

CHAPTER 155: ZONING

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GENERAL PROVISIONS

§ 155.001 PREAMBLE.

(A) A chapter establishing a zoning ordinance for the county, and providing for the administration, enforcement and amendment in accordance with the provisions of state law and for the repeal of all ordinances in conflict herewith.

(1) State law empowers the county to enact a zoning ordinance and to provide for its administration, enforcement and amendment.

(2) The County Commissioners deem it necessary for the purpose of promoting the health, safety or general welfare of the citizens of the county, to enact such a chapter.

(3) The County Commissioners pursuant to the provisions of state statutes, appointed a County Plan Commission to recommend the boundaries of various original districts and appropriate regulations to be enforced therein.

(4) The County Plan Commission has divided the county into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive Plan so that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved, that the public health, safety, comfort, conveniences and general welfare may be promoted.

(5) The County Plan Commission has given reasonable consideration to the character of the districts and their peculiar suitability for particular uses, with a view to preserving the value of buildings and encouraging the most appropriate use of land throughout the county.

(6) The County Plan Commission has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings.

(7) All requirements of Chapter 178, Acts of 1979, and as may heretofore be amended with regard to the preparation of the chapter have been met.

(B) Now, therefore, be it ordained by the county as follows.

(Ord. passed 7-20-1992)

§ 155.002 TITLE, INTERPRETATION AND ENACTMENT.

(A) *Title.* This chapter shall be known and may be cited as the "Zoning Ordinance of Putnam County Indiana".

(B) *Provisions of chapter declared to be minimum requirements.* In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this chapter are at variance or in any other way conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

(C) *Severability.* Should any section, subsection, paragraph, subparagraph, clause, word or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(D) *Effective date.* This chapter shall be effective on September 1, 1992.

(Ord. passed 7-20-1992)

§ 155.003 PURPOSE.

(A) The purpose of this chapter is to:

- (1) Encourage the most appropriate use of land and to plan for a logical and orderly growth pattern in the county;
- (2) Make adequate provision for transportation, water, sewage, schools, parks and other public and commercial facilities and services;
- (3) Preserve property values; and
- (4) Preserve and improve the present health, safety and welfare of the citizens of the county through the provision of adequate light, air, convenience of access and safety from flood, fire and other hazards.

(B) The regulations established by this chapter for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Buildings, structures or land shall be used, occupied, erected, constructed, reconstructed, moved or altered in conformity with the applicable regulations in the chapter. Yards or lots shall not be reduced in dimension or area below the minimum requirements established in this chapter. Yards or lots created after the effective date of this chapter shall meet the minimum requirements. No part of a yard or lot or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building. Buildings or structures shall be erected, constructed, reconstructed, moved, expanded or enlarged so that it does not exceed the height limitations established in the chapter. District regulations shall be as set forth in §§ 155.020 through 155.033 and other applicable sections adopted and declared to be a part of this chapter.

(Ord. passed 7-20-1992)

§ 155.004 ZONE MAPS.

(A) *Establishment of zone maps.* The zone maps adopted with this chapter are hereby established as the official zone maps and zoning districts of the county. Said maps designate the respective zoning districts in accordance with this chapter. In addition, special maps of the floodplain districts as prepared by the Federal Emergency Management Agency (FEMA) are also designated as part of the official zone maps.

(B) *Zone maps included.* The following maps are specifically identified and become a part of this chapter:

- (1) County general zoning map; and
- (2) Federal Emergency Management Agency (FEMA) maps for the county.

(C) *Determination and interpretation of district boundaries.*

(1) In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the areas of the county under the Commission's jurisdiction.

(2) Where uncertainty exists as to the exact boundaries of any district as shown on the zone map, the following rules shall apply.

(a) In unsubdivided areas, or where a distinct boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the official aerial maps prepared by the County Auditor.

(b) Where a zoning district boundary divides a lot, the Plan Commission may extend the boundaries of a zoning district to a lot boundary, provided such extension shall not exceed 400 feet.

(c) In the case of further uncertainty, the Commission shall interpret the intent of the zone map as to the location of the boundary in question.

(D) *Procedure relating to vacated areas.* Whenever any street, place, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way or similar area shall be extended automatically to the center of such vacation and all areas included in the vacation shall then and thenceforth be subject to all appropriate provisions of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

(E) *Zoning of streets, alleys, public ways and railroad rights-of-way.* All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same use district as the property immediately abutting upon these alleys, streets, public ways and railroad rights-of-way. If the centerline of a street, alley, public ways or railroad right-of-way serves as a district boundary, the zoning of those areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to that centerline.

(Ord. passed 7-20-1992)

§ 155.005 DEFINITIONS.

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

ACCESSORY BUILDING. A subordinate structure, the use of which is incidental to that of the dominant use of the primary

building or land.

ACCESSORY DWELLING. A residential dwelling unit located on the same lot as a single-family dwelling unit.

ACCESSORY DWELLING UNITS shall be developed in accordance with the standards set forth in Ord. 1999-4-5 (codified as Chapter 150 of this code of ordinances) and only in those zoning districts where the use is listed as a permitted use. The parcel shall be able to support a primary and backup septic system site for single-family dwelling unit and also a primary system site for accessory dwelling unit. The **ACCESSORY DWELLING UNIT** is to be a temporary use and reviewed by the Plan Commission on a yearly basis.

ACCESSORY USE. A subordinate use which is incidental to that of the primary use and is a use other than human occupancy.

AGRICULTURE. The use of land or structures for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, forestry, aquaculture, viticulture and commercial raising of livestock and related products; necessary accessory structures and uses such as tenant housing; and for the packing, treatment or storage of produce; provided that the operation of these accessory uses shall be secondary to that of the normal agricultural activities.

AIR POLLUTION. The presence in the outdoor atmosphere of one or more air contaminants in quantities sufficient to be harmful to human, plant or animal life, or to property.

ALLEY. A public right-of-way (other than a street, road, crosswalk or easement) that provides secondary access to abutting property.

APPROVED. Acceptable to the appropriate authority by reason of investigation, accepted principles or tests by nationally recognized organizations.

ASSEMBLY FACILITY. A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions. See also **BANQUET HALL**.

BANQUET HALL. An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include:

- (1) Kitchen facilities for the preparation or catering of food;
- (2) The sale of alcoholic beverages, pursuant to all regulations by the State of Indiana, for on-premise consumption, only during scheduled events and not open to the general public;
- (3) Outdoor gardens or reception facilities; and
- (4) Overnight accommodations for attendees subject to local ordinances and regulations by the State of Indiana. See also **ASSEMBLY FACILITY**.

BOARD. The Board of Zoning Appeals of Putnam County, Indiana.

BUILDING. A structure built for the support, enclosure, shelter or protection of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING ADMINISTRATOR. The employee of the Plan Commission who issues permits, administers the daily office business of the Commission, and enforces the provisions of this chapter, all under the guidance, direction and control of the Commission.

BUILDING AREA. The horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet.

BUILDING FRONTAGE. The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

BUILDING LINE. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

BUILDING PERMIT. See **IMPROVEMENT LOCATION PERMIT**.

BZA. The Board of Zoning Appeals.

CHILD CARE HOME. As defined by I.C. 12-7-2-33.7, as amended or replaced by the Indiana General Assembly **CLASS I CHILD CARE HOME** and I.C. 12-7-2-33.8 (as amended or replaced by the Indiana General Assembly) **CLASS II CHILD CARE HOME** both apply to only a child care home that is used as the primary residence of the person who operates the child care home.

CLINIC. Any establishment where human patients are examined and treated by doctors or dentists, but not hospitalized overnight.

COMMISSION. The Putnam County Advisory Plan Commission.

CONDITIONAL USE PERMIT. A permit issued by the Zoning Inspector upon approval by the BZA to allow a use other than a principally permitted use to be established within a district.

CONFINED FEEDING. The confined feeding of animals for food, fur or pleasure, in lots, pens, ponds, sheds or buildings

where all food is supplied by means other than grazing.

CONFINED FEEDING OPERATIONS.

- (1) Any confined feeding of 300 or more cattle, 600 or more swine or sheep, and 30,000 or more fowl;
- (2) Any animal feeding operation where the operator elects to come under the state law;
- (3) Any animal feeding operation that violates I.C. 13-18-10; or
- (4) As defined by the Indiana Department of Environmental Management (IDEM) latest revisions or amendments.

CONSERVATION SUBDIVISION. The grouping or concentration of dwellings/buildings on lots smaller than otherwise permitted in an existing zoning district in order to preserve quality land and/or open space without increasing the overall allowable density of a development, with the exception of bonus lots based on conservation areas.

CONSTRUCTION. Work done which is beyond the preparation stage and into that stage where the changes and additions are made permanent.

CONTRACTOR. A person or entity that agrees and becomes obligated to furnish materials or professional services for a price.

CONTRACTOR EQUIPMENT STORAGE YARD. For the storage of equipment, vehicles or other materials commonly used in the contractor's type of business. Excludes private landowners and their personal equipment solely engaged in forestry or agricultural activities on their own personal property.

COUNTY COMMISSIONERS. The Putnam County Board of Commissioners.

DAY CARE FACILITIES. Any place, home or institution which receives children not of common parentage, for care apart from their natural parents, legal guardians or custodians for a substantial part of the day.

DEVELOPMENT. Any constructed change to improved or unimproved real estate, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTILLERY. A facility where distilled liquors or spirits are produced in accordance with and subject to state or federal regulations.

DWELLING. A permanent building or portion of (but not a mobile home), designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels, motels or lodging houses.

DWELLING, MULTIPLE-FAMILY. A dwelling or portion thereof containing three or more dwelling units, including condominiums.

DWELLING, TWO-FAMILY. A dwelling containing two dwelling units only.

DWELLING UNIT SINGLE-FAMILY. One or more rooms which are used as living quarters for one family.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities, municipalities or governmental agencies of underground or overhead gas, electrical, telephone, sewer, water transmission drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment and for the furnishing of adequate services for the public health, safety or general welfare, but not including buildings.

