installations by the subdivider and attested to by a registered land surveyor or a registered professional engineer.
- (D) The subdivider shall submit the following supplementary information with the application:
- (1) Statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units, type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, or congestion of population.
 - (2) Evidence of an adequate source of water supply.
 - (3) A National Cooperative Soil Survey Map from the Ohio County Soil and Water Conservation District showing the soil limitations based upon the intended usage of the development land.
 - (4) A statement concerning the method of controlling erosion before, during, and following construction, i.e., temporary seeding, siltration basins, mechanical erosion devices, and other similar means that meet the respective County Soil and Water Conservation guidelines for urban development. (See Chapter 150:Zoning Code.)
 - (5) If private sewage system, a statement from the Health Officer as to whether private septic systems can be used on this property.
 - (6) If flood plain is involved, a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway, including flood plain high water marks, etc. (See Sec. 151.07 (L) and Chapter 150:Zoning Code.)
 - (7) Show other features or conditions, which would affect the subdivision favorably or adversely.
- (E) The subdivider shall include a location map with the application, which may be prepared by indicating the data by notations on available maps showing:
- (1) Subdivision name and location.
 - (2) Any thoroughfares related to the subdivision.
 - (3) Existing elementary and high schools, parks, and playgrounds available for serving the area proposed to be subdivided, and other community facilities.
 - (4) Title, scale, north point and date.
- (F) The original drawing of the plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing is thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Three (3) black or blue-line prints shall be submitted, or in order to conform to modern drafting and reproduction methods three (3) black-line prints or blue-line prints, and a Mylar film reproducible print shall be submitted. Also, a reduced plat on Mylar film with dimensions of fourteen (14) inches by seventeen (17) inches shall be submitted for filing purposes.

Step 2.

After the Hearing for Primary Approval.

- (A) If, after the hearing, the Commission determines that the application and plat comply with the standards in this Code, it shall make written findings and a decision granting primary approval for the plat of the subdivision. This decision shall be signed by the President of the Commission.

Section 151.04

SUBDIVISION CONTROL CODE

- (B) If, after the hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision shall be signed by the President of the Commission.

Step 3.

Appeals.

The primary approval or disapproval of a plat by the Commission or the imposition of a condition on primary approval is a final decision of the Commission that may be reviewed by certiorari procedure as provided by I.C. 36-7-4-1016.

Step 4.

Secondary Approval.

The Commission may grant secondary approval for all or any part of a plat of a subdivision which has heretofore been given primary approval by the Commission, or the Commission may delegate to the Plan Commission Staff the authority to grant such secondary approvals; provided, that secondary approvals may be granted after expiration of the time for appeal under I.C. 36-7-4-710; specifically after 30 days has elapsed from the date of the decision of the Commission under Step 2, herein.

- (A) Secondary approval may be granted to a plat of a subdivision in which the improvements and installations have not been completed as required by this Code, if the applicant provides a bond, or other proof of financial responsibility as prescribed herein, that:
- (1) In an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Code; and
 - (2) Provides surety satisfactory to the Commission;
 - (3) With respect to the installation or extension of water, sewer, or other utility service:
 - (a) The applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and
 - (b) The Planning Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this Code.
 - (4) Other proof of financial responsibility may take the following forms:
 - (a) An arrangement whereby cash would be advanced to the County by the Subdivider, and subsequently the Auditor of the County would release to the subdivider amounts of this money in percentages of the total cost of improvements and installation in the plat of a subdivision, when such completed portions of the plat have been attested to by a registered professional civil engineer or registered land surveyor, and approved by the Commission. Upon completion of all of the improvements and installations in the plat, the County would reimburse the subdivider the total balance of the money originally deposited with the County; or
 - (b) An arrangement whereby the City or the County would have undeniable access to the funds in an escrow account or other type of account, held by a bank or

Section 151.04

SUBDIVISION CONTROL CODE

other lending institution, until all of the improvements and installations in the plat of a subdivision have been completed.

- (B) The Applicant shall provide a three (3) year maintenance bond in an amount of at least ten percent (10%) of the cost of the improvements, before secondary approval may be granted. (See Appendix, Form 4. Pg. iii)
- (C) No notice or hearing is required for secondary approvals.
- (D) A plat of a subdivision may not be filed with the Auditor or the County, and the Recorder of the County may not record it, unless it has been granted secondary approval and signed and certified by the President of the Commission.
- (E) The bond referred to in paragraph (A), above, will be released only upon receipt of a certificate by a registered professional civil engineer or a registered land surveyor that all improvements and installations for the plat of the subdivision required for its approval have been made or installed in accordance with specifications.

End of Figure 1

Section 151.04

SUBDIVISION CONTROL CODE

Section 151.05: PRINCIPLES AND STANDARDS OF DESIGN

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

(A) General. The subdivision plan shall conform to the principles and standards which are generally exhibited in the Comprehensive Plan.

(B) Streets.

- (1) The street and alley layout shall provide access to all lots and parcels of land within the sub-division, and where streets cross other streets, jogs shall not be created. Cul-de-sacs shall not exceed five hundred (500) feet in length unless site topography indicates that longer cul-de-sacs would be appropriate.
- (2) Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- (3) Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- (4) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
- (5) Widths of arterial and feeder streets shall conform to the widths specified in the Thoroughfare Plan.
- (6) The minimum right-of-way of residential streets, including marginal access streets or cul-de-sacs, shall be fifty (50) feet. All cul-de-sacs shall terminate in a circular right-of-way, with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- (7) Alleys shall not be permitted in residential areas but shall be included in commercial and industrial areas where needed for loading and unloading or access where needed for loading and unloading or access purposes, and, where platted, shall be at least twenty (20) feet in width.
- (8) The centerlines of streets should intersect as nearly at right angles as possible.
- (9) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
- (10) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet or by chords of such arcs.
- (11) If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.
- (12) Intersections of more than two (2) streets at one point shall be avoided.
- (13) Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in the design of such parkways or streets.
- (14) Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
- (15) Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:

Section 151.05

SUBDIVISION CONTROL CODE

- (a) Arterial streets: Five hundred (500) feet.
- (b) Feeder streets and parkways, including residential through streets: Three hundred (300) feet.
- (c) Residential cul-de-sac streets: One hundred fifty (150) feet.
- (16) Curvature measured along the center line shall have a minimum radius as follows:
 - (a) Arterial streets: Five hundred (500) feet.
 - (b) Feeder streets and parkways, including residential through streets. Three hundred (300) feet.
 - (c) Residential cul-de-sac streets: One hundred fifty (150) feet.
- (17) Between reversed curves on arterial streets, there shall be a tangent of not less than one hundred (100) feet, and on feeder and residential streets such tangent shall not be less than forty (40) feet.
- (18) Maximum grades for streets shall be as follows:
 - (a) Arterial streets: Not greater than six percent (6%).
 - (b) Feeder and residential streets and alleys: Not greater than ten percent (10%).
- (19) The minimum grade of any street gutter shall not be less than five-tenths percent (0.5%).
- (20) Proposed streets that are extensions of or in alignment with existing streets shall bear the same name as that borne by the existing street.
- (21) Normally, only one street, driveway or point of vehicle access shall be permitted from a subdivision onto an arterial or feeder street; provided, however, that any such street, driveway or point of vehicle access shall not be allowed if unreasonably harmful to the health, safety, and general welfare of the public. Two or more streets, driveways or points of vehicle access may be permitted by the Commission, if they do not impair the public health, safety and general welfare.

(C) Blocks.

- (1) Blocks should not normally exceed twelve hundred fifty (1250) feet in length, unless unusual circumstances justify greater length.
- (2) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or an arterial street or a railroad right-of-way.
- (3) In blocks of over seven hundred (700) feet in length, the Commission may require at or near the middle of the block a public walk connecting adjacent streets or other public areas. Such walks shall be at least four (4) feet in width of right-of-way and shall be intended for the use of pedestrians only.

(D) Lots.

- (1) All lots shall abut on a street or place.
- (2) Side lines of lots shall be at approximately right angles to straight streets and approximately on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.
- (3) Double frontage lots should not be platted, except that where desired along arterial streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip, or a planting screen, at least twenty (20) feet in width, shall be provided along the back of the lot.
- (4) Widths and areas of lots shall not be less than that provided in the Zoning Code (See Chapter 150) for single-family dwellings for the district in which the subdivision is

Section 151.05

SUBDIVISION CONTROL CODE

located, except that when a water main supply system or a sanitary sewer system is not available, the larger lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the State Board of Health of the State of Indiana regulations shall become the required minimum lot area.

- (5) Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.
 - (6) Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets. Interior residential lots abutting a corner lot shall be wider than the average interior lot in order to permit a wider side yard adjacent to the corner lot.
- (E) Easements. Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of services.
- (F) Building Setback Lines. Shall be as provided in the Zoning Code. (See Chapter 150.)

SUBDIVISION CONTROL CODE

Section 151.06: PUBLIC OPEN SPACES

Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown in the Comprehensive Plan, the Commission may request their dedication for such purposes or their reservation for a period of one (1) year following the date of secondary approval of the plat of the subdivision. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.

Section 151.06

SUBDIVISION CONTROL CODE

Section 151.07: STANDARDS OF IMPROVEMENTS

Before secondary approval may be granted, the plat of the subdivision shall conform to the following standards of improvements which shall be installed under the supervision of an inspector whose qualifications meet the approval of the Area Engineer, and the cost of such inspection shall be borne by the subdivider.