FAMILY. One or more persons, each related to the other by blood, marriage or adoption, or a group not all related, but maintaining a common household in a dwelling unit, but excluding groups occupying hotels, motels, clubs or dormitories.

FARM. An area used for agricultural operations, including truck gardening, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry.

FLOOD or FLOODWATER. The water of any lake or watercourse which is above the banks and/or outside the channel and banks of the watercourse.

FLOOD DISTRICT. Refer to definitions of districts beginning in §155.021.

FLOOD HAZARD AREA. Any floodplain district, floodway district, floodway fringe district or any combination which is subject to inundation by the regulatory flood or any floodplain district delineated by Zone A on a flood hazard boundary map.

FLOODPLAIN. The area adjoining the river or stream which has been or may be covered by floodwaters.

FLOOD PROTECTION GRADE. The elevation of the lowest floor of a building, including the basement, which shall be two feet above the elevation of the regulatory flood.

FLOODWAY DISTRICT. The area designated as a "Commission floodway" by the Indiana Department of Natural Resources. (IDNR).

FLOODWAY FRINGE DISTRICT. That portion of the floodplain outside the floodway where development is allowed under certain restrictions.

FLOOR AREA OF A BUILDING. The sum of the gross horizontal areas of the floors of a building or portion of area

devoted to a specific use, including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor areas devoted retailing activities, the production or processing of goods, or to business or professional offices. This definition can be used for determining off-street parking and loading requirements.

FRONT YARD. A yard extending along the full length of the front lot line between side lot lines.

GRADE. The average level of the finished surface on the ground adjacent to the exterior walls of the building or structure.

HOME OCCUPATION. An occupation or activity conducted entirely within a dwelling by its occupants which is clearly incidental and secondary to the use of the building for dwelling purposes and does not occupy more than 25% of gross square footage.

IMPROVEMENT LOCATION PERMIT (ILP). A document issued under provisions of this chapter permitting a person, firm, government or corporation to erect, construct, enlarge, alter or convert, any building or structure within its jurisdiction, or cause the same to be done or to change the use or condition of the land. The following improvements are excepted from an **ILP**: fences, sidewalks, patios, decks, flagpoles, mail boxes, agricultural drives and lanes, gates, portable sheds, new roofs on existing buildings, landscaping, play or tree houses, or dog houses.

INDUSTRIAL ENVIRONMENTAL MANAGEMENT ACTIVITY. Those processes used to treat, store, recycle or dispose of industrial and hazardous wastes in a program subject to permitting by the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency.

INDUSTRIAL, HEAVY. The manufacture, storage, extraction, processing, assemblage, fabrication, storage, disposal or repair of certain materials or products where no continuous process involved will produce noise, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, odor or fire hazard which will disturb or endanger any neighboring property and where all operations and storage are entirely within fenced areas.

INDUSTRIAL, LIGHT. The manufacture, storage, processing, assemblage, fabrication or repair of certain materials or products where all processes involved are clean, quiet and free of hazardous or objectionable elements, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, odor or fire hazard. All operations and storage occur entirely within enclosed buildings.

JUNK YARD. A place, usually outdoors, where waste or discarded used property other than organic matter, including, but not limited to, automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard or normal farming activities.

KENNEL. An establishment licensed to operate a facility housing animals (such as dogs or cats) and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

LOT. A tract or parcel of land of sufficient size to meet minimum zoning requirements for use and area. Such **LOTS** shall have 50-foot minimum frontage on public streets.

LOT, CORNER. A lot situated at the intersection of two or more streets.

LOT DEPTH. The mean horizontal distance between a front lot line and rear lot line, measured within the lot boundaries.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the County Recorder's office, or a parcel of land, the deed to which was recorded in the Recorder's office prior to adoption of this chapter.

LOT, THROUGH. A lot having frontage on two non-intersecting streets (as distinguished from a corner lot). Both street lines shall be deemed front lot lines.

LOT WIDTH. The horizontal distance between side lot lines, measured at right angles to the lot depth at the established front building lines.

LOW IMPACT/PROPERTY OCCUPATION.

- (1) An occupation which is conducted by the deed holder (legal owner) of the property.
- (2) The occupation must conform to the following:
 - (a) Will be conducted entirely within the described legal description on the deed;
 - (b) Will be conducted entirely within a single enclosed, permanently attached to the ground, built on site structure (this does not mean fences, and absolutely no outside storage, and no manufactured type structures);
 - (c) The owner of the property (as listed on title) shall be the only employee of the associated activity;
 - (d) Signs shall comply with the current zoning of the property, (absolutely no directional lighted signs; flashing arrows);
 - (e) The structure shall not exceed 3,000 square feet; and
 - (f) The type of occupation does not include mini warehouse, and/or storage type structures for the purpose of rental storage.

MANUFACTURED HOME TYPE 1. A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the Federal Manufacturing Housing Construction

and Safety Standards Law (42 U.S.C. §§ 5401 et seq.), and which also complies with the following specifications:

- (1) Shall have been constructed after January 1, 1981 and must exceed 950 square feet of occupied space per I.C. 36-7-4-1106(d);
- (2) Is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One- and Two-Family Dwelling Code;
- (3) Has wheels, axles and towing chassis removed;
- (4) Has a pitched roof with a minimum rise of two to 12; and
- (5) Consists of two or more sections which, when joined, have a minimum width of 23 feet.

MANUFACTURED HOME TYPE 2. A dwelling unit built in a factory and bearing a seal of compliance with Federal Manufacturing Housing Construction Safety Standards or I.C. 22-12-1-5, which shall have a minimum of 720 square feet and is installed and anchored according to manufacturer's specifications, but which need not be anchored to a permanent foundation and perimeter wall, and which need not have a pitched roof or siding of materials customarily used for site-constructed homes.

MICROBREWERY. An establishment that produces specialized beers in accordance with and subject to state or federal regulations, for sale on premises in a tap room, or for sale in packages for later consumption off premises via retail carry-outs and/or through distribution. A **MICROBREWERY** may also in conjunction with the sale of beer on the premises, sell wine by the glass for consumption on premises.

MINIMUM ROAD FRONTAGE. The minimum property on one side of a street or county road measured along the right-of-way of the street or county road between property lines as set out in §§ 155.020 through 155.033.

MOBILE HOME. A transportable structure larger than 320 square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, being 42 U.S.C. §§ 5401 et seq., which became effective for all mobile home construction on June 15, 1976. (For the purpose of this chapter a mobile home manufactured after 1976 is defined as a **MANUFACTURED HOME TYPE 2**.)

MOBILE HOME PARK. An area of land under single ownership used for the parking of three or more occupied motor homes.

MOBILE HOME SITE. The area of land for the parking of one mobile home.

MOBILE HOME SUBDIVISION. A residential subdivision designed exclusively for and occupied by mobile homes in which the homes and land are owned by the same person.

NET BUILDABLE. The portion of a lot that can be developed with buildings, septic system and water well.

NONCONFORMING STRUCTURE. A structure designed, converted or adapted for a use prior to the adoption of provisions prohibiting the use or structure in its location.

NONCONFORMING USE. Any use or arrangement of land or structures legally existing at the time of enactment of this chapter or any of its amendments, which does not conform to provisions of this chapter.

OCCUPIED SPACE. The total area of earth horizontally covered by a structure, excluding accessory structures such as (but not limited to) garages, patios and porches.

OFF-STREET PARKING. The provision of parking spaces which are not located on any public right-of-way.

PLANT AREA. The territory planned for extraction of sand, gravel or other earth materials and the operational installation for the excavating, processing and distribution of minerals.

POND. A still body of water.

PUBLIC SEWERAGE SYSTEM. A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision, or an existing public sewer system, such system must be operated by units of local government, conservancy district and/or sewer district, all as defined by the Indiana Code and Indiana Department of Environmental Management. This does not include package treatment plant. The policy is: systems are encouraged to hook onto units of local government (i.e., municipal).

PUBLIC WATER SYSTEM. A community water system including distribution facilities established by the developer to serve a new subdivision, designed to connect to existing public water system, such system must be operated by public/private company, unit of local government, conservancy district and/or water district, all as defined by the Indiana Code and Indiana Department of Environmental Management.

PUBLIC UTILITY STRUCTURE. Electrical and telephone substations and distribution centers; filtration plants, pumping stations, water reservoirs, water and sewage treatment plants; telephone exchanges; radio and television transmitting or relay stations; antenna towers and other similar public utility service structures. This definition does not apply to wireless facilities.

RECREATIONAL VEHICLE. A portable structure designed as a temporary dwelling for travel or vacation uses in a recreational park which:

- (1) Is identified on the unit by the manufacturer as a travel trailer of a motor home; and
- (2) Of a size that is street legal: or
 - (a) Is a structure mounted on an automobile or truck; and
 - (b) Is designed to be used for sleeping and human habitation.

RECREATIONAL VEHICLE PARK. An area of land used for the parking of two or more recreational vehicles.

REGULATORY FLOOD. A flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100-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 a probability of occurrence of 1% in any given year.

REGULATORY FLOOD PROFILE. A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

SALVAGE OR SCRAP METAL YARD.

(1) A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans or in any way prepares said items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps or automobile graveyards.

(2) The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or non-metal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a **SCRAP METAL YARD**, and the same will be classified as either a junk yard, a sanitary fill or refuse dump depending on the content of the accumulated matter.

SETBACK. A line parallel to and equidistant from the relevant lot line (front, back and side) between which no buildings or structures may be erected.

SIGN. A single or multi-faced structure or device designed to inform or attract the attention of persons not on the premises on which the structure or device is located.

SIGN, ADVERTISING. A sign, including a billboard, which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where the sign is located or to which it is affixed.

SIGN, BUSINESS. A sign which directs attention to a business, building, product, activity or service manufactured, sold or offered upon the premises (as the primary uses) where the sign is located.

SIGN, GROSS AREA OF. The entire area with a single continuous perimeter enclosing the extreme limits of the sign. The perimeter shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display.

SPECIAL EXCEPTION. The authorization of a use that is designated as such by this chapter as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the Advisory Board of Zoning Appeals.