- (A) Monuments and Markers. Shall be placed so that the center of the bar or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or marker is level with the finished grade.
- (1) Monuments shall be set:
 - (a) At the intersection of all lines forming angles in the boundary of the subdivision.
 - (b) At the intersection of street property lines.
 - (2) Markers shall be set:
 - (a) At the beginning and ending of all curves along street property lines.
 - (b) At all points where lot lines intersect curves, either front or rear.
 - (c) At the angles in property lines of lots.
 - (d) At all other lot corners or boundary angles not established by a monument.
 - (3) Monuments shall be of stone or concrete (which may be poured in place), with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches, set vertically in place. They shall be marked on top with a brass plug, or iron or copper dowel, at least three-eighths (3/8) inch thick, set flush with the top of the monument, deeply scored on top, with a cross. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long, and not less than five-eighths (5/8) inch in diameter.
- (B) Streets. Streets (and alleys, where provided) shall be completed to grades shown on plans, profiles, and cross-sections provided by the subdivider and prepared by a registered professional engineer, and approved by the Commission.
- (1) The streets shall be graded, surfaced, and improved to the dimensions required by the cross sections and the work shall be performed in the manner prescribed in "Standard Specifications for the Indiana Department of Highways", latest issue (hereinafter referred to as the Standard Specifications). A copy of the current Standard Specifications is on file in the office of the Ohio County Advisory Planning Department.
 - (2) Streets classified as Through Streets shall be surfaced to a minimum width of 24 and those classified as cul-de-sac streets shall be surfaced to a minimum width of twenty-two (22) feet. Streets classified as arterial or "feeder" in the "thoroughfare plan," shall be surfaced to a minimum width of thirty-six (36) feet. (Curb and gutter is added to the minimum surface, see subsection (G) herein.) The Commission may require the subdivider to provide street surfacing on streets which are proposed to be extensions of existing paved streets, and which exceed the minimum dimensions set forth above, to the full width of the existing paved street. Alleys shall be surfaced to their full width. Cul-de-sac turn-arounds shall be paved to a diameter of seventy-six (76) feet.
 - (3) The subgrade shall be prepared in compliance with Section 207 of the Standard Specifications.

SUBDIVISION CONTROL CODE

- (4) The sub-base, shall be prepared in compliance with Section 304 of the Standard Specifications. Special sub-base drainage in areas of cuts, swales and fills shall be as set out in the approved plans and specifications.
- (5) The street surface shall be either Portland Cement Concrete materials and construction shall be in accordance with Section 501 of the Standard Specifications and subparagraph (a) below or Hot Asphalt Concrete materials and construction shall be in accordance with Section 403 of the Standard Specifications and subparagraph (b) below. In the case of a proposed alternative method, discrepancy, omission or duplication in the required specification standards, the decision of the Area Engineer shall be sought and considered final.
 - (a) Rigid Type Pavement (Portland Cement Concrete). See Figure 4.
 1. Minimum design characteristics of street pavement shall be as follows:
 - a. 6% air entrained.
 - b. 28-day compressive strength = 4000 psi. 28-day flexural strength = 550 psi.
 - c. Thickness to conform to the following schedule: (See Figure 4).
 2. Portland Cement Concrete pavement shall be in accordance with Section 501 of the Standard Specifications. In addition the following shall govern and be met:
 - a. The subgrade shall conform to Section 501.05 and Section 207 of the Standard Specifications. Subgrade shall be moist but not muddy at the time the concrete is placed. If required, it shall be sprinkled, but the method of sprinkling shall be such that mud or pools of water will not be formed.
 - b. Sub-base shall meet the above minimum thickness requirements and conform to Section 304 of the Standard Specifications.
 - c. Weakened plane or dummy transverse contraction joints shall be placed not to exceed twenty (20) foot spacing. A transverse contraction joint shall be placed at every catch basin and manhole in line of pavement. The location of manholes, etc., in the pavement shall determine the exact location of joints. All joints must extend throughout side - strips to full width of pavements. Transverse contraction joints will be a groove and conform to Section 501.04 of the Standard Specifications.
 - d. Whenever the width between forms of the pavement under construction is greater than thirteen (13) feet, longitudinal joints shall be constructed so as to divide the pavement into strips not to exceed thirteen (13) feet each. Work shall conform to Section 501.14 of the Standard Specifications.
 - e. Expansion joints, with approved dowel bar assembly, shall be placed at inter-sections where shown on the plans and shall conform to Section 501.15.
 - f. Concrete shall be machine finished except on widened portions, intersections, or other places where hand finishing will be permitted if authorized. Finishing machines or vibrating strike-boards of design other than as specified in the Standard Specifications will be permitted only if work of equal quality as set out in these specifications is obtained.

Section 151.07

SUBDIVISION CONTROL CODE

Authorization prior to construction is required. Work shall conform to Section 501.15 of the Standard Specifications.

- g. Curing with approved impervious membrane or sealing compounds shall be required, conforming to Section 501.17 of the Standard Specifications.
- (b) Hot Asphalt Concrete Pavement
- 1. Minimum design characteristics of street pavement. See Figure 3.
 - 2. Asphalt pavement shall be in accordance with Section 403 of the Standard Specifications. In addition, the following shall be met:
 - a. The subgrade shall conform to Section 207 of the Standard Specifications.
 - b. Sub-base shall meet the above minimum thickness requirements and conform to Section 304 of the Standard Specifications.
 - c. Base, binder and surface courses shall conform to Section 403 of the Standard Specifications.
 - d. Seal coats, prime coats and tack coats shall conform to Section 403 and Sections 407, 408, and 409 (as applicable) of the Standard Specifications.
- (6) Samples for testing purposes shall be taken as required by the appropriate section of the Standard Specifications. All tests shall be performed in accordance with the appropriate section of the Standard Specifications. All testing shall be performed by a certified agency approved by the Board of County Commissioners. All testing costs shall be paid by the developer. A complete certified copy of all records shall be provided by the County, as the case may be. The County reserves the right to core the pavement before acceptance.
- (7) Prior to placing the street and alley surfaces, adequate subsurface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than twelve (12) inches in diameter approved by the Commission. Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission.
- (8) No streets will be accepted until after the plat of the subdivision has been recorded in the County Recorder's Office.
- (9) All unsightly and objectionable materials shall be removed from the right-of-way before acceptance. All trees, brush, and stumps shall be removed from the edge of pavement to the back of the side ditch slope. In no case will trees be permitted closer than six (6) feet to the edge of the road surface. The entire right-of-way shall be in neat and presentable condition.
- (10) All work must be acceptable to and meet all the requirements of the County, prior to acceptance by the County. Upon the completion of all improvements and installations as required by this Code, the developer shall furnish the Board of County Commissioners with the proper bonds and an engineer's certification that said improvements and installations have been constructed, installed, and completed in compliance with the requirements of this Code. In addition, a letter signed by the Area Engineer and the Ohio County Highway Supervisor shall be presented to the Board of County Commissioners, stating they find the improvements to have been constructed, installed, and completed in compliance with the requirements of this Code, if such is the case.

SUBDIVISION CONTROL CODE

- (C) Drainage Facilities. Prior to the construction of street or alley surfaces and pavements, adequate drainage facilities shall be installed by the subdivider, according to plans furnished by the subdivider prepared by a registered professional engineer or a registered land surveyor and approved by the Commission. A storm drainage analysis based upon a five year, one-hour rainfall shall be used as the basis for the drainage system. A copy of the analysis is to be submitted to the Commission with the drainage facility plans. Pipe used for drainage shall be of coated corrugated metal, concrete, vitrified clay, or plastic of an approved design, size and strength to meet the requirements of the specific conditions which may be encountered. All pipe shall meet the applicable requirements of the Standard Specifications item 715. Minimum diameters of pipe to be used shall be as follows:

Roadway cross-drains 12"

Entrance culverts 12"

Perforated under-drains 8"

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

(D) Sewers.

- (1) The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the three following procedures:
- (a) Public Collection System. In all cases where such is possible the developer shall construct a sanitary sewer system connected to a City sewer.
 1. The plans for the system shall be approved by the Board of County Commissioners, and shall be designed and constructed in accordance with the County "Sanitary Sewer Design and Construction Specifications."
 2. Service laterals shall be installed between the street main and the property line before the street is paved.
 - (b) Local Treatment System. Where it is not possible to connect the subdivision sanitary sewer system to a County sewer, as determined by the Commission, the subdivider shall construct a local treatment system consisting of the necessary house laterals, service mains, and interceptors required to conduct the subdivision's sanitary sewage to a single treatment facility. All aspects of such system including the treatment facility, shall be designed with the requirements of the County "Sanitary Sewer Design and Construction Specifications", and constructed by the subdivider in accordance with the requirements of the State Board of Health of the State of Indiana and the Health Officer.
 - (c) Private Disposal System. Where alternatives (a) and (b) above are not practical, the Commission may permit the subdivider to install on each lot an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved disposal system. Such systems shall be designed and constructed by the subdivider in accordance with the requirements of the State Board of Health of the State of Indiana and the Health Officer. In no case, however, shall private disposal systems be permitted where rock or impervious clay conditions exist which would prevent percolation or effluent.

Section 151.07

SUBDIVISION CONTROL CODE

- (2) The plans for the installation of the sanitary sewage facilities shall be provided by the subdivider, prepared by a registered professional engineer, and approved by the State Board of Health of the State of Indiana, the Health Officer and the Area Engineer. Upon the completion of sanitary sewer installations, two (2) sets of the as-built plans for such system shall be filed with the Commission.
 - (3) In this Section (D), Sewers, and the next Section (E), Water, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.
- (E) Water.
- (1) The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to the Aberdeen-Pate Water Company System or the County water utility system; except, that when such water supply is not available as determined by the Commission, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with requirements of the State Board of Health of the State of Indiana and the Health Officer.
 - (2) The plans for the installation of a water main supply system shall be provided by the subdivider and approved by the applicable Water Department, the State Board of Health of the State of Indiana and the Health Officer. Construction of water mains and house services to be placed within the improved portion of the street right-of-way shall be completed prior to the placement of the surface improvements. Upon the completion of the water supply installation, two (2) sets of the plans for such system as built shall be filed with the Commission.
- (F) Improvement Credit Procedure. Improvements required in this Section (Sec. 154.07) to be installed by the subdivider, which are of a public utility nature - specifically paragraphs (C), (D), and (E) thereof - may provide benefits to other properties in the vicinity of land to be subdivided. Upon the installation of such improvements which cross or adjoin other properties and can be used by such properties, the subdivider and may, by contract, agree that upon the connection or use of the installation made by the subdivider by others, within a period of ten (10) years following their installation, the new user or users shall pay to the County, a fee in an amount agreed upon by the subdivider and the County, the amount of such fee to be credited and paid to the subdivider.
- (G) Curb and Gutter.
- (1) In a subdivision and on streets classified as arterial or "feeder" in the thoroughfare plan" curb and gutter shall be installed on each side of the street surface. Plans for the installation of the curb and gutter shall be approved by the Area Engineer.
 - (2) The curb and gutter shall be of one of the construction types shown in Figure 2 and shall be constructed according to the following specifications.
 - (a) The base for the curb and gutter shall be well compacted on the existing base or grade.
 - (b) The minimum specifications shall be as shown for the three types of cross-sections in Figure 2.

SUBDIVISION CONTROL CODE

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

(H) Sidewalks.

- (1) In a subdivision, the Commission shall require the subdivider to install sidewalks: 1. On each side of a street classified as "Arterial" in the Thoroughfare Plan; 2. On street which are proposed to be extensions of streets which are proposed to be extensions of streets already having sidewalks on either one or both sides; 3. On streets in the vicinity of schools or other public buildings, which, in the Commission's judgment would be necessary for the safety and welfare of pedestrians.
- (2) If sidewalks are provide, they shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide, and the edge of walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line.
- (3) If sidewalks are not provided, the street grade shall be completed so that additional grading would not be necessary for any future provision of sidewalks.
- (4) Crosswalks within blocks, as required in paragraph (C) of Section 151.05, shall be improved with at least a four (4) foot walk of Portland Cement of Asphalt Concrete four (4) inches thick.

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

(J) Driveway Entrances. Private driveways shall be paved with a hard surface between the street surface and the front lot line. Private drives shall be located in such a way that sight distance requirements noted in Tables 1 and 2 are met.

(K) Certain One (1) and Two (2) Lot Subdivisions. Certain one (1) and two (2) Lot Subdivisions: "In the case of a one (1) or two (2) lot subdivision with an access drive set forth in paragraph (c) of Definition (28) SUBDIVISION in Section 151.03, or a Subdivision whose minimum lot size is three (3) acres, herein, the following improvements shall be required:

- (1) Provision of a gravel roadway connecting the (frontal) street to each lot and centered in the access drive with sufficient depth and width to accommodate motor vehicles (as determined by the Commission). The portion of the access drive roadway between the street surface and the existing property line of the street shall be paved with a hard surface if the street surface is of a hard surface, (2) Adequate drainage for the lot(s) and access drive as determined by the Commission, (3) The provision of an individual water supply on each lot (or a water supply system) in accordance with requirements of the State Board of Health and the Health Officer, and, (4) The provision of a private disposal system (if a community system is available) to be installed on each lot consisting of sewage disposal system. Such systems shall be designed by the subdivider in accordance with the requirements of the State Board of Health and the Health Officer. A description of the disposal system with preliminary approval by the local Health Officer shall accompany application for primary approval.

(L) Flood Control. The Subdivider shall assure that:

- (1) the subdivision will minimize flood damage
- (2) that public utilities and facilities are constructed so as to minimize flood damage, and

Section 151.07

SUBDIVISION CONTROL CODE

- (3) adequate drainage is provided. (See Section (C), herein.)

Base flood elevation data shall be required for subdivisions greater than 50 lots or 5 acres.

- (M) Certain One (1) Lot Subdivisions. In the case of a "one (1) lot" subdivision which has a minimum area of twenty (20) acres and which lot does not have three hundred (300) feet of frontage on a public road the following shall apply:

- (1) The connecting roadway between the lot and the public road shall have a minimum right-of-way width of thirty (30) feet. The traveled surface and composition shall be as approved by the Commission. The road shall serve only the one (1) lot. It shall provide emergency vehicles safe access to the residential unit. The area of the road shall not be counted toward the twenty (20) acre minimum lot size.
- (2) The site distance, drainage, water supply and sewage disposal system requirements of Section 151.07 (J) and (K) (1) shall be met.
- (3) The procedure for approval shall be: A detailed drawing showing all improvements, proposed and already existing, shall be submitted to the Plan Commission. Improvements shall include all structures, roads, sewer and water systems, and utility services. Guarantees that all improvements will be completed as proposed shall be submitted to the satisfaction of the Commission.
- (4) The subdivision shall not be approved if it is apparent that piecemeal development is proposed. Rather the requirements of Section 150.021 of the Advisory Zoning Code or the requirements of Section 151.04 of the Subdivision Control Code shall be met.
- (5) The detailed drawing shall be accompanied by a fee of Thirty Dollars (\$30.00) which is payable to Ohio County. The fee is due and payable upon submission of the initial application to the Plan Commission.

SUBDIVISION CONTROL CODE

Section 151.08: PLAT CERTIFICATIONS AND DEED OF DEDICATION

The following forms shall be used in plats:

(A) COMMISSION CERTIFICATE FOR PRIMARY APPROVAL

UNDER AUTHORITY PROVIDED BY THE INDIANA AREA PLANNING LAW, I.C. 36-7-4, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF OHIO COUNTY, INDIANA, THIS PLAT WAS GIVEN PRIMARY APPROVAL BY THE OHIO COUNTY ADVISORY PLAN COMMISSION AS FOLLOWS:

Approved by the Ohio County, Advisory Plan Commission at a meeting held _____, 20 ____.

OHIO COUNTY ADVISORY PLAN COMMISSION

(Seal) _____
President

(B) COMMISSION CERTIFICATE FOR SECONDARY APPROVAL

UNDER AUTHORITY PROVIDED BY THE INDIANA ADVISORY PLANNING LAW, I.C. 36-7-4, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF OHIO COUNTY, INDIANA, THIS PLAT WAS GIVEN SECONDARY APPROVAL BY THE OHIO COUNTY ADVISORY PLAN COMMISSION AS FOLLOWS:

Approved by the Ohio County, Advisory Plan Commission at a meeting held _____, 20 ____.

OHIO COUNTY ADVISORY PLAN COMMISSION

(Seal) _____
President

(C) SURVEYOR'S CERTIFICATE

(A certificate shall also be provided for any work on a plat prepared by a registered professional engineer).

I, _____
(Name)

HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA:

SUBDIVISION CONTROL CODE

THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON _____ (Date); THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST: AND THAT ALL OTHER REQUIREMENTS SPECIFIED HEREIN, DONE BY ME, HAVE BEEN MET.

(Signature)

(Seal) Date _____, 20____.

(D) PLAN COMMISSION STAFF CERTIFICATE

THE OHIO COUNTY ADVISORY PLAN COMMISSION STAFF HAS REVIEWED THE APPLICATION FOR THIS PLAT FOR TECHNICAL CONFORMITY WITH THE STANDARDS FIXED IN THE SUBDIVISION CONTROL CODE, IN ACCORDANCE WITH THE PROVISIONS OF THE INDIANA AREA PLANNING LAW, I.C. 36-7-4-706, AND HEREBY CERTIFIES THAT THIS PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS IN THE CODE OF ORDINANCES OF OHIO COUNTY, INDIANA.

Building Inspector

Date _____, 20__.

(E) COUNTY SOIL AND WATER CONSERVATION DISTRICT CERTIFICATE

AS PROVIDED IN THE LOCAL SOIL AND WATER CONSERVATION DISTRICT PROGRAM AND AUTHORIZED UNDER STATE OF INDIANA ENABLING LEGISLATION, THE BOARD OF SUPERVISORS HAVE REVIEWED THE PLAT AND PLANS FOR

(Development)

IT HAS BEEN DETERMINED THAT THE PLAT AND PLANS HAVE INCORPORATED ADEQUATE MEASURES FOR WATER DISPOSAL AND/OR EROSION CONTROL FOR THE SOIL CONDITIONS PRESENT.

CERTIFIED AT A MEETING HELD ON THE _____ DAY OF _____, 20____.

(Chairman)

(Secretary)

(F) Deed of Dedication

SUBDIVISION CONTROL CODE

Each Plat of a Subdivision Submitted to the Commission for approval shall carry a Deed of Dedication in substantially the following form:

We, the undersigned _____
(Names)

owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided, and do hereby lay off, plat, and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____,
(Name)

a subdivision of or an addition to Ohio County, Indiana. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street there shall erected or maintained no building or structure.

There are strips of ground _____
(Number)

feet in width as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines, and wires, subject at all times to the proper authorities and to the easement herein reserved.

No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdividers initiating or the recommendations of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area).

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20 __, (a twenty-five (25) year period is suggested), at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants, or restrictions, by judgement or court order, shall in no way affect any of the other covenants, or restrictions which shall remain in full force and effect.

Witness our hands and seals this _____ day of _____, 20 _____.

(Signature)

(Signature)

Section 151.08

SUBDIVISION CONTROL CODE

State of Indiana }
 } SS:
County of Ohio }

Before me, the undersigned Notary Public, in and for said County and State, personally appeared

(Name)

(Names)

and each separately and severally acknowledge the execution of the foregoing instrument as his or voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this day of _____, 20 ____.

(Notary Public)

County of Residence _____

My Commission Expires: _____

SUBDIVISION CONTROL CODE

Section 151.09: VARIANCE

Where the subdivider can show that a provision of this Chapter of the Code would cause unnecessary hardship if strictly adhered to, and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission, and the reasoning on which the departure was justified shall be set forth.

Section 151.09

SUBDIVISION CONTROL CODE

Section 151.10: SPECIFICATIONS

The following specifications are hereby declared to be a part of this Code by reference:

- (A) Figure 1. Figure 1, which shows the steps, procedures, and requirements for obtaining primary and secondary approval of a plat of a subdivision.
- (B) Figure 2. Typical Subdivisions and other Divisions. Standard Specifications for the Indiana Department of Highways.
- (C) County Sanitary Sewer and Construction Specifications.

SUBDIVISION CONTROL CODE

Section 151.11: CONTENTS OF APPENDIX

- (A) An appendix is added to this chapter which consists of the following forms which shall follow this chapter:

“1” Sample Agreement Form for Development of Subdivision

“2” Sample Surety Bond

“3” Sample Maintenance Agreement Form

“4” Sample Maintenance Bond Form

“5” Completion Affidavit

- (B) Figures 3 & 4

- (C) Tables 1 & 2

Access and/or Driveway Sight Distance

SUBDIVISION CONTROL CODE

Section 151.12: AMENDMENTS

All amendments to this chapter of the code shall be in conformance with I.C. 36-7-4.

SUBDIVISION CONTROL CODE

Section 151.13: VALIDITY

Should any section or provision of this Ordinance be declared, by a court of competent jurisdiction, to be invalid, as a whole, or any portion thereof, other than the portion so declared to be invalid.

Section 151.13

SUBDIVISION CONTROL CODE

Section 151.14: PENALTY

Any person in violation of Chapter 154 may be punished subject to the provisions of I.C. 36-1-3-8, specifically: "... a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00) for an Ordinance Violation".

This revised ordinance shall take effect after its passage and approval by the Board of County Commissioners.

Passed by the Board of County Commissioners of the County of Ohio, Indiana, on this _____ day of _____, 20 ____.