STREET. A partially or fully improved public right-of-way which provides principal access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or is attached to something having a permanent location on the ground, except public utility, communication and electrical transmission lines, and support equipment and facilities.

SUBSTANTIAL MODIFICATION.

- (1) Any alteration, repair, enlargement or extension of a building.
- (2) **SUBSTANTIAL MODIFICATION** is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building begins.
- (3) This term does not include either:
 - (a) Improvement of a structure to comply with health, sanitary or safety code specifications; or
 - (b) Any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historical, Architectural, Archeological and Cultural sites, structures, districts and objects.

SUPPLY YARDS. A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. **SUPPLY YARDS** do not include the wrecking, salvaging, dismantling or storing of automobiles and similar vehicles.

USE. The purpose or activity for which the land or building is designed, arranged or intended, or for which it is occupied or

maintained.

USE VARIANCE. The approval of a use other than that prescribed by this zoning chapter. Changes of allowed uses are not permitted by this chapter except by zoning map amendment.

VARIANCE. A specific approval granted by the Advisory Board of Zoning Appeals in the manner prescribed by this chapter, to deviate from the development standards (such as height, bulk, area) that the chapter otherwise prescribes.

WETLAND.

(1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

(2) For purposes of this classification **WETLANDS** must have one or more of the following three attributes:

(a) At least periodically, the land supports predominantly hydrophytes, (water plants);

(b) The substrate is predominantly undrained hydric soil; and

(c) The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

WINERY. A facility where vinous liquors are produced in accordance with and subject to state or federal regulations.

YARD. (See **FRONT YARD.**) An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level upward, except as otherwise permitted by this chapter.

YARD, REAR. A yard extending along the full length of the rear lot line between side lot lines.

YARD, SIDE. A yard extending along a side lot from the front of the rear yard.

ZONING. The division of an area into districts. The public regulation of the character and intensity of the use of the land, buildings and structures in accordance with a Comprehensive Plan.

ZONING DISTRICT. An area within which the zoning regulations are uniform.

ZONING MAPS. Maps which show zoning districts.

ZONING ORDINANCE. A legal tool for accomplishing the objectives of a land use plan. A regulatory measure designed to encourage high standards of development and to foster the most efficient use land.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 1996-12-2, passed 12-2-1996; Ord. 1999-4-19-1, passed 4-19-1999; Ord. 2001-12-17, passed 12-17-2001; Ord. 2003-07-07-1, passed 7-7-2003; Ord. 2012-12-3-2, passed 12-3-2012; Ord. 2014-10-6, passed 10-6-2014; Ord. 2015-6-1-2, passed 6-1-2015; Ord. 2019-12-2-3, passed 12-2-2019)

DISTRICTS

§ 155.020 DISTRICTS GENERALLY.

(A) Land use and geographic features in the county were examined and classified. This resulted in the establishment of the following separate districts:

Table A: District Designation	
District	District Designation
Table A: District Designation	
District	District Designation
Floodplain	FP
Agriculture Protection	A1
Agriculture	A2
Residential - Low Density	R1
Residential - Medium Density	R2
Commercial Convenience	CC
Commercial General	CG
Industrial	I
Planned Unit Development	PUD
Preservation	PV
Mineral Extraction	ME

(B) These districts are defined on the zoning maps for the county. The zoning maps shall be kept and maintained by the County Plan Commission's office and shall be available for inspection by the public.

(Ord. passed 7-20-1992)

§ 155.021 FLOODPLAIN DISTRICT (FP).

(A) *Purpose.* The purpose of this district is to regulate development in flood prone areas. The new construction of buildings and other new development or land uses in the flood hazard areas of the county, if not properly regulated to account for the potential hazard, could result in the loss of life and property, create health and safety hazards, and lead to extraordinary expenditures for flood protection and relief. Development of these areas is not essential to the orderly growth of the community. These lands are suitable for open space and other uses that do not require structures or fill. The identification of the floodplain, which includes the floodway and flood fringe, has been made by the Federal Flood Insurance Administration of the Federal Emergency Management Agency. The Indiana Department of Natural Resources shall exercise primary jurisdiction in the floodway under the provisions of I.C. 14-28-1 et seq.; however, the Plan Commission or Board of Zoning Appeals may impose terms and conditions on any permits they issue which are more restrictive than those imposed by the Indiana Department of Natural Resources.

(B) *Permitted uses.*

(1) The following low flood damage potential uses/activities do not obstruct flood flows and are allowed in the FP District, provided they do not require structures, fill or storage of materials or equipment:

- (a) Agricultural uses such as farming, grazing, truck farming and horticulture;
- (b) Forestry and nursery uses;
- (c) Outdoor recreational uses, including fishing, boating, hiking, bicycling and horseback riding;
- (d) Conservation of soil and water, plants and wildlife;
- (e) Wildlife management areas;
- (f) Wells and utility lines; and
- (g) Buildings lawfully existing prior to the adoption of these provisions.

(2) The above and foregoing uses shall be permitted provided they do not require the extensive use of structures or storage of materials or equipment; however, in no event shall the use of fill from either within or without the Floodplain District be allowed without the specific permission from and authority of the Department of Natural Resources.

(C) *Prohibited uses.* The following uses are specifically prohibited in the floodplain, except where allowed by special exception:

- (1) The storage or disposal of any soil, loam, peat, sand, gravel, rock or other mineral substance, refuse, trash, rubbish, debris or dredged soil, except by special exception;
- (2) The drainage, excavation or dredging, or removal or relocation of loam, peat, sand, gravel, soil, rock or other mineral substance, except as necessary to work, or permitted as of right or by special exception;
- (3) The storage or disposal of materials used for snow and ice control including sand, salt and other deicing chemicals;
- (4) The manufacture, storage or disposal of hazardous wastes;
- (5) Solid waste landfills, junk yards, salvage yards and dumps; and
- (6) Septic tanks and fields.

(D) *Nonconforming uses.* Any building, structure, or use of land in the Floodplain District which is not in conformance with this chapter constitutes a nonconforming use. All applications to repair, extend or enlarge a nonconforming use shall be forwarded to the Indiana Department of Natural Resources and shall be incorporated into the issuance of any local permit.

(E) *Issuance of improvement location permit.*

(1) The Plan Commission shall keep and maintain all records, including all first floor elevations, certificates, plans and other materials associated with any permit or variance issued within the floodplain.

(2) (a) The Plan Commission shall not issue an improvement location permit within the floodplain until the applicant submits evidence that:

1. A proper permit or letter or recommendation for it has been granted by the Indiana Department of Natural Resources;
2. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood; and
3. No use shall increase the base flood level of a regulatory flood.

(b) A commercial or industrial well will not adversely effect any municipal water supply source.

(3) The Plan Commission shall not issue an improvement location permit for a mobile home in a floodplain.

(4) All applications for improvement location permits involving new construction or substantial improvement to existing buildings shall be accompanied by an elevation certificate which needs to be completed by the applicant and have the lowest floor elevation certified by a licensed professional engineer or land surveyor. The elevation certificate should be presented to the Plan Director at the time the owner is applying for a certificate of occupancy.

(F) *General disclaimer in areas of potential flooding.* In the floodplain, floodway and flood fringe areas defined in this chapter, the degree of flood protection established is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by constructed or natural causes such as ice or debris jams. This chapter does not imply that areas outside flood hazard areas as defined in this chapter shall be free of flooding or flood damage. This chapter does not create any liability on the part of the county, the Plan Commission, Indiana Department of Natural Resources, the state or any elected or appointed official or employee of them for any flood damages that result from any reliance on this chapter or any administrative decision lawfully made under it.

(G) *Mapping disputes.* In a case where a property owner disputes the boundaries of a zoning district, flood protection grade data or regulatory flood profile data, the owner shall file a written protest with the Plan Director. The written protest shall document the disputed area, and be prepared and attested to by a registered professional engineer. The protest then will be submitted by the Plan Director to the Plan Commission. The item of dispute will be brought to the attention of the Indiana Department of Natural Resources, and in no case will such data be revised without the written approval of the Indiana Department of Natural Resources.

(H) *Basis for establishing a Floodplain District.* The **FLOODPLAIN DISTRICT** is defined as that area shown as the regulatory flood or identified as the special flood hazard area (SFHA) on the flood hazard boundary map of Putnam County prepared by the Federal Emergency Management Agency (FEMA) and dated February 24, 1978.

(I) *Abrogation and greater restrictions.* This chapter repeals and replaces other ordinances adopted by the county to fulfill the requirements of the national flood insurance program. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more restrictive restrictions shall take precedence. In addition, the county shall assure that all national flood insurance regulations (contained in 44 C.F.R. Part 60.3) and state floodplain management regulations and laws (312 I.A.C. 10-1-1 et seq.) are met.

(Ord. passed 7-20-1992)

§ 155.022 AGRICULTURE PROTECTION DISTRICT (A1).

(A) *Purpose.* This district is established to protect suitable land for active agricultural production in the county. Agricultural production is recognized as the primary economic activity in the county, and certain lands are particularly suited to such uses because of their size, configuration, soil, topography and location in relation to other land uses. This district is intended to prevent the conversion of such agricultural lands to urban uses and to promote the compatibility of land uses in the county.

(B) *Permitted uses.*

- (1) Field crop farm;
- (2) Truck crop farm;
- (3) Animal husbandry;
- (4) Kennels;
- (5) Stables;
- (6) Forestry;
- (7) Veterinary office;
- (8) Nursery or greenhouse;
- (9) Grazing;
- (10) Public utilities (does not apply to wireless facilities);
- (11) Feed stores, excluding the milling or grinding of any feed for commercial purposes;
- (12) Confined feeding operations;
- (13) Spreading or injecting animal wastes; and
- (14) Fertilizer storage.

(C) *Permitted accessory uses and structures.*

- (1) Single-family dwelling
- (2) Manufactured home Type 1 and 2;
- (3) Roadside stand;
- (4) Truck farm market;
- (5) Home occupation;
- (6) Primary farm processing;
- (7) Any use customarily accessory to any permitted use;
- (8) Grain storage;
- (9) Storage and management of animal wastes;
- (10) Barns, tool sheds and implement storage buildings;
- (11) Conservation subdivision(s); and
- (12) Accessory dwelling.