BOARD OF COUNTY COMMISSIONERS
OHIO COUNTY, INDIANA

(Gary Copeland, President)

(Paul Banta)

(Charles Levi)

ATTEST:

By: _____

Auditor of Ohio County

Date: _____

SUBDIVISION CONTROL CODE

Appendix: SUBDIVISION CONTROL PLAN

Form 1: SAMPLE AGREEMENT FORM FOR DEVELOPMENT OF SUBDIVISION

State of Indiana:

County of Ohio

This AGREEMENT, made and entered into this _____ day of _____, 20_____, by and between _____ after designed as OWNER, and the County of Ohio, herein represented
(Name of Herein Subdivider)

by the Board of County Commissioners.

WITNESSETH:

WHEREAS, the Owner owns and designs to develop lots _____ through _____, located in Ohio County, Indiana; and
(Subdivision)

WHEREAS, the Plat of lots _____ through _____, inclusive, _____ Subdivision, will be given secondary approval by the Ohio County Advisory Plan Commission Staff upon Owner posting a surety bond insuring the satisfactory installation and construction of the following improvements:

(Describe Improvements)

as shown on the Plat prepared by _____, Land Surveyor, attached hereto and made a part hereof, according to the terms and conditions of this Agreement; and,

WHEREAS, the Owner now desires secondary approval of the Plat of _____ Subdivision prior to the installation and construction of the above described improvements, which improvements will be installed and constructed at Owner's sole cost and expense:

NOW, THEREFORE, it is hereby agreed by and between the Owner and the Ohio County that for and in consideration of the approval of lots _____ through _____ inclusive of _____ Subdivision, and the sale of lots therein without the above described improvements more particularly shown on the attached plan profile, having been first completed and approved, Owner binds and obligates himself with _____ months from date prepared by _____ Land Surveyor, which plans meet the requirements of the Code of ordinances of Ohio County, Indiana, as amended, and have been approved by a registered professional engineer or a registered land surveyor (as the case may be), said plans being attached hereto and made a part hereof.

The Owner, in order to further insure faithful performance of said obligation, has executed a _____ (surety bond, cashier's check, or certified) check in the amount of (check) \$ _____, which bond is attached hereto and made a part hereof, to guarantee the installation and construction of the following improvements

(Describe Improvements as above)

SUBDIVISION CONTROL CODE

according to plans and specifications therefore. Said bond or check may be cancelled only after said work has been completed, inspected, and approved by written acceptance of the said Engineer or Land surveyor.

The above-described improvement shall be constructed under the provision of () in (Engineer or Surveyor)

full compliance with the specifications and requirements of the Ohio County, and when completed said Engineer or Surveyor shall furnish the county with a Certificate of Satisfactory Completion.

It is further understood by and between the parties to this Agreement that in the event said improvements are not constructed within ___ months from date hereof, Ohio County shall have and is hereby granted the right, without putting the said Owner in default, to ipso facto call upon the said surety to complete the improvements hereinabove described, and in default of the surety promptly causing such improvements to specifications therefore, Ohio County shall have the right to cause the improvements to be made and to call upon said surety for payment of all costs and expenses incurred in the construction thereof.

IN WITNESS WHEREOF, these presents have been signed in the presence of the undersigned competent witnesses, at ___ on this ___ day of ___, 20___.

WITNESS: (NAME OF SUBDIVIDER OR DEVELOPMENT COMPANY)

_____ BY _____

BOARD OF COUNTY COMMISSIONERS
OHIO COUNTY, INDIANA

ATTEST:

By: _____

(Auditor of Ohio County)

(Date)

Form 2: SAMPLE SURETY BOND

State of Indiana:

County of Ohio:

KNOW ALL MEN BY THESE PRESENTS, That of _____ as Surety are held and firmly bound unto THE BOARD OF COUNTY COMMISSIONERS OF OHIO COUNTY, INDIANA, and to all contractors, subcontractors, journeymen, cartmen, truckmen, workmen, laborers, mechanics, and furnishers of materials jointly as their interest occur, in the sum of _____ (\$ _____) dollars in lawful current money of the United States, for which payment will and truly be made, we bind ourselves, our heirs, successors, and assigns, in solido, by these presents.

Dated and signed at _____, this day of _____, 20_____.

SUBDIVISION CONTROL CODE

THE CONDITIONS of this obligation are such that whereas, the above named principal did on the _____ day of _____, 20_____ enter into a certain contract with the Board of County Commissioners to build or construct streets, sidewalks, curb and gutters, drainage and sewage facilities in accordance with the plans and specifications prepared by _____ and approved by the Professional Engineer or Land Surveyor and approved by County Commissioners.

NOW, THEREFORE, if the aforesaid principal shall well and truly and faithfully perform said contract and comply with all its terms, covenants, and conditions, according to its tenor and discharge all of said principal's obligations thereunder, and shall fully pay and discharge all of said principal's obligations thereunder, and shall fully pay and discharge all of said principals' obligations to contractors, subcontractors, journeymen, cartmen, workmen, laborers, mechanics, and furnishers of materials employed and furnished in the execution of said contract, then this obligation shall be null and void; otherwise to be and remain in full force, effect, and virtue.

IN TESTIMONY WHEREOF, we have hereunto set our hands, in the presence of the two undersigned competent witnesses, this day, month and year above written.

BY _____
(Attorney-in-Fact)

(Signature of Subdivider)

WITNESS:

Form 3: SAMPLE MAINTENANCE AGREEMENT FORM

State of Indiana:

County of Ohio:

THIS AGREEMENT made and entered into this _____ day of _____, 20_____, by and between _____, hereinafter designed as Owner, and Ohio
(Name of Subdivider)

County herein represented by the Board of County Commissioners.

WITNESSETH:

WHEREAS, the Owner has subdivided lots _____ through _____, _____ Subdivision, and has received approval and acceptance from the Board of County Commissioners for subdivision improvements and constructed herein; and

WHEREAS, under the provisions of the Subdivision Control Code of Ohio County, Indiana, 1987, Revised 2000, the Owner is required to maintain certain improvements for a period of three (3) years;

SUBDIVISION CONTROL CODE

NOW THEREFORE, it is hereby agreed by and between the Owner and Board of County Commissioners that the Owner hereby agrees that he will keep all filled trenches, pipes, manholes, structures, and paved or unpaved surfaces constructed by him in _____ Subdivision in good condition, and will make such repairs to any defect in materials or workmanship as may develop or be discovered when called upon to do so by the Board of County Commissioners.

It is agreed that this Agreement shall be in full force and effect for a period of three (3) years from _____, 20 _____.

IN WITNESS WHEREOF, these presents have been signed in the presence of the undersigned competent witnesses, at _____ on this _____ day of _____, 20 _____.

WITNESS: (NAME OF SUBDIVIDER OR DEVELOPMENT COMPANY)

President

ATTEST:

(Auditor of Ohio County) (Date)

Form 4: SAMPLE MAINTENANCE BOND FORM

State of Indiana:

County of Ohio:

KNOW ALL MEN BY THESE PRESENTS, THAT _____, as Principal, and _____ (\$ _____) dollars, in lawful current money of the successors, and assigns, in solido by these presents.

Date and signed at _____, Indiana, this _____ day of _____, 20 _____.

THE CONDITIONS of this obligation are such, that whereas, the above named principal did on the _____ day of _____, 20 _____, enter into a certain contract with the Board of County Commissioners to maintain for a period of _____ years(s) from, 20 _____ the improvements in _____ Subdivision, and keep all filled trenches, pipes, manholes, structures, and paved or unpaved surfaces constructed by him in good condition, and shall make such repairs to any defects in materials or workmanship as may develop or be discovered when called upon to do so by the County Commissioners.

NOW THEREFORE, if the aforesaid principal shall well and truly and faithfully perform said contract and comply with all its terms, covenants, and conditions, according to its tenor and discharge all of said principal's obligations to _____, then this obligation shall be null and void; otherwise to be and remain in full force, effect, and virtue.

IN TESTIMONY WHEREOF, we have hereunto set our hands, in the presence of the two undersigned competent witnesses this day, month, and year above written,

SUBDIVISION CONTROL CODE

BY _____

(Attorney-in-Fact)

(Signature of Subdivider)

WITNESS:

Form 5: COMPLETION AFFIDAVIT

This is to certify:

- (a) That the following improvements as designed and engineered for Subdivision are complete and that inspection reports attested to by a Professional Engineer or Land Surveyor approved by showing them to be in accordance with the specifications and requirements of the Subdivision Control Code of Ohio County, Indiana, 1987, Revised 2000;
- (b) That surety has been posed to guarantee all materials and workmanship and to guarantee repair of any damage that may be inflicted upon the improvements listed in the course of completion of the subdivision; and
- (c) That the Board of County Commissioners has accepted these improvements and will henceforth be responsible for all maintenance on them subject to the terms of the maintenance agreement with the subdivider.

(List Improvements)

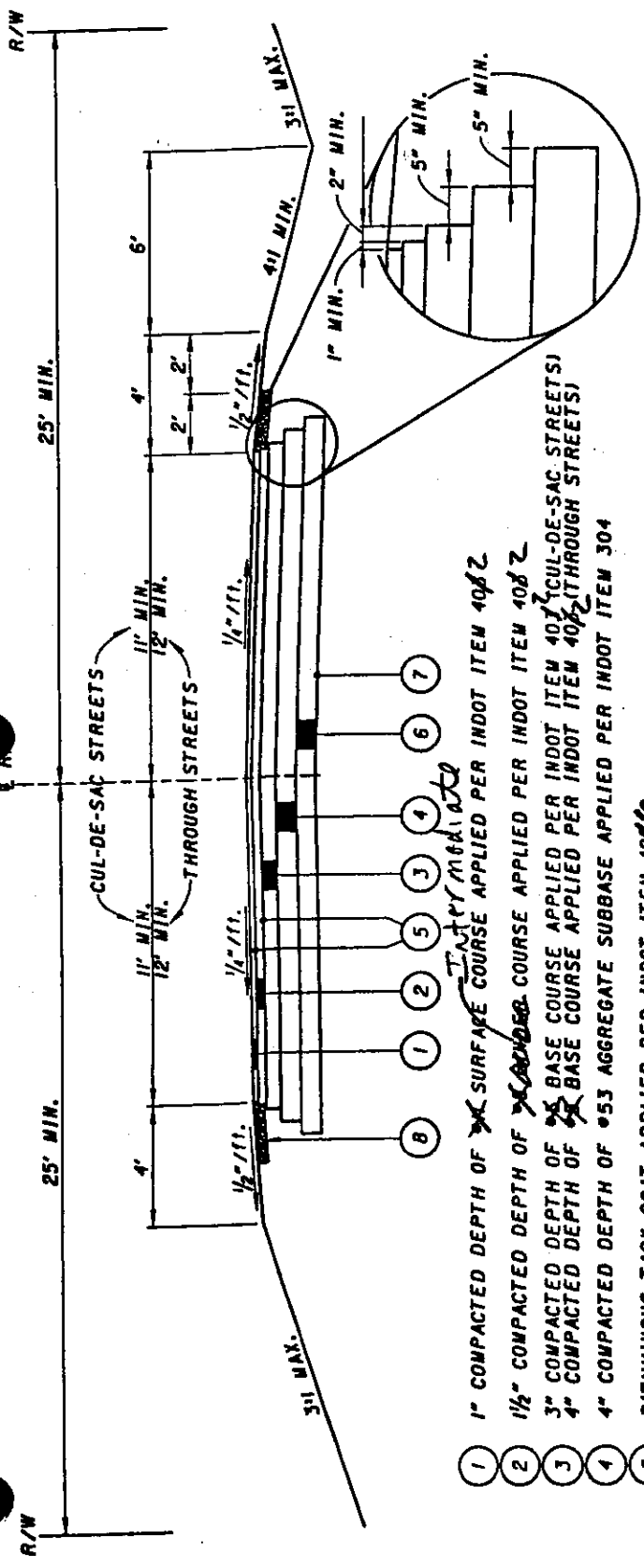
BOARD OF COUNTY COMMISSIONERS
OHIO COUNTY, INDIANA

President

ATTEST:

(Auditor of Ohio County)

(Date)



- 1 1" COMPACTED DEPTH OF SURFACE COURSE APPLIED PER INDOT ITEM 408Z
- 2 1/2" COMPACTED DEPTH OF ~~BASE~~ COURSE APPLIED PER INDOT ITEM 408Z
- 3 3" COMPACTED DEPTH OF ~~BASE~~ COURSE APPLIED PER INDOT ITEM 408Z (CUL-DE-SAC STREETS)
- 4 4" COMPACTED DEPTH OF ~~BASE~~ COURSE APPLIED PER INDOT ITEM 408Z (THROUGH STREETS)
- 4 4" COMPACTED DEPTH OF #53 AGGREGATE SUBBASE APPLIED PER INDOT ITEM 304
- 5 BITUMINOUS TACK COAT APPLIED PER INDOT ITEM 408Z
- 4" COMPACTED DEPTH OF CREEK ROCK OR #2 AGGREGATE APPLIED PER INDOT ITEM 304
- 7 COMPACTED SUBGRADE PREPARED PER INDOT ITEM 207
- 6 COMPACTED AGGREGATE SHOULDER PER INDOT ITEM 303. 6" COMPACTED THICKNESS BY 2 FEET WIDE OF #53 AGGREGATE, TYPE 0.

NOTE: ITEMS 4, 6 AND 7 INCLUDING DITCHES REQUIRED AS A MINIMUM AND ARE ALLOWED FOR A PERIOD OF 18 MONTHS OR UNTIL 30% OF THE SUBDIVISION LOTS ARE SOLD WHICH EVER IS SHORTER. WHEN 18 MONTHS HAS ELAPSED OR 30% OF THE LOTS HAVE BEEN SOLD WHICH EVER IS SHORTER ITEM 3 MUST BE CONSTRUCTED.

THE ROADWAY CAN BE LEFT IN THIS CONDITION UNTIL 60% OF THE LOTS HAVE BEEN SOLD EXCEPT THAT IF THE TIME CARRIES THROUGH THE WINTER ITEM 5 & 2 MUST BE CONSTRUCTED PRIOR TO THE END OF OCTOBER TO PROTECT THE ROAD DURING THE WINTER MONTHS.

AT THE POINT THAT 60% OF THE LOTS HAVE BEEN SOLD ITEM 5 & 1 MUST BE CONSTRUCTED AND ITEM 2 IF NOT PREVIOUSLY CONSTRUCTED ITEM 6 AND THE DITCHES AND SLOPES REGRADED.

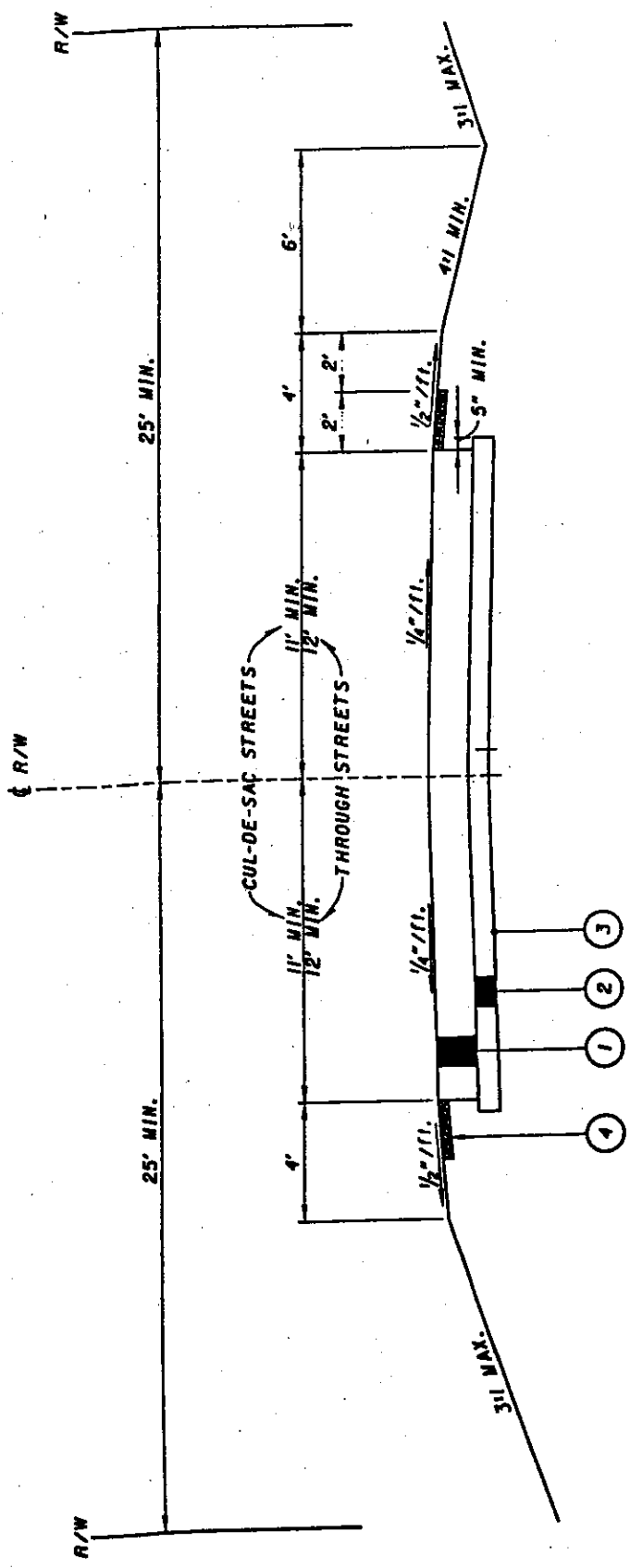
PLEASE NOTE THAT IF THE ROAD IS CONSTRUCTED IN PHASES PROOF ROLLING WITH A LOADED DUMP TRUCK WILL BE REQUIRED AND IT IS THE DEVELOPERS RESPONSIBILITY TO REPAIR ANY DAMAGE TO THE EXISTING ROADWAY AND GET PRIOR APPROVAL FROM THE OHIO COUNTY ROAD DEPARTMENT BEFORE PROCEEDING TO THE NEXT IMPROVEMENT STEP.

THE 3 YEAR MAINTENANCE BOND WILL START AT THE TIME ALL IMPROVEMENTS ARE COMPLETE AND ACCEPTED IN WRITING BY THE OHIO COUNTY ROAD DEPARTMENT.

FIGURE 3

Rev. 5/00
To Reflect Current
INDOT ITEM NUMBER.

TYPICAL STREET SECTION ASPHALT PAVEMENT



- ① PORTLAND CEMENT CONCRETE PAVEMENT CONSTRUCTED PER INDOT ITEM 501
6" THICK FOR CUL-DE-SAC STREETS
8" THICK FOR THROUGH STREETS
- ② 4" COMPACTED DEPTH OF #53 AGGREGATE SUBBASE APPLIED PER INDOT ITEM 304
- ③ COMPACTED SUBGRADE PREPARED PER INDOT ITEM 207
- ④ COMPACTED AGGREGATE SHOULDER PER INDOT ITEM 303. 6" COMPACTED THICKNESS BY 2 FEET WIDE OF #53 AGGREGATE, TYPE 0.

TYPICAL STREET SECTION - PORTLAND CEMENT CONCRETE PAVEMENT

SUBDIVISION CONTROL CODE

TABLE 1

SIGHT DISTANCE FOR VEHICLES EXITING FROM ACCESS POINTS ONTO ADJACENT ROADS

D = DISTANCE ALONG MAJOR ROAD FROM ACCESS POINT TO ALLOW VEHICLE TO ENTER (FEET) SEE ACCOMPANYING ILLUSTRATION

VEHICLE TYPE	20 MPH				30 MPH				40 MPH				50 MPH				60 MPH			
	2 lane		4 or 6 lane		2 lane		4 or 6 lane		2 lane		4 or 6 lane		2 lane		4 or 6 lane		2 lane		4 or 6 lane	
	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR
Passenger Car	150	130	130	130	360	260	220	260	530	440	380	440	740	700	620	700	950	1050	950	1050
Truck	300	200	200	200	500	400	400	400	850	850	850	850	1600	1600	1600	1600	2500	2500	2500	2500

Measured from a vehicle ten (1) feet back of the pavement edge.

TABLE 2

LEFT TURN SIGHT DISTANCE FOR VEHICLES ENTERING ACCESS POINTS

S = SIGHT DISTANCE ALONG MAJOR ROUTE FOR VEHICLE TO SAFELY TURN LEFT INTO ACCESS POINT (FEET) SEE ACCOMPANYING ILLUSTRATION

VEHICLE TYPE	20 MPH				30 MPH				40 MPH				50 MPH				60 MPH			
	2 lane		6 lane		2 lane		6 lane		2 lane		6 lane		2 lane		6 lane		2 lane		6 lane	
	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR
Passenger Car	150	160	170	170	230	250	270	270	370	390	420	420	520	550	580	580	700	740	780	780
Truck	260	260	300	300	400	400	480	480	570	620	670	670	810	880	950	950	1000	1100	1200	1200

Notes: Values are for urban conditions. On rural streets, distances are to be increased by 10 percent to allow longer drive reaction time.