(D) *Development standards.*

(1) The minimum parcel size for all uses in the A1 District shall be five acres, or the minimum acreage estimated by the County Health Department for a primary and backup septic system site, whichever is greater. The minimum lot frontage on road is 350 feet.

(2) Minimum development standards for the A1 District shall be as shown on the following chart.

	Residential Use	Farm/Other Structures	Special Exception*
Front setbacks			
Collector	80 ft.	50 ft.	80 ft.
Local	60 ft.	50 ft.	60 ft.
Maximum building height	35 ft.	No limit	35 ft.
Lot size	5 acres	No limit	5 acres
Minimum lot frontage on road or street	350 ft.	350 ft.	NA
Minimum lot width	350 ft.	No limit	300 ft.
Minimum setbacks for any side of lot abutting			
Arterial	120 ft.	120 ft.	120 ft.
Freeway	200 ft.	200 ft.	200 ft.
Side setbacks	30 ft.	30 ft.	50 ft.
Rear setbacks	30 ft.	30 ft.	50 ft.
* Setback requirements for confined feeding operations are in § 155.051			

(3) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

(4) No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or building debris may be stored in front yards.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 1999-4-19-1, passed 4-19-1999; Ord. 2001-12-17, passed 12-17-2001; Ord. 2012-9-4, passed 9-4-2012; Ord. 2012-12-3-1, passed 12-3-2012; Ord. 2012-12-3-2, passed 12-3-2012; Ord. 2013-4-1-B, passed 4-1-2013; Ord. 2013-4-13, passed 4-16-2013; Ord. 2013-12-2-B1, passed 12-2-2013)

§ 155.023 AGRICULTURE DISTRICT (A2).

(A) *Purpose.* This district is established to permit the full range of agricultural activities as well as certain planned large lot residential development with development standards, which protect the full range of agricultural uses as determined by the Plan Commission, and other uses customarily conducted in agricultural areas. This use is primarily located along highways and scenic corridors, and adjacent to municipalities.

(B) *Permitted uses.*

- (1) Uses permitted in the A1 Agricultural Protection District, except confined feeding operations, kennels and manufactured home Type 2;
- (2) Single-family dwellings;
- (3) Farms and farm buildings;
- (4) Public parks; and
- (5) Feed stores, including the milling or grinding of any feed for commercial purposes.

(C) *Permitted accessory uses and structures.*

- (1) Roadside stand;
- (2) Accessory buildings as related to agriculture or single-family residential use;
- (3) Home occupation;
- (4) Conservation subdivision(s); and
- (5) Accessory dwelling.

(D) *Development standards.*

- (1) The minimum parcel size for all uses in the A2 District shall be three acres or the minimum acreage estimated by the County Health Department for a primary and backup septic system site whichever is greater.
- (2) Minimum lot frontage on road and lot width at building line shall be 200 feet.
- (3) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

	<i>Residential Use</i>	<i>Farm Structures</i>
	<i>Residential Use</i>	<i>Farm Structures</i>
Front setbacks		
Collector	60 ft.	50 ft.
Local	50 ft.	50 ft.
Lot size	3 acres	No limit
Maximum building height	35 ft.	No limit
Minimum lot width	200 ft.	200 ft.
Lot frontage on road or street	200 ft.	200 ft.
Minimum setbacks for any side of lot abutting		
Arterial	80 ft.	80 ft.
Freeway	200 ft.	200 ft.
Rear setbacks	30 ft.	30 ft.
Side setbacks	30 ft.	30 ft.

(4) No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or building debris may be stored in front yards.

(Ord. passed 7-20-1992; Ord. 1999-4-19-1, passed 4-19-1999; Ord. 2012-9-4, passed 9-4-2012; Ord. 2012-12-3-2, passed 12-3-2012)

§ 155.024 RESIDENTIAL DISTRICT - LOW DENSITY (R1).

(A) *Purpose.* The purpose of this district is to provide areas of low density, suburban type residential development with particular emphasis on promoting residential subdivision development.

(B) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Accessory buildings and uses incidental to the use permitted, located on the same lot or parcel;
- (3) Temporary buildings for use incidental to construction;
- (4) Churches;
- (5) Public, private and parochial schools;

- (6) Fire stations;
- (7) Parking lots established to fulfill parking requirements for an existing or permitted use in the district;
- (8) Municipal parks, playgrounds, clubhouses and libraries;
- (9) Home occupations (see definition of "home occupation");
- (10) Manufactured home Type 1;
- (11) Model home;
- (12) Child care home (see definition of "child care home"); and
- (13) Conservation subdivision(s).

(C) *Development standards.*

- (1) Minimum lot size shall be three acres for individual lots.
- (2) Lots of less than three acres may be permitted in an approved and recorded subdivision under the county subdivision control regulations, if such lots are equal to or greater than 30,000 square feet in area.
- (3) Minimum lot frontage on road:
 - (a) Lots in subdivisions or other lots: 60 feet on cul-de-sac; 100 feet on other lots; and
 - (b) Three acre (or greater) lots: 250 feet.
- (4) Minimum setback lines on any side of lot abutting freeways and arterials all lots:
 - (a) Freeway: 200 feet; and
 - (b) Arterial: 120 feet.
- (5) Minimum setback lines:
 - (a) Front yard:
 - 1. Lots in subdivisions: 60 feet; and
 - 2. Three acre (or greater) lots: 80 feet on designated collector roads and not less than 60 feet on other public roads.
 - (b) Side yard:
 - 1. Lots in subdivisions or other lots: 15 feet, except corner lots when 30 foot front yard setbacks will also apply to side yard; and
 - 2. Three acre (or greater) lots: 50 feet.
 - (c) Rear yard:
 - 1. Lots in subdivisions or other lots: 30 feet; and
 - 2. Three acre (or greater) lots: 50 feet.
- (6) Minimum lot width at building line:
 - (a) Lots in subdivisions or other lots: 100 feet; and
 - (b) Three acre (or greater) lots: 250 feet.
- (7) Maximum building height shall not exceed two and one-half stories or 35 feet, whichever is lower.
- (8) Minimum ground level square footage (single-family dwelling exclusive of porches, terraces and garages):
 - (a) Single story: 1350 square feet;
 - (b) Two story: 900 square feet;
 - (c) Tri-level: 900 square feet; and
 - (d) Story and one-half: 900 square feet.
- (9) Off-street parking shall be provided in accordance with the requirements §155.048.
- (10) No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or building debris may be stored in front yards.
- (11) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 1999-4-19-1, passed 4-19-1999)

§ 155.025 RESIDENTIAL DISTRICT - MEDIUM DENSITY (R2).

(A) *Purpose.* The purpose of this district is to provide areas of moderate density, suburban residential development with particular emphasis on promoting residential subdivision development.

(B) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Multi-family dwellings;
- (4) Accessory buildings (see § 155.024(B)(2));
- (5) Temporary buildings for use during construction period;
- (6) Public, parochial or private schools;
- (7) Churches;
- (8) Municipal parks, playgrounds and clubhouses;
- (9) Fire stations;
- (10) Parking lots, when fulfilling parking requirement for a use;
- (11) Model home;
- (12) Manufactured home Type 1 and 2;
- (13) Home occupations;
- (14) Child care home (see definition of "child care home"); and
- (15) Conservation subdivision(s).

(C) *Development standards.*

(1) Minimum lot size shall be one and one-half net buildable acres for individual lots.

(2) Lots less than one and one-half net buildable acres may be permitted in an approved subdivision under the county subdivision control regulations, if such lots are equal to or greater than 20,000 square feet in a single-family dwelling; 30,000 square feet in duplexes.

(3) Minimum lot frontage on public road:

(a) Lots in subdivisions and other lots:

1. One hundred feet for single-family dwelling, 60 feet on cul-de-sac; and
2. One hundred and twenty feet for duplexes, 70 feet on cul-de-sac.

(b) One and one-half acre (or greater) lots: 150 feet.

(4) Minimum setback lines:

(a) Front yard:

1. Lots in subdivisions:

- a. Fifty feet for single-family; and
- b. Fifty feet for duplexes.

2. One and one-half net buildable acre (or greater) lots:

- a. Not less than 200 on freeways;
- b. One hundred and twenty feet on designated primary and secondary arterials;
- c. Not less than 80 feet on major and minor collectors; and
- d. Not less than 60 feet on other roads.

(b) Side yards:

1. Lots in subdivisions and other lots:

a. Fifteen feet for single-family dwellings, except corner lots when 50 foot front yard setback will apply also to side yard on road; and

- b. Twenty feet for duplexes.
2. One and one-half net buildable acre (or greater) lots: 25 feet.
- (c) Rear yard:
 1. Lots in subdivisions and other lots:
 - a. Thirty feet for single-family; and
 - b. Forty feet for duplexes.
 2. One and one-half net buildable acre (or greater) lots: 30 feet.
- (5) Minimum setbacks on any side of lot abutting freeways and arterials, all lots:
 - (a) Freeways: 200 feet; and
 - (b) Arterials: 120 feet.
- (6) Maximum building height shall be 35 feet.
- (7) Minimum ground level square footage (exclusive of open porches, terraces, and garages):
 - (a) Single-family:
 1. Single story: 950 square feet;
 2. Two story: 672 square feet;
 3. Tri-level: 400 square feet (1,200 square feet total);
 4. Story and one-half: 672 square feet; and
 5. Manufactured home Type 1 and 2 (as defined in §155.005).
 - (b) Two-family (duplexes):
 1. Single story: 650 square feet per unit;
 2. Two story: 650 square feet per unit;
 3. Tri-level: 650 square feet per unit (basement and first level); and
 4. Story and one-half: 650 square feet per unit.
- (8) Off-street parking shall be provided in accordance with the requirements of §155.048.
- (9) No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or building debris may be stored in front yards.
- (10) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 1999-4-19-1, passed 4-19-1999)

§ 155.026 COMMERCIAL CONVENIENCE DISTRICT (CC).