The sight distances apply when street grades are zero (0) percent to three (3) percent, either up or down. When an upgrade steeper than three (3) percent, adjustments are to be made to compensate for the longer time required to reach the speed of highway traffic. The time is less than shown when the highway is descending. Adjustment factors apply to grades only in that portion of the road between the access points and the downstream point at which a vehicle emerging from the access points has been able to accelerate to within ten (10) miles per hour of the route speed.

When the street, in the section to be used for acceleration after leaving the access point, ascends at three (3) percent to four (4) percent, then sight distances in the direction of approaching ascending traffic are to be increased by a factor of 1.4. When the access point ascends at five (5) percent to six (6) percent, sight distances should be increased by a factor of 1.7.

When the street, in the section to be used for acceleration after leaving the access point, descends at three (3) percent to four (4) percent, then sight distances in the direction of approaching descending traffic are to be reduced by a factor of 0.6. If the road descends at five (5) percent to six (6) percent, sight distances should be reduced by a factor of 0.5.

COMPREHENSIVE PLAN RESOLUTION

Section 3: EFFECT OF THE COMPREHENSIVE

(A) Consideration By Legislative Bodies.

The Ohio County Board of Commissioners within the jurisdiction of the Ohio County Advisory Plan Commission shall be guided by and give consideration to the general policy and pattern of development set out in the Comprehensive Plan in the:

1. authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and

2. authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities; further, a public way or platted lot may not be abandoned or vacated until the Ohio County Advisory Plan Commission has first given notice and held a public hearing on the abandonment or vacation of the public way or platted lot. The Commission shall forward its recommendation of abandonment or vacation of the public way to the Ohio County Board of Commissioners.

(B) When Official.

1. the comprehensive plan is not effective until it has been approved by a resolution of its legislative body. After approval by resolution of the Ohio County Board of Commissioners, it is official for the territory within the jurisdiction of Ohio County. Upon approval of the comprehensive plan by the County Commissioners, the County Auditor shall place one (1) copy of the comprehensive plan on file in the office of the county recorder.

2. the comprehensive plan stands as evidence of the facts and conclusions set forth until it is amended by the County Commissioners. Any action inconsistent with the evidence set forth in the comprehensive plan is presumed to be not in the public interest.

Section 4: DEFINITIONS.

(1) AGRICULTURE: The art or science of cultivating the ground and raising and harvesting crops, often including feeding, breeding, and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of

RESOLUTION NO. 8-7-12-2

COMPREHENSIVE PLAN

OF

OHIO COUNTY, INDIANA

WHEREAS,

Section 1: SHORT TITLE

This Resolution, as amended, shall hereafter be referred to as the "Comprehensive Plan Resolution of Ohio County, Indiana, 1987."

Section 2: COMPREHENSIVE PLAN POLICIES

In accordance with the Indiana Advisory Planning Statute, a comprehensive plan shall be approved by resolution in accordance with the 500 series [36-7-4-500 - 36-7-4-512] for the promotion of public health, safety, morals, convenience, order, or the general welfare, and for the sake of efficiency and economy in the process of development within the jurisdiction of the Ohio County Advisory Plan Commission. The Comprehensive Plan Code includes policies for:

(A) Development of Public Ways.

The development of public ways, public places, public structures, and public and private utilities; and

(B) Improvement Location Permits.

The issuance of Improvement Location Permits on platted and unplatted lands; (See Sec. 150.037 of the Ohio County Code) and

(C) Subdivision Control.

The laying out and development of public ways and services to platted and unplatted lands. See Chapter 151: Subdivision Control Plan of the Ohio County Code For Requirements.

COMPREHENSIVE PLAN RESOLUTION

these products for man's use, and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, dairying, sugar making, etc.

(2) **CERTIFICATE OF OCCUPANCY:** A certificate signed by the Building Inspector stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Code of ordinances of Ohio County.

(3) **COMMISSION OR PLAN COMMISSION:** Ohio County Advisory Plan Commission.

(4) **COMPREHENSIVE PLAN:** A composite of all plans of land use, of thoroughfares, of sanitation, of recreation, and of other related matters. It includes a master plan adopted under any prior law.

(5) **COUNTY:** Ohio County, Indiana.

(6) **DEVELOPMENT PLAN:** Specific plans for the residential, commercial, or industrial development of property setting forth certain information and data required by the Plan Commission. This information and data may include:

- (a) the proposed name of the development;
- (b) the name and address of developers;
- (c) the location by public way, township, and section;
- (d) the legal description;
- (e) a map including date, scale and point north, location, size, capacity, and use of all buildings and structures existing or to be placed in the development.

(f) the nature and intensity of the operations involved in or conducted in connection with the development;

(g) the site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading and unloading;

(h) the name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces;

(i) the layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;

(j) a description of the use of adjacent property and an identification of that property;

(k) the location, size and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;

(l) the proposals for sewer, water, electricity, and storm drainage;

(m) the contours with spot elevations of the finished grade and the directions of storm runoff;

(n) the layout of proposed lots with their numbers and dimensions; and

(o) the land density factors.

(8) **IMPROVEMENT LOCATION PERMIT:** A permit signed by the Building Inspector stating that a proposed improvement or use complies with the provisions of the Zoning Code of Ohio County. A TEMPORARY IMPROVEMENT LOCATION PERMIT is an IMPROVEMENT LOCATION PERMIT authorized by the Ohio County Area Board of Zoning Appeals with a definite time limit attached thereto.

(9) **JURISDICTION OF THE COMMISSION:** The jurisdiction of the Ohio County Advisory Plan Commission, which includes all of the area over which this Resolution and the Planning and Zoning Codes of Ohio County are effective: specifically, all of the unincorporated territory in Ohio County, Indiana.

(10) **PUBLIC FACILITIES PLAN:** The part of Comprehensive Plan, now or hereafter adopted, which includes a Public Facilities Plan and sets forth the policy for and shows the location of existing and/or proposed school and park or recreational sites and public places within the Jurisdiction of the Commission.

(11) **PUBLIC PLACE:** Any tract owned by the State of Indiana or a political subdivision.

(12) **PUBLIC UTILITY INSTALLATIONS:** The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare.

(13) **PUBLIC WAY:** Includes high-way, street, avenue, boulevard, road, lane or alley.

(14) **STREET:** A public way or right-of way, other than an alley, dedicated or otherwise legally

COMPREHENSIVE PLAN RESOLUTION

established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.

(15) STREET, ARTERIAL: A street designated for large volumes of traffic movement. Certain arterial streets may be classed as "limited access highways" to which entrances and exits are provided only at controlled intersections, and access is denied to abutting properties.

(16) STREET, FEEDER: A street planned to facilitate the collection of traffic from residential streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

(17) STREET, RESIDENTIAL: A street designated primarily to provide access to abutting properties, usually residential. Certain residential streets may be marginal access streets parallel to arterial streets, which provide access to abutting property ways for traffic to reach access points on arterial streets.

(18) THOROUGHFARE PLAN: The part of the Comprehensive Plan, now or hereafter adopted, which includes a Thoroughfare Plan and sets forth the locations, alignment, dimensions, identification, and classification of existing and proposed streets, highways and other thoroughfares.

(19) THOROUGHFARE PLAN: The part of the Comprehensive Plan, now or hereafter adopted, which includes a Thoroughfare Plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets; highways and other thoroughfares; specifically Section 5 of this Code.

Section 5: IMPROVEMENT LOCATION PERMITS

Within the jurisdiction of the Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the Zoning Code of Ohio County, Indiana, 1987; specifically, Chapter 150, of Title 15, Land Use, and an Improvement Location Permit for such structure, improvement, or use has been issued. The Building Inspector shall issue an Improvement Location

Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the Zoning Code for Ohio County.

Section 6: ADMINISTRATION OF COMPREHENSIVE PLAN

The Building Inspector is hereby designated and authorized to enforce the Comprehensive Plan in the same manner as is set out for Administration of the Zoning Code in Section 150.037.

Section 7: COMPREHENSIVE PLAN

The Comprehensive Plan of Ohio County consists of a Map entitled: COMPREHENSIVE PLAN MAP, Ohio County, Indiana, 1987. This map, which accompanies and is hereby declared to be a part of this Resolution, shows the boundaries of the various land use areas, and public ways and public places.

Notations, references, indications and other matters shown on the Comprehensive Plan Map are as much a part of this Resolution as if they were fully described herein.

Section 8: THOROUGHFARE PLAN

The Thoroughfare Plan Ohio County, Indiana, is shown on the Comprehensive Plan Map of Ohio County, Indiana, 1987, and shows the locations of existing and proposed thoroughfares within the jurisdiction of the Commission; and a drawing entitled, "Typical Thoroughfare Cross-Sections, Ohio County, Indiana", dated 1987, which shows recommended cross-sections for the proposed thoroughfares. The Thoroughfare Plan is hereby declared to be a part of this Resolution, and notations, references, indications and other details shown therein are as much a part of this Resolution as if they were fully described in the text of this Resolution.

Section 9: DESIGNATION OF THOROUGHFARES

The major streets and highways comprising the Thoroughfare Plan, are hereby classified on the basis of width and type, in accordance with their proposed function, as arterial, feeder, and residential streets, as shown in the Thoroughfare Plan.

Section 10: OPENING OR WIDENING OF STREETS

Whenever a street classified in the Thoroughfare Plan is to be platted as a part of a subdivision, the

COMPREHENSIVE PLAN RESOLUTION

required right-of-way width for such street shall be as specified in the Thoroughfare Plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half (1/2) of the right-of-way width designated for such street, measured at ninety (90) degrees to the center line thereof.

Section 11: LOCATION OF STREETS

(A) Location and Alignments of Thoroughfares.

Whenever the location of a street is indicated in the Thoroughfare Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principals, and if such alignment provided for the continuity of traffic movement.

(B) Establishment of Feeder Streets.

It is the intent of the Thoroughfare Plan and this Resolution that feeder streets, as defined in the Plan, shall be established within each section of land on or approximately on the north-south and east-west half section lines of such sections. Where such feeder streets are not specifically shown on the Thoroughfare Plan, they shall be of the residential street classification (unless they are otherwise indicated as arterial).

(C) Alignment May Be Varied.

Wherever the location of a street is indicated in the Thoroughfare Plan as following an irregular alignment or a revised alignment, or is not referenced to an established line, it shall follow the alignment shown in the Thoroughfare Plan. Such alignment shall be subject to a detailed survey which may be made by the Commission or other public agency, or by the owners of land to be subdivided if required by the Commission. The survey for such street shall be subject to the approval of the Commission prior to the dedication of the street.

Section 12: PUBLIC FACILITIES PLAN

The Public Facilities Plan of Ohio County,

Indiana, is shown on the Comprehensive Plan of Ohio County, Indiana, 1987, and shows the location of existing and/or proposed school and park or recreational sites and public places within the Jurisdiction of the Commission.

The Public Facilities Plan is hereby declared to be a part of this Resolution, and notations, references, indications and other details shown therein are as much a part of this Code as if they were fully described in the text of this Resolution.

Section 13: POLICY FOR PUBLIC FACILITIES

Whenever sites for schools, parks or other recreational areas, and public places shown on the Public Facilities Plan are located within an area proposed to be subdivided in accordance with Chapter 151 of the Code of Ordinances of Ohio County, the Commission may request their dedication for such purposes, or their reservation for a period of one (2) years following the date of Secondary Approval of the Plat of the Subdivision; in order to carry out the policies exhibited in the Public Facilities Plan.

Section 14: ISSUANCE OF PERMITS

Any permits authorized by the County, including but not limited to Improvement Location Permits permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Commission, shall be issued only if, in addition to satisfying the requirements of Chapter 151 of the Code of Ordinances of Ohio County, Indiana, 1987, the proposed street right-of-way as set forth in the Thoroughfare Plan will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street and shall be subject to Sec. 150.024 of the Zoning Code of Ohio County.

Section 15: FILING FEES AND FORMS

Filing fees and forms are set forth in Section 150.042 and Section 151.04 (B) of the Code of Ordinances of Ohio County.

Section 16: AMENDMENTS

After the adoption of a Comprehensive Plan ordinance, each amendment to it must be adopted

COMPREHENSIVE PLAN RESOLUTION

According to the procedure set forth in sections 511 of the Advisory Planning Law, I.C. 36-7-4.

If the County Commissioners want an amendment, they may direct the Plan Commission to prepare the amendment and submit it in the same manner as any other amendment to the Comprehensive Plan of Ohio County. The Plan Commission shall prepare and submit the amendment within sixty (60) days after formal written request by the Ohio County Board of Commissioners. However, the Commissioners may grant an extension of time, of specified duration, in which to prepare and submit the amendment.

Section 99: REMEDIES AND PENALTIES OF ZONING AND SUBDIVISION CONTROL CODES.

(A) Remedies and Enforcement. Remedies and enforcement of the provisions of the Zoning Code and the Subdivision Control Code are set forth in I.C. 5-7-4-1000, "1000 SERIES-REMEDIES AND ENFORCEMENT."

(B) Penalty. Any person or corporation in violation of Chapter 150 or 151 of the Code of Ordinances of Ohio County, 1987, may be punished according to the provisions of I.C. 36-1-3-8, specifically: a fine of not more than Two Thousand

Five Hundred Dollars (\$2,500.00) for an ordinance violation.

NOW THEREFORE, The Advisory Plan Commission of Ohio County has subjected this amendment of the Comprehensive Plan to public hearings and now certifies it to the Ohio County Board of Commissioners for approval.

BE IT RESOLVED, that the said Comprehensive Plan of Ohio County is hereby approved.

Adopted by a majority vote of the Board of County Commissioners of the Ohio County, Indiana, this 4th day of December, 1987.

ATTEST:

I (Mary Lou Crouch) _____
Auditor of the County of Ohio, Indiana, hereby confirm that this Resolution was passed by a majority vote of the Board of County Commissioners of Ohio County, Indiana, on the 4th day of December, 1987.



BUILDING CODE

Ohio County, Indiana

Chapter 152: Building Code

appointment shall continue during good behavior and service, and he shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

Sec. 152.04: AUTHORITY OF BUILDING INSPECTOR

(A) The Building Inspector is authorized and directed to administer and enforce all of the provisions of this code, and he is also the official designated and authorized to enforce the Zoning Code and other chapters of the Ohio County Code of Ordinances pertaining to Planning and Zoning and Building Construction. Whenever in this chapter, it is provided that anything must be done to the approval of or subject to the direction of the Building Inspector or any other officer of the County, this shall be construed to give that officer only the discretion of determining whether the rules and standards established have been complied with. No such provision shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this chapter or to enforce its provisions in an arbitrary or discriminatory manner.

(B) The Building Inspector is authorized to employ sufficient inspectors, assistants, and other personnel as may be approved by the Board of County Commissioners, and necessary to the carrying out of his duties. Compensation for the Building Inspector and his inspectors, assistants, and other employees shall be determined by the Board of County Commissioners.

Sec. 152.05: SCOPE OF REGULATIONS

The provisions of this code apply to the construction, alteration, repair, use, occupancy, maintenance, and addition to all buildings and structures, other than fences, in the County.

Sec. 152.06: REGULATIONS ADOPTED BY REFERENCE

(A) The following rules, regulations, and codes are hereby adopted by reference as the rules and regulations governing the construction and alteration of buildings and structures in the County.

(1) Indiana Building Code, 1985 edition 675 IAC 13-2, originally published as 9 IR 719, which identifies, amends, and incorporates therein the Uniform Building Code Standards, 1985 edition.

tion

- 152.01 Title
- 152.02 Purpose
- 152.03 Appointment of Building Inspector
- 152.04 Authority of Building Inspector
- 152.05 Scope of regulations
- 152.06 Regulations adopted by references
- 152.07 Permit required
- 152.08 Permit application
- 152.09 Issuance of permit
- 152.10 Flood Control Duties of Building Inspector
- 152.11 Fees
- 152.12 Inspections
- 152.13 Right of entry
- 152.14 Stop order
- 152.15 Certificate of occupancy
- 152.16 Standards of workmanship
- Violations
- Right of appeal
- 152.19 Remedies
- 152.20 Repealer
- 152.99 Penalty

152.01: TITLE

This chapter, and all ordinances supplemental or mandatory hereto, shall be known as the "Building Code of Ohio County, Indiana," or "Building Code," and may be cited as such, and will be referred to herein as "this code," and shall supercede all ordinances and parts of ordinances in conflict therewith, which are hereby repealed.

152.02: PURPOSE

The purpose of this code is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.

152.03: APPOINTMENT OF BUILDING INSPECTOR

There is hereby created and established the Building Inspector of Ohio County.

(B) The Building Inspector shall be appointed by the Board of County Commissioners. His

BUILDING CODE

(2) Indiana Building Code Standards, 1985 edition 675 IAC 13-3, originally published as 9 IR 750, which identifies, amends, and incorporates therein the Uniform Building Code Standards, 1985 edition.

(3) Indiana Handicapped Accessibility Code, 1985 edition 675 IAC 13-4, originally published as 9 IR 1030, which identifies, amends, and incorporates therein the Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People, ANSI A117.1-1980.

(4) Indiana Fire and Building Safety Standards 675 IAC 13-1, originally published as 9 IR 1301, which incorporates by reference certain standards of the National Fire Protection Association as are particularly listed and described in the Indiana Administrative Code.

(5) Indiana Electrical Code, 1984 edition 675 IAC 17-1, originally published as 9 IR 50, which identifies, amends, and incorporates therein the National Electrical Code, 1984 edition.

(6) Indiana Safety Code for Health Care Facilities, 1985 edition 675 IAC 17-2, originally published as 9 IR 52, which identifies, amends, and incorporates therein the National Fire Protection Association Standard, NFPA 99, 1985 edition.

(7) Indiana Plumbing Rules, 1981 edition 675 IAC 5, originally published as 4 IR 2398, which identifies, amends, and incorporates therein the Uniform Plumbing Code, 1979 edition.

(8) Indiana Mechanical Rules, 1981 edition 675 IAC 7, originally published as 4 IR 1828, which identifies, amends, and incorporates therein the Uniform Mechanical Code, 1979 edition.

(9) Indiana Flammable and Combustible Liquids and Gases Code, 1985 edition 675 IAC 22-1, originally published as 9 IR 53, which identifies, amends, and incorporates therein eight National Fire Protection Association Standards.

(10) Indiana One and Two Family Dwelling Code, 1984 edition 675 IAC 14, originally published as 9 IR 216, which identifies, amends, and incorporates therein the Council of American Building Officials One and Two Family Dwelling Code, 1983 edition.

(11) Indiana Energy Conservation Code, 1984 edition 675 IAC 19, originally published as 7 IR 2525, which identifies, amends, and incorporates therein the Model Energy Code, 1983 edition.

(12) Indiana Swimming Pool Code 675 IAC 20-1, originally published as 9 IR 1014 under that title.

(B) Copies of this code, and rules, regulations, and codes adopted herein by reference, are on file as required by law in the office of the Building Inspector and the Ohio County Auditor.

Sec. 152.07: PERMIT REQUIRED

(A) A permit, using forms furnished by the Building Inspector, shall be obtained before beginning new construction, or altering or repairing existing buildings or structures if the alterations or repairs affect structural strength, sanitary conditions, fire hazards, or pose a threat to personal or public safety. All permits shall be issued by the Building Inspector, and all provided for herein shall be paid to the Auditor.

(B) It shall be unlawful for any person to do any work for which a permit is required, on any new or old structure, including repairs or alterations unless the person doing the work shall maintain a building permit for the work in full and conspicuous place on the site of the work until the work shall be finished and finally inspected. No permit issued pursuant to this code shall be removed from the site of the work authorized thereby until permission for its removal is granted by the Building Inspector.

Sec. 152.08: PERMIT APPLICATION

(A) No permit shall be issued for the purpose specified in Sec. 153.07 unless the application for the permit is accompanied by two copies of drawings, plans, and specifications showing in complete detail the followings:

(1) Plat or map of the parcel of land involved, showing the location of the proposed existing building or structure, and set-backs from streets or property lines of the proposed building or structure on the lot or premises.

(2) A complete survey, showing a property lines and the size of the lot or premises.

BUILDING CODE

any building is to be erected or constructed, designed by a professional engineer or land surveyor registered in Indiana, unless, in the opinion of the Building Inspector, the survey is not necessary.

(3) All construction and details.

(4) Electrical work, wiring or connections showing the exact location of all conductors, and the size and capacity thereof; the location of all main and branch conduits; the location of all openings and cabinets, and the capacity of all conductors; provided, however, that the requirements of this division shall not be applicable to meter and service installations, or maintenance, repairs, or alterations to equipment used by public utilities.