(A) *Purpose.* Businesses in the CC District cater to and are located close to residential districts and are developed in a manner that reflects the residential character of the area. These businesses must not create excessive congestion, noise or other objectionable influences. Businesses located in this district tend to serve the day-to-day needs of the neighborhoods in which they are located.

(B) *Permitted uses.*

- (1) Drug stores;
- (2) Beauty salons and barber shops;
- (3) Carry-out stores;
- (4) Bakeries with not more than six employees;
- (5) Dressmaking and tailoring businesses;
- (6) Self-service laundromats with not more than two employees at a time on the premises;
- (7) Florist shops;
- (8) Liquor stores;
- (9) Photography shops;

- (10) Groceries;
- (11) Dry cleaning plants with not more than three employees;
- (12) Restaurants without drive-through facilities;
- (13) Medical and dental clinics;
- (14) Offices;
- (15) Animal clinics and veterinary clinics;
- (16) Banquet hall/assembly facility/retreat center (may also include, but is not limited to, sports arenas, outdoor concerts, public theatre and dancing); and
- (17) Other uses which are (as determined by the Plan Commission) of the same general character as those listed in this section, have been approved by the Plan Commission, and are not detrimental to the district in which they are located.

(C) *Restricted uses.*

- (1) Any business which causes offensive noise, vibration, odor, dust, smoke or gas; and
- (2) Salvage or wrecking.

(D) *Development standards.*

- (1) Minimum lot area: one acre.
- (2) Minimum lot frontage on road or street: 100 feet.
- (3) Minimum setback lines:
 - (a) Front yard: 60 feet; and
 - (b) Side yard:
 - 1. For side yards adjoining a road or street: not less than 60 feet;
 - 2. For side yards abutting a dwelling: 60 feet; and
 - 3. For all other side yards: 40 feet.
 - (c) Rear yard: 20 feet, unless the rear yard abuts a dwelling, in which case the rear yard setback shall be 60 feet.
- (4) Minimum setback on any side of lot abutting freeway and arterials:
 - (a) All sides facing freeway: 100 feet; and
 - (b) All sides facing arterial: 100 feet.
- (5) Maximum building height: 20 feet.
- (6) Minimum ground level square footage required: none; however not more than 80% of the total area of any lot or any development on multiple lots shall be occupied by buildings roads parking areas, storage, drainage facilities and other accessory uses.
- (7) Off-street and/or private parking and loading and unloading berths shall be provided in accordance with the provisions of § 155.048.
- (8) No abandoned, junked, inoperable or derelict vehicles, machinery farm machinery, equipment or miscellaneous scrap or building debris may be stored on premises.
- (9) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 2019-12-2-3, passed 12-2-2019)

§ 155.027 COMMERCIAL GENERAL DISTRICT (CG).

(A) *Purpose.* Businesses located in the CG District require locations on or near major arterials and their intersections. CG businesses serve the day-to-day needs of the neighborhood, and supply the more permanent and durable needs of the whole community.

(B) *Permitted uses.*

- (1) All uses permitted in the Commercial Convenience District;
- (2) Major supermarkets;
- (3) Hardware stores;
- (4) Apparel stores;

- (5) Furniture and appliance stores;
- (6) Department and discount stores;
- (7) Gas stations and foodmarts;
- (8) Automotive repair, parts or body shops;
- (9) Restaurants and restaurants with drive-through facilities;
- (10) Motels;
- (11) Administrative, executive and clerical services;
- (12) Auctions, excluding the sale of livestock;
- (13) Feed stores, excluding the milling or grinding of any feed;
- (14) Lawn and garden service;
- (15) Pool and billiard halls;
- (16) Printing shops and newspaper plants;
- (17) Used/new car sales and service;
- (18) Radio stations;
- (19) Undertaking establishments;
- (20) Mini-warehouse and storage; and
- (21) Animal clinics and veterinary clinics.

(C) *Restricted uses.*

- (1) Any business which causes offensive noise, vibration, odor, dust, smoke or gas;
- (2) Salvage or wrecking shops; and
- (3) Outside storage of inoperable, derelict, wrecked or wheelless motor vehicle.

(D) *Development standards.*

- (1) Minimum lot area: one acre.
- (2) Minimum lot frontage on road or street: 100 feet.
- (3) Minimum setback lines:
 - (a) Front yard: 60 feet.
 - (b) Side yard:
 1. For side yards adjoining a road or street: not less than 60 feet;
 2. For side yards abutting a dwelling: 60 feet; and
 3. For all other side yards: 40 feet.
 - (c) Rear yard: 20 feet, unless the rear yard abuts a dwelling, in which case the rear yard setback shall be 60 feet.
- (4) Minimum setback on any side of lot abutting freeway or arterial:
 - (a) All sides facing freeway: 100 feet; and
 - (b) All sides facing arterial: 100 feet.
- (5) Maximum building height: 35 feet.
- (6) Minimum ground level square footage required: none; however, not more than 80% of the total area of any lot or any development on multiple lots shall be occupied by buildings, roads, parking areas, storage, drainage facilities and other accessory uses.
- (7) Off-street and/or private parking and loading and unloading berths shall be provided in accordance with the provisions of § 155.048.
- (8) No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or building debris may be stored in front or side yards.
- (9) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994)

§ 155.028 INDUSTRIAL DISTRICT (I).

(A) *Purpose.* Uses located in this district encompass light and heavy industrial activities. Heavy industrial activities are generally major operations and extensive in character, and require large sites, open storage and service areas, quick access to regional transportation, and generate nuisances such as smoke, noise, vibrations, dust, glare, air pollution and water pollution. Heavy industrial uses should be located away from residential and commercial uses. Light industrial uses are relatively clean, quiet and free of smoke, noise, color or dust.

(B) *Permitted uses.*

- (1) All uses permitted in the Commercial Convenience and Commercial General Districts, except for residential uses;
- (2) Detached or attached offices for employees or guests of the facility. Service facilities for the offices shall be completely within the building and shall not display any exterior advertising;
- (3) Farm buildings and structures;
- (4) Public and private utilities;
- (5) Mass transportation terminals, except for truck terminals;
- (6) Recreation areas established for the convenience and use of employees of the facility;
- (7) Temporary buildings and structures incidental to the development of land or buildings, provided they are removed at the termination of development or construction;
- (8) Radio and television towers, and studios;
- (9) Assembly operations for pre-manufactured parts;
- (10) The canning, bottling, processing and packaging of food;
- (11) The manufacture of portable household appliances, electric hand tools, electric motors, electric and neon signs, jewelry, leather products, pharmaceuticals, medicines, cosmetics, optical goods, recording instruments, mattresses, cans and non-glass containers, cabinets, communication equipment, office equipment and cloth products;
- (12) Warehouse and distribution operations;
- (13) Machine, welding and tool and die shops;
- (14) Animal clinics and veterinary clinics;
- (15) Industrial environmental management activities, excluding sanitary landfills primarily used for the management of municipal solid waste; and
- (16) Construction and trucking contractor operations.

(C) *Special uses.* The following special uses may be permitted, depending on approval by the County Plan Commission:

- (1) Arsenal;
- (2) Central mixing plant for mortar, plaster, concrete, paving material or asphalt;
- (3) Dehydration plant;
- (4) Fertilizer manufacturing;
- (5) Grain elevator and storage;
- (6) Cement lime ingredient, lime, gypsum, plaster;
- (7) Petroleum refinery and distillation;
- (8) Smelting of ore or metal;
- (9) Soy bean processing plants;
- (10) Wholesale or bulk storage of gasoline or other petroleum products;
- (11) Railroad storage yards or shops;
- (12) Junk, automobile or salvage yards;
- (13) Meat packing plants;
- (14) Sanitary landfills, reduction or incineration of trash, garbage, offal or dead animals;
- (15) Fat rendering; and
- (16) Manufacture of acid, alcohol, ammonia, bleaching powder, celluloid, chlorine, explosives, gas, glue, pyroxylin or nitrocellulose.

(D) *Development standards.* The Industrial District is subject to the following development standards.

- (1) Minimum lot area: one acre, building coverage shall not exceed 30% of the lot area (per building).
- (2) Minimum lot width: 100 feet.
- (3) Maximum height of building:
 - (a) Twenty five feet for principal buildings; and
 - (b) Twenty-five feet for accessory buildings.
- (4) Minimum front yard: 100 feet.
- (5) Minimum rear and side yard: 20 feet in nonresidential districts and 100 feet if a dwelling abuts the principal building.
- (6) Minimum setbacks on any side of lot abutting freeway and arterial:
 - (a) All sides facing freeway: 200 feet; and
 - (b) All sides facing arterial: 120 feet.

(7) Storage: all materials or products shall be kept within enclosed fencing or buildings. Storage of materials within the enclosure shall not exceed the height of the wall, fence or vegetative screen. The total area devoted to outside storage shall not exceed 25% of the total gross area of the enclosed structure.

(8) Screening: where a front, side or rear yard abuts a dwelling or residential zone, a masonry wall, solid wood fence or continuous hedge or row of shrubbery or evergreen trees shall be provided along or within 20 feet of the zone lot line. Such screening shall be at least six feet high at time of planting or construction. Shrubs or trees must be spaced to block view year around.

(9) Additional commitments may be required by the Plan Commission where certain industrial uses present site developments circumstances that are unique, unsightly, dangerous, noisy or other reasons deemed necessary by the Commission due to the great diversity of uses permitted under this district.

(10) No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or building debris may be stored in front yards.

(11) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 2003-07-07-1, passed 7-7-2003)

§ 155.029 PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

(A) *Purpose.* The purpose of the Planned Unit Development (PUD) District is to provide for alternative land developments where a variety of residential, commercial or industrial uses are planned and developed as a whole. PUDs allow for more flexible lot size and setback standards. A PUD shall conform to the following.

(1) The number of dwelling units erected shall not exceed the number approved by the Plan Commission on the Master Plan unless a density increase is approved by the Plan Commission.

(2) Only land uses that are approved on the Master Plan may be permitted within a PUD.