(5) Plumbing work showing the exact location of all fixtures and apparatus, and the capacity thereof; the size of all pipes; the location of all openings and traps, and the capacity of all conductors; provided, however, that the Building Inspector may dispense with the requirement that a permit be furnished in cases of repairs the cost of which does not exceed \$100, and which are performed by a licensed plumber.

(6) All plans for building construction under the authority of the Fire Prevention and Building Code Commission of the State of Indiana must also be filed with the State Building Commissioner. No building permits shall be issued until a copy of a permit for Construction from the State Building Commissioner is received by the Building Inspector.

152.09: ISSUANCE OF PERMIT

(1) The application, plans, and specifications submitted by an applicant shall be checked by the Building Inspector. If the Building Inspector is satisfied that the work described in the application conforms to the requirements of this chapter and other pertinent laws and ordinances, he shall issue a permit therefor.

(2) Every permit shall expire by limitation if the work shall not have commenced within 90 days of the date of issue. If no construction has been commenced within one year of the date of issue of the permit, the building permit shall expire by limitation.

(3) The Building Inspector is authorized to

revoke a building permit, or other permit issued pursuant to this code, if the work under the permit is not proceeding according to the plans and specifications upon which the permit was issued, or if the work is proceeding in violation of law, or of any provision of this or other provisions of the Ohio County Code of Ordinances.

Sec. 152.10: FLOOD CONTROL DUTIES OF BUILDING INSPECTOR

The Building Inspector shall perform the following Flood Control duties:

(A) Flood Proofing Non-Residential Structures
Require certification of floodproofing by an engineer/architect (Structural dry flood proofing is allowed for non-residential structures. The engineer/architect must certify to the elevation to which the structure is dry flood proofed.

(B) Manufactured Home Standards
Require all manufactured homes to be installed using methods and practices which minimize flood damages. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement.

(C) Utility Construction
(1) Require new and replacement water and sewer systems to be designed to minimize infiltration.
(2) Require on-site waste disposal systems to be designed to avoid impairment.

(D) Record Keeping
(1) Obtain and maintain records of elevation and flood proofing levels for new construction or substantial improvements.
(2) Obtain certification of flood proofing by engineer/architect.
(3) Lowest floor elevations must be obtained for all new construction and substantial improvements.
(4) All information concerning and justifying any variances.

(E) Water Course Alteration and Maintenance
(1) Notify neighboring communities of watercourse alterations.
(2) Maintain carrying capacity of altered watercourse.

BUILDING CODE

(F) Review Building Permits

(1) Review permits to assure sites are reasonably free from flooding.

(2) Review permits of proposed construction and development and requires:

(a) anchoring (including manufactured homes) to prevent flotation and lateral movement.

(b) use of flood resistant materials.

(c) construction methods which minimize flood damage.

(d) electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities to be designed or located to prevent entry or accumulation of water.

(e) fully enclosed areas below the lowest floor of an elevated building (if permitted by local ordinances) to be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood waters.

Inspection Fee Rate Schedule

<u>Type of Construction</u>	<u>Required Inspections</u>	<u>Inspection Fee Deposit</u>
Detached 1 or 2 family dwelling	3	\$ 75
Multi-family dwellings, hotels, motels (each unit)	3	60
Business, commercial, public (each building)	4	80
Educational, institutional, church	4	80
Industrial, warehouse, bulk storage (each building)	4	80
Temporary structures	1	
Accessory buildings (including swimming pools) (residential use)	1	30
Additions/alterations (all occupancies)	2	45
Signs	1	30

Sec. 152.11: FEES

(A) Before a building permit is issued, an inspection fee deposit shall be paid to the Building Inspector, who shall forthwith pay it over to the County Auditor to the credit of the General Fund of the County of Ohio, the amount of the deposit to be according to the schedule set out below. No part of any inspection fee deposit fee paid pursuant to this section shall be returnable to the applicant, unless specifically authorized by the Building Inspector. Inspection fees shall be deducted from the deposited amount at the rate of \$15 per required inspection. Where additional inspections are required due to nonacceptance of work from a previous inspection or failure of the permit holder to have work ready for inspection at a designated stage of construction, the Building Inspector shall have the power to deduct from the deposit or amount, a reinspection fee of \$15 for each such additional inspection. The permit holder shall receive the balance of the deposit upon issuance of a certificate of occupancy by the Building Inspector. The minimum fee for any permit shall be \$15. For unusually large or complex buildings or structures, the Building Inspector shall have the power to increase the number of required inspections by 50%.

Sec. 152.12: INSPECTIONS

(A) After the issuance of any building permit the Building Inspector shall make, or shall cause to be made, such inspections of the work being done under the permit as are necessary to insure full compliance with the provisions of this chapter at the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in Sec. 150.11 (A). The Building Inspector shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. The permit holder

Improvement Location Permit Fee

For each application for an Improvement Location Permit or a Temporary Improvement Location Permit, the sum of \$40.00 shall be paid.

Certificate of Occupancy Fee

For each application for a Certificate of Occupancy or Temporary Certificate of Occupancy, this Fee is included in the Building Permit Fee.

Fees for Amendments, Appeals and Request

Applications for petitions to amend this code, appeals from the decision of the Building Commission, request for Variances, Special Exceptions, Temporary Uses, Exceptions and other matters upon which the Board is required to act, shall be accompanied by the following fees for each application.

Advertisement Fee for Public Notification.....	\$50.00
Variance.....	\$100.00
Amendments: Change of Zone Classification or Change of Text.....	\$100.00
Change in Development Plan (which previously has been approved).....	\$100.00
Unit Development Plan	
A: Preliminary Unit Development Plan	
(1) Less than 20 Acres.....	\$400.00
(2) 20 – 100 acres.....	\$500.00
	plus \$10.00 for each acre over 19 acres.
(3) Over 100 acres.....	\$10.00 for each acre.
(4) Maximum Fee.....	\$2000.00
B: Detailed Unit Development Plan	
(1) Any number of acres.....	\$200.00 plus \$5.00 for each acre.
(2) Maximum Fee.....	\$500.00
Special Exception.....	\$100.00
Exceptions and Temporary Uses.....	\$70.00

Fees Must Be Paid. Until all applicable fees have been paid in full, including any fees or deposits for building permits, no application shall be processed by the Building Inspector.

Fees Not Returnable. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.



Inspection Fee Rate Schedule
Prices include Occupancy Permits

Type of Construction	Inspection Fee Deposit
Detached 1 or 2 Family Dwelling	
2000 Sq. Ft.	\$200.00
1500 – 2000 Sq. Ft.	\$175.00
Under 1500 Sq. Ft. and all Manufactured Homes	\$150.00
Multi-Family dwellings, Hotels, Motels (each unit)	\$200.00
Business, Commercial, Public (each building)	\$200.00
Educational, Institutional, Church	\$200.00
Industrial, Warehouse, Bulk Storage, (each building)	\$200.00
Temporary Structures	\$50.00
Accessory buildings, Garage, Barn (Including Swimming Pools) residential use.	\$50.00
Additions / Alterations, (all occupancies)	
over 1000 sq. ft.	\$150.00
under 1000 sq. ft.	\$80.00
Electric Inspection	\$30.00
Signs	\$50.00



BUILDING CODE

shall be responsible for notifying the Building Inspector, orally or in writing, not less than eight working hours, viz., the hours between 8:00 a.m. and 4:00 p.m., before covering or concealing work to be inspected. No concrete shall be placed for foundations, slabs, or floors without prior inspection. No electrical, mechanical, plumbing, thermal insulation, or structural framing shall be covered without prior inspection.

(B) A sticker or tag shall be attached to the building permit certifying each phase of construction or renovation. In cases where the work is not approved, the Building Inspector shall cause a tag or sticker to be fastened to the building permit stating that the work is deemed in noncompliance. It shall be unlawful for any person to disturb or remove the tag until authorized to do so by the Building Inspector. The permit holder shall repair or cause to be repaired defective work deemed in noncompliance to this code or documents listed in Sec. 150.06, and shall notify the Building Inspector after the work is completed so that inspection can be made. No further work can proceed until the previous phase of construction has been approved by the Building Inspector.

Sec. 152.13: RIGHT OF ENTRY

Upon presentation of proper credentials, the Building Inspector or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the County to perform any duty imposed upon him by this code.

Sec. 152.14: STOP ORDER

Whenever any work is being done contrary to the provisions of this code, the Building Inspector may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done, and any such persons shall forthwith stop the work until authorized by the Building Inspector to proceed with the work.

Sec. 152.15: CERTIFICATE OF OCCUPANCY

No certificate of occupancy for any building or structure erected, altered, or repaired after the provisions of this chapter shall be issued unless the building or structure was erected, altered, or repaired in compliance with the provisions of this chapter.

Sec. 152.16: STANDARDS OF WORKMANSHIP

All work on the construction, alteration, and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

Sec. 152.17: VIOLATIONS

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, other than fences, in the County, or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

Sec. 152.18: RIGHT OF APPEAL

All persons shall have the right to appeal the Building Inspector's decision first through the Board of County Commissioners, and then to the Fire Prevention and Building Safety Commission of Indiana, in accordance with the provisions of IC 22-11-1-16 or IC 22-11-1-21.5, as applicable.

Sec. 152.19: REMEDIES

The Building Inspector shall in the name of the County bring actions in the County Court of Ohio County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Inspector. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter.

Sec. 152.20: REPEALER

The Building Code Ordinance of Ohio County, Indiana, passed by the Board of County Commissioners on the _____ day of _____, 19____, is hereby repealed.

Sec. 152.99: PENALTY

If any person, firm, or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein; or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Inspector; or shall fail, neglect, or refuse to obey any lawful order given by

BUILDING CODE

the Building Inspector in connection with the provisions of this chapter, for each violation, failure, or refusal, the person, firm, or

corporation shall be fined in any sum not more than \$500. Each day the unlawful activity continues shall constitute a separate offense.

This ordinance shall take effect after its passage and approval by the Board of County Commissioners.

Passed by the Board of County Commissioners of the County of Ohio, Indiana, on this _____ day of _____, 1988.

BOARD OF COUNTY COMMISSIONERS
OHIO COUNTY, INDIANA

Gary Copeland, President

Paul Banta

Charles Levi

ATTEST:

Mary Lou Crouch
Auditor of Ohio County

Date: _____, 1988.