(3) Up to 10% of the gross land area in a PUD may be used for commercial, industrial and non-recreation public uses, provided that the Plan Commission finds that the uses are necessary or desirable and are appropriate with respect to the primary purpose of residential development.

(4) Each PUD shall have common open space. Common open space may include street rights-of-way, driveways and parking lots which directly serve recreational areas. At least 10% of the

gross land area in a PUD shall be allocated for parks, open space and recreational purposes.

(5) All utilities, including communication and electric systems shall be placed underground within the limits of the development or effectively screened. What constitutes effective screening shall be determined by the Plan Commission.

(6) The development plan shall include a common water supply and distribution system, either public or private, shall meet the approval of the Plan Commission and the local health official, and shall be built at no expense to the local government.

(7) The development plan shall include a sanitary sewer system connected to a public sewer system, if available within a reasonable distance from the project, or it shall provide for a central collection and treatment system in accordance with the requirements of both the Plan Commission and the County Health Department.

(8) The plan of the project shall provide for the integrated and harmonious design of buildings in the commercial and industrial areas and the parcels shall be developed in park-like surroundings. The parcels shall be landscaped, and woodlands used to screen lighting, parking areas and loading areas from adjacent residential areas.

(B) *Procedure for approval of a PUD.* Generally, the procedure for subdivision plat approval as outlined in the county

subdivision regulations shall be followed with these exceptions.

(1) The applicant shall submit a preliminary site plan (Master Plan) in triplicate to the Plan Commission which includes, but is not restricted to, the following information:

- (a) Location and boundaries of tract to be developed, showing the general layout of streets and the existing and proposed land uses of all areas;
- (b) Tentative placement of all improvements on the site, showing how recommendations of this chapter have been used;
- (c) General proposals on densities for residential and other uses. To allow for sufficient flexibility, the Plan Commission may allow minor shifts in use locations and densities, provided that the general overall plan is adhered to; and
- (d) The proposed schedule for development of the site.

(2) The Plan Commission shall give notice of acceptance or rejection of the proposal within 60 days. Reasons for rejection along with suggestions for revisions shall be given in writing. The developer may resubmit plans after the suggested corrections or additions are made.

(C) *Development standards.*

- (1) A planned residential or residential/commercial development must comprise an area of at least ten acres.
- (2) A planned office development must comprise an area of at least two acres.
- (3) A planned commercial development must comprise an area of at least four acres.
- (4) A planned industrial development must comprise an area of at least four acres.
- (5) All minimum requirements for development standards shall be proposed by the applicant and approved by the Plan Commission.
- (6) No abandoned, junked, inoperable or derelict vehicles, farm machinery, equipment or miscellaneous scrap or building debris may be stored within PUD boundaries.

(D) *State legislation.* This section shall also recognize I.C. 36-7-4-1508, I.C. 36-7-4-1403 and I.C. 36-7-4-601.

(Ord. passed 7-20-1992; Ord. 2006-9-5, passed 9-5-2006)

§ 155.030 PRESERVATION DISTRICT (PV).

(A) *Purpose.* The purpose of this district is to retain and promote open space historic and scenic views, the surroundings of culturally significant buildings or structures, and the ecologically significant land adjacent to rivers. The Preservation District will also minimize soil erosion, siltation and water pollution.

(B) *Permitted uses.*

- (1) Agriculture;
- (2) Agricultural buildings;
- (3) Forestry;
- (4) Water management facilities;
- (5) Water use facilities;
- (6) Lakes;
- (7) Public or private picnic areas, marinas and beaches, and bridle and bicycle paths;
- (8) Parks and forest preserves;
- (9) Permanent individual lot single-family homes; and
- (10) Public and private camps or campgrounds.

(C) *Restricted uses.*

(1) Certain uses may be permitted in the Preservation District after public hearings. These conditional uses may be subject to specific requirements as determined by the Plan Commission.

(2) These conditional uses are:

- (a) Public utility substations;
- (b) Booster stations; and
- (c) Radio and television relay towers.

(3) Uses specifically excluded in the Preservation District are permanent mobile homes and all commercial and industrial land uses.

(D) *Development standards.*

(1) No building shall be erected within 50 feet of the right-of-way of any public street, road or highway, nor within 15 feet or one foot for each foot of building height, whichever is greater, of any lot line.

(2) Any improvement located in the floodplain is subject to the regulations of the Floodplain District.

(3) No abandoned, junked, inoperable or derelict vehicles machinery, farm machinery, equipment or miscellaneous scrap or building debris may be stored anywhere in the district.

(4) Any portion of a pond or pond dam shall be set back 15 feet from any property line.

(Ord. passed 7-20-1992)

§ 155.031 ME-MINERAL EXTRACTION DISTRICT.

(A) *Generally.*

(1) The following regulations shall pertain only to those mining and extracting operations initiated after the formal adoption of this chapter.

(2) All existing operations and contiguous lands owned or leased by the mining company for the purpose of mineral extraction shall not be subject to the conditions and requirements of this chapter. These areas need to be on file in the County Plan Commission office prior to the formal adoption of this chapter.

(3) Mineral extraction: nothing in this chapter shall prevent the use and alienation of mineral resources by the owner or alienee.

(4) No production shall be started until the Plan Commission has made a written determination with respect to the conditions under which such operation shall be conducted. The Plan Commission shall investigate the area to be developed, as well as the surrounding area, in order to determine the conditions to be prescribed so as to protect surrounding property.

(B) *Purpose.* The purpose of this district is to provide land for the mining, excavation, processing and storing of mineral resources. This district is designed to ensure that these resources are properly managed and that all land which mineral extraction has occurred will be left in such condition, so as to not create a hazard or nuisance which either immediately or in the future affects the health, safety or general welfare of the community.

(C) *Permitted uses.* The plant area will be used for the following: the excavation, processing, storage, stockpiling, distribution and sale of the following:

- (1) Stone;
- (2) Gravel;
- (3) Sand;
- (3) Clay;
- (5) Shale; and
- (6) Other earth materials which exist in a solid state.

(D) *Special exceptions.* The following uses may be permitted when they are determined to be functionally beneficial to the extraction activity, appropriate to the location and environs, and not detrimental to adjoining lands:

- (1) Concrete mixing plants;
- (2) Manufacturing plants for portland cement;
- (3) Mixing plants for asphaltic concrete; and
- (4) Concrete block, pipe, beam, slab or panel plants.

(E) *Development standards.*

(1) *Grading and slopes.* In the properties final (reclamation) state the following grading and sloping standards shall apply.

(a) Where material is sand and gravel, a final slope shall not be steeper than one and one-half feet horizontal to one foot vertical.

(b) Unconsolidated materials other than sand and gravel shall not be sloped steeper than one and one-half foot horizontal to one foot vertical.

(c) In materials where vertical walls have a history of stability (such as limestone, dolomite, sandstone, shale and similar materials), no sloping shall be required if any overlaying unconsolidated materials are sloped as described in

divisions (E)(1)(a) and (E)(1)(b) above and a horizontal shelf at least ten feet wide is present between the bottom of the slope and the top of the vertical wall.

(2) *Fencing.* If an open excavation greater than ten feet in depth exists, a substantial fence shall be maintained either on the property line or at least 200 feet outside the excavation. The fence shall be at least a six-wire, four-foot high fence, limiting access to the excavated area.

(3) *Berming and screening.* Earth berms must be constructed for the purpose of screening operations from the public. The height of the berm may be variable and will be supplemented with trees and shrubs.

(4) *Blasting.* Blasting shall be limited to Monday through Saturday, dawn to dusk.

(5) *Ingress, egress and traffic safety.* Plant areas shall have one primary access road and shall be constructed on a level with the pavement of any public street or highway for at least 80 feet. The 80 feet of road shall be improved with a concrete or asphalt surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the local highway authorities. Secondary access gates shall be kept closed except for passage.

(6) *Off-street parking.* Off-street parking shall be provided for all equipment and for cars of employees.

(7) *Drainage.* When the mineral extraction activity has been completed the property shall be well drained except for water impoundment and intended for wetlands. Erosion control will be implemented, storm water control will meet federal, state and county regulations.

(8) *Setbacks.* Extraction of the sought after mineral on leased or owned property shall not progress to a distance less than:

(a) One hundred feet from a property line, minor collector or lesser right-of-way (based on the County Thoroughfare Plan);

(b) Two hundred feet from an existing residential structure, not within a residential district, which existed before the mineral extraction operation, a major collector or greater road right-of-way (based on the County Thoroughfare Plan);

(c) Five hundred feet from an existing residential district which existed before the mineral extraction operation;

(d) One thousand feet from an existing public facility (buildings) which existed before the mineral extraction operation; and

(e) When improvements are considered on properties adjacent to a Mineral Extraction District, the setback for the adjacent use shall be increased to yield the same combined setback that would be required for an ME District to locate adjacent to a similar existing use.

(F) *Rezoning.* After the effective date of this chapter when rezoning to a Mineral Extraction District is sought, the following information shall be submitted to the Board:

(1) Maps of the site proposed for rezoning including the land within 1,000 feet in all directions and:

(a) Contour (U.S.G.S. seven and one-half degrees quadrangle maps recommended);

(b) Description of adjacent land use;

(c) Zoning classification of the proposed site and adjacent lands;

(d) Public right-of-way roads, railroad lines and easements;

(e) The area proposed for processing facilities and storage; and

(f) The proposed structures and their intended use.

(2) A description of the methods to be employed in the removal of overburden and the extraction of the sought after mineral;

(3) A description of potential post reclamation uses of the property; and

(4) All division (E) above.

(Ord. passed 7-20-1992; Ord. 2004-9-20, passed 9-20-2004)

§ 155.032 TABLE B: LOT REQUIREMENTS: A1, A2 AND R1.

<i>Table B: Lot Requirements: A1, A2 and R1</i>				
	<i>A1 Resident/Farm</i>	<i>A2 Resident/Farm</i>	<i>R1</i>	
			<i>Individual Lots</i>	<i>Subdivision w/ Permit</i>
<i>Table B: Lot Requirements: A1, A2 and R1</i>				

	A1 Resident/Farm		A2 Resident/Farm		R1	
					Individual Lots	Subdivision w/ Permit
Maximum building ht.	35 ft.	–	35 ft.	–	35 ft.	35 ft.
Minimum front setbacks						
Collector	80 ft.	50 ft.	60 ft.	50 ft.	80 ft.	60 ft.
Local	60 ft.	50 ft.	50 ft.	50 ft.	60 ft.	60 ft.
Minimum lot frontage on road or street	350 ft.	350 ft.	200 ft.	200 ft.	–	–
Minimum lot size (sq. ft.)	5 acres		3 acres		3 acres	30,000
Minimum lot width	350 ft.	350 ft.	200 ft.	200 ft.	250 ft.	100 ft.
Minimum setbacks (all sides facing)						
Arterial	120 ft.	120 ft.	80 ft.	80 ft.	120 ft.	120 ft.
Freeway	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
Rear setbacks	30 ft.	30 ft.	30 ft.	30 ft.	50 ft.	30 ft.
Side setbacks	30 ft.	30 ft.	30 ft.	30 ft.	50 ft.	15 ft.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 2012-9-4, passed 9-4-2012; Ord. 2012-12-3-1, passed 12-3-2012; Ord. 2013-4-1-B, passed 4-1-2013; Ord. 2013-4-13, passed 4-16-2013; Ord. 2013-12-2-B1, passed 12-2-2013)

§ 155.033 TABLE C: LOT REQUIREMENTS: R2, CC, CG AND I.

<i>Table C: Lot Requirements: R2, CC, CG and I</i>						
	R2			CC	CG	I
	Individual Lots	Subdivision w/Perm				
		Single	Duplex			
<i>Table C: Lot Requirements: R2, CC, CG and I</i>						
	R2			CC	CG	I
	Individual Lots	Subdivision w/Perm				
		Single	Duplex			
Minimum lot size	1.5 net buildable acre	20,000 sq. ft.	30,000 sq. ft.	1 acre	1 acre	1 acre w/building no more than 30% of lot area
Minimum lot width	150 ft.	100 ft.	120 ft.	100 ft.	100 ft.	100 ft.
Maximum building ht.	35 ft.	35 ft.	35 ft.	20 ft.	25 ft.	25 ft.
Minimum all setbacks						
Arterial	120 ft.	120 ft.	120 ft.	100 ft.	100 ft.	120 ft.
Freeway	200 ft.	200 ft.	200 ft.	100 ft.	100 ft.	200 ft.
Minimum front setback						
Collector	80 ft.	50 ft.	50 ft.	60 ft.	60 ft.	100 ft.
Local	60 ft.	50 ft.	50 ft.	60 ft.	60 ft.	100 ft.

Rear setbacks (collector and local)	30 ft.	30 ft.	40 ft.	* 60 ft./20 ft.	* 60 ft./20 ft.	40 ft. (resident); 20 ft. nonresident
Side setbacks (collector and local)	25 ft.	15 ft.	20 ft.	* 60 ft./40 ft.	* 60 ft./40 ft.	40 ft. (resident); 20 ft. nonresident
* 60 ft. adjacent to residential property and 20 ft. or 40 ft. adjacent to other properties.						

(Ord. passed 7-20-1992)

AUTHORIZED USES AND RESTRICTIONS

§ 155.045 ACCESSORY USES AND STRUCTURES.

(A) No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within ten feet of any other building.

(B) No single accessory building shall be located closer than five feet to a lot line.

(Ord. passed 7-20-1992)

§ 155.046 TEMPORARY USES OF LAND OR STRUCTURES.

(A) Temporary structures and buildings incidental to construction work are permitted, but must be removed upon completion of the construction. Permits may be issued for temporary structures or land uses such as carnivals, revival meetings, seasonal sales or emergencies, upon review by the Plan Commission.

(B) Temporary structures and uses must:

- (1) Terminate at a specific time;
- (2) Not cause traffic problems;
- (3) Provide adequate parking within 1,400 feet of the proposed site;
- (4) Direct outdoor lighting away from adjoining residential areas; and
- (5) Not affect neighboring uses.

(C) Fences, hedges, driveways, curbs, retaining walls, mail boxes, lamp posts, bird baths and benches are permitted in any lot, provided they do not violate any requirements of this chapter.

(D) Migrant housing is permitted as an accessory use to agricultural operations provided that the housing: is not occupied more than six months in every year; conforms to all requirements; and is located at least 200 feet from a residential lot or district boundary line.

(E) Outdoor private swimming pools shall be permitted as accessory structures and must be surrounded by a wall or fence at least five feet high with lockable latches on gates.

(Ord. passed 7-20-1992)

§ 155.047 SIGNS.

(A) *Purpose.* The intent of this section of the chapter is to promote and protect the public health, welfare and safety, and create a more attractive appearance by preserving the scenic and natural beauty of the county by regulating outdoor signs.

(B) *Safety considerations; requirements.* All freestanding billboards or advertising sign boards shall be 15 feet or more from any public right-of-way line, to avoid confusion and reduce view obstruction.

(C) *Aesthetic considerations; guidelines.*

(1) Freestanding signs are appropriate where a building is set back from the street; the architecture of the building is not conducive to a sign; or several businesses are located in one building.

Hanging signs are appropriate where buildings are most visible from an angle or when buildings are close together. Hanging signs should have consistent placement, size and materials, and should be located below the level of the second floor windows.

(2) Signs attached to buildings should define or enhance architectural elements of the building, not obscure or obliterate them. Signs should stay within the architectural frames provided for them by the buildings.

(3) Where feasible, sign letters should be attached directly to the building without superfluous back-facing, particularly when a "sign band" or cornice is a part of the building facade. Signs should not be placed on surfaces which were not intended for signs.

(4) All signs not currently in conformance with these guidelines due to renovations should be removed. Signs can be attractively printed on store windows, particularly where the sign band is insufficient or there are multiple businesses in one building. Roof signs and general advertising signs are inappropriate.

(D) *Development standards.*

(1) In the agricultural districts: signs accessory to roadside stands shall be limited to two signs per lot with no sign larger than ten square feet and set back at least ten feet from any right-of-way.

(2) In the agricultural and residential districts:

(a) Small announcement or professional signs shall not exceed ten square feet; and

(b) One name plate shall not exceed ten square feet for each dwelling.

(3) In the commercial districts, advertising signs are permitted if they advertise only the services, articles or products offered or in use within the buildings, subject to the following requirements:

(a) The aggregate area of signs on any building site should not exceed 5% of the building facade to which the sign is oriented or 300 square feet whichever is less;

(b) All signs shall be attached to the main building and shall not project more than four feet perpendicular from the building nor project more than five feet above the roof; and

(c) The aggregate area of signs in the Commercial General District shall not exceed two 200 square feet.

(4) In the commercial and industrial districts, advertising signs and billboards are permitted, subject to the following conditions:

(a) The aggregate area of advertising signs shall not exceed 500 square feet in area;

(b) The structure supporting the signs, and not attached to buildings, shall be located at least 15 feet from the property line where oriented towards collector or local streets, 40 feet for freeways and 30 feet for arterial streets. No self-supporting sign or parts thereof shall project over a street right-of-way. Subject to INDOT approval;

(c) The aggregate size of billboards shall not exceed 600 square feet; and

(d) There shall be at least 500 feet between billboards with no more than two located within any designated 1,500 foot distance. No billboard shall violate the Federal Highway Beautification Act, being 23 U.S.C. § 131.

(5) In all districts:

(a) Temporary real estate signs and construction or contractor's signs shall not exceed two in number per lot or be more than six square feet; and

(b) Billboards are prohibited in all districts except the CG and I Districts.

(E) *Permits and fees required.*

(1) Sign permits shall be obtained to erect, construct, enlarge, move or convert any sign.

(2) Application for permits shall be made to the County Plan Commission, and shall include the following information:

(a) Name and address of the owner of property on which the sign is located or is to be located;

(b) Name and address of the owner of the sign; and

(c) A drawing and description of the sign. Dimensions, construction supports, electrical wiring and components, materials of the sign, and method of attachment must be shown. If required by the Plan Commission, certified engineering data shall also be shown.

(3) The application and permit fee shall be filed with the County Plan Commission. If any sign is installed prior to obtaining a permit, the application fee shall be doubled. Signs must be constructed or installed within 90 days of receipt of the permit, in order for it to remain valid. Permits are not required for residential signs, signs indicating type of crop planted, or temporary real estate signs.

(F) *Enforcement.*

(1) (a) The County Plan Commission may order the removal of any sign in violation of this section, upon giving 30 days' written notice to the owner/operator of the sign.

(b) Signs considered to present an immediate threat to public safety may be removed immediately without written notice.

(2) Signs removed by the Plan Commission shall be held by the county for redemption by the owner. To redeem, the sign owner shall pay all costs incurred by the county for removal, within 30 days of its removal. Signs not redeemed within 30 days may be disposed of by the county.

(G) *Maintenance.* All signs must be kept in good condition and must be safe, neat, clean and attractive. When a sign

advertises a business no longer located on the property on which the sign is located, the owner must remove the sign within three months. Such removal is considered part of maintenance. Failure to properly maintain a sign could result in automatic revocation of the permit after proper notification has been made.

(Ord. passed 7-20-1992; Ord. 2012-11-5-2, passed 11-5-2012)

§ 155.048 OFF-STREET PARKING AND LOADING.

(A) *Generally.*

- (1) All required spaces for residential structures shall be located on the same parcel with the residential use.
- (2) Parking spaces for commercial, industrial or institutional uses shall be located within 700 feet from the principal use. Parking spaces for apartments, dormitories or similar residential uses shall be located within 300 feet from their principal use.
- (3) All parking spaces must be at least ten feet wide. Ninety degree, 60 degree and 45 degree lots must be 20 feet long; parallel parking lots must be 23 feet long.
- (4) Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not overlap, and provided that a written agreement is filed with the Plan Commission.
- (5) When two or more uses are located within the same building, off-street parking spaces shall equal the sum of the separate requirements for each use.
- (6) All required off-street parking shall be paved with bituminous, concrete or other all-weather, dust proof surfacing and shall be provided with bumper guards or barrier curbs where needed.
- (7) All open off-street parking shall be effectively screened on each side adjoining or fronting on any residence or institution. Walls, fences or densely planted hedges between five and eight feet high may be considered to be effective screens.
- (8) Every commercial, industrial or public use requiring off-street loading shall provide berths. Off-street loading berths shall not be located in a public right-of-way or in a required front yard. Loading berths shall be at least 12 feet wide and 50 feet long.

(B) *Development standards.*

Use	Off-Street Spaces Required
Use	Off-Street Spaces Required
Bowling alleys	6 for each alley
Churches	1 for each 4 seats in main area
Clubs	1 for every 200 sq. ft. of floor area
Combination of uses on the same parcel	The sum total of the number required for each use as determined according to the requirements set out in this zoning chapter
Convalescent homes and nursing homes	1 for each 4 beds, plus a passenger loading area
Dining rooms, restaurants, taverns and night clubs	1 for each 200 sq. ft.
Dormitories	1 for every guest room
Dwellings	2 for each single-family dwelling; 3 for each two-family dwelling; 1.5 for each residence unit in a structure containing more than 2 units
Fraternities and sororities	1 for every 2 members
Hospitals and clinics	1 for each doctor; plus 1 for each 3 regular employees; plus 1 for each 200 sq. ft. of gross floor area; plus an off-street passenger or patient unloading area
Hotels	1 for every guest room
Industrial uses	
Permitted uses	1 for every 600 sq. ft. of gross floor area; or 1 for every 2 employees on the largest shift, whichever requires the greater number of spaces

Special uses	Special uses will be determined by the County Board of Zoning Appeals according use but in no case shall the required parking be less than for permitted uses
Libraries, museums, art galleries	1 for each 400 sq. ft.
Private nurseries, day care, schools, kindergartens and children's homes	1 for each regular employee, plus an off-street passenger loading area
Professional offices	1 for each 250 sq. ft. of gross floor area
Public utilities and other service facilities	1 for each 500 sq. ft. of gross floor area; or 2 for each 3 regular employees, whichever is greater
Schools	
Elementary	2 per classroom, plus an off-street passenger loading zone
Junior high	
High school	10 per classroom
Retail business	1 for every 250 sq. ft. of gross floor area

(Ord. passed 7-20-1992)

§ 155.049 RECREATIONAL VEHICLE PARKS.

In any district in which recreational vehicle parks are permitted, the following requirements shall apply.

(A) Recreational vehicle parks shall have direct access to a public highway or road with sufficient frontage for the proper construction of safe entrances and exits.

(B) Conditions of soil, groundwater level, drainage, geologic structure and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor or noise, or the possibility of subsidence, sudden flooding or severe erosion.

(C) The density of a park shall not exceed 15 recreational vehicle spaces for each acre of gross site area.

(D) The minimum area of a recreational vehicle park shall be five acres.

(E) Recreational vehicles shall be separated from each other and from other park buildings or structures by at least ten feet.

(F) All recreational vehicles and structures shall comply with the required minimum setback and yard provisions of this chapter.

(G) Where the boundary line of a recreational vehicle park coincides with that of a residential district other than along a thoroughfare or alley, a yard separation of at least 25 feet in width shall be required.

(H) At least one centrally located recreation area equal in size to 8% of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas and park service facility areas shall not be included in the required recreational area.

(I) Food stores, restaurants, sporting good stores, laundromats, dry-cleaning pickup stations and similar convenience and service shops may be permitted in recreational vehicle parks containing 50 or more spaces provided that shops and the parking area required by their use shall not occupy more than 10% of the total park area. The shops shall be primarily for the use of park occupants. The shops shall be located and designed within the park to present no visible evidence of their commercial nature to persons outside the park. This section of park not allowed in Floodplain (FP) or Preservation (PV) Districts.

(Ord. passed 7-20-1992)

§ 155.050 MOBILE HOME PARKS.

(A) *Purpose.*

(1) It is the intent of this section to encourage the provision of alternative modest income housing in general residential areas by permitting mobile homes. Mobile homes are recognized as a viable form of residential housing.

(2) Mobile home parks are permitted as a special exception in the following districts subject to prior approval of a development plan by the Plan Commission: A2, CC and CG. In considering a mobile home development plan, the Plan Commission shall ensure that the development requirements for a mobile home and a mobile home park are as specified below.

(B) *Development standards* (*denotes applicability to individual mobile homes and parks). The minimum area of a mobile

home park shall be five acres.

(1) The park shall be located on a well drained properly graded site to ensure rapid drainage and prevent stagnant pools of water. The Plan Commission may, as part of its approval of a development plan, require curbs, gutters or catch basins, when in the opinion of the Commission, drainage mechanisms for surface water proposed by the developer are insufficient to properly carry surface water. Surface drainage as approved by the Plan Commission shall be installed and maintained by the developer or its successors in interest.

* (2) Development standards for individual mobile homes and lots shall also comply with the development standards for each district where mobile homes are allowed in this chapter.

(3) A mobile home park shall be screened continuously along all park boundary lines, except at established entrances and exits, by a landscaped strip at least five feet wide, designed and planted with evergreen trees or shrubs at least six feet high after one full growing season, and which at maturity are at least ten feet high. The vegetation should form a year round dense screen and shall be set and selected to assure 80% opacity, and maintained in good condition at all times.

(4) Each park shall provide a recreational area or areas equal in size to at least 8% of the area of the park. Streets, parking areas, drainage facilities, floodplains and park service facility areas shall not be included in the required recreational area.

(5) Coin-operated laundries, laundry and dry cleaning pick-up stations, and other commercial convenience establishments may be permitted in mobile home parks, provided that:

(a) They are subordinate to the residential character of the park;

(b) They are located, designed and intended to serve only persons living in the park;

(c) The establishments and associated parking areas shall not occupy more than 10% of the total area of the park; and

(d) The establishments shall not be visible outside the park.

(6) Each park shall provide either one central waterproof structure available to all mobile home site residents or a single waterproof structure for each mobile home site, suitable for storage of goods and the usual effects of persons occupying the park.

(7) All exterior park lights shall be located and shielded to prevent direct illumination of any areas outside of the park exceeding .01 footcandle.

(8) Mobile home sites shall be a minimum of 5,000 square feet in area and in no case shall a mobile home park exceed a density of seven units per gross acre.

(9) Each mobile home site shall have a minimum width of 50 feet.

(10) The minimum distance between a mobile home and another mobile home or structure shall be 30 feet.

* (11) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock. Each stand shall be provided with an anchoring for each corner of its mobile home able to sustain a minimum tensile strength of 2,800 pounds.

(12) No mobile home shall be located closer to any mobile home park boundary line than 50 feet. In the event that the park shall abut a public street or highway, the standard setback lines for the road as established for conventional housing in the district shall prevail.

* (13) Foundation skirting shall completely enclose the undercarriage of each mobile home with a non-decaying, non-corroding material extending at least six inches into the ground or into impervious material.

* (14) Each mobile home site shall be provided with two adjacent parking spaces which shall have unobstructed access to a mobile home park street. No on-street parking shall be permitted on streets built to non-dedication standards.

(15) Common walks at least four feet wide shall be provided around all recreational and service facility areas. No required walks shall be used as drainageways. All mobile home stands shall be connected to common walks, paved streets or paved driveways or parking spaces connecting to a paved street. Individual walks shall be at least three feet wide.

(16) Street construction within the park shall comply with street construction standards of the governmental unit in which the mobile home park is located.

(17) No individual mobile home within a mobile home park shall have direct vehicular access to any public street. All access shall be from an improved street or driveway within the park.

(18) All entrances to mobile home parks shall be constructed in an attractive manner as specified in county subdivision regulations. The name of the park shall be adequately designated in an aesthetically pleasing manner. Street names and addresses be clearly visible and adequate facilities for mail of the park's residents shall be provided.

(C) *Limitations on use.*

- (1) All mobile homes located in a mobile home park shall only be used for residential purposes.
- (2) No mobile home site shall be rented in any mobile home park except for periods of 30 days or longer.

(Ord. passed 7-20-1992)

§ 155.051 CONFINED FEEDING OPERATIONS.

(A) *Purpose.*

(1) This section is adopted for the protection of farming interest and to promote and protect the public health, safety and welfare by regulating confined animal feeding operations. It is intended to protect property values, and minimize conflicts between farmers and rural residential uses while enhancing and protecting the physical and scenic appearance of the county as outlined in the Comprehensive Plan.

(2) Confined feeding is defined as the feeding of animals in a confined area according to the following state regulations:

- (a) Three hundred or more cattle;
- (b) Six hundred or more swine or sheep; and
- (c) Thirty thousand or more fowl.

(B) *Development standards.*

(1) All confined feeding operations must conform to I.C. 13-18-10 including all amendments.

(2) All non-farm residential uses and confined feeding operations must also meet the following standards.

(a) All structures and confined lots designed to house or contain livestock should be set back 500 feet from any existing residence except that of the confined feeding operator.

(b) All structures and confined lots designed to house or contain livestock should be set back 1,000 feet from any church, business, school, recreational area (public or private) or public buildings, and 1,300 feet from any area zoned residential or any area that has a recorded residential plot.

(c) 1. All structures should be setback from a public road right-of-way as stated in divisions (B)(2)(a) and (B)(2)(b).

2. If the waste handling facility of an operation is an open earthen pit, the setback distance should be increased to 1,000 feet in division (B)(2)(a) above; 1,500 and 2,000 feet respectively in division (B)(2)(a) above; and no less than 50 feet in division (B)(2)(c)1.

(4) No residential structures except that of the confined feeding operation may be constructed within 500 feet of an existing or granted (permit or otherwise) confined feeding operation.

(5) No church, business, school, recreational area (public or private) or public building may be constructed or operated within 1,000 feet of an existing or granted (permit or otherwise) confined livestock or poultry feeding operation.

(Ord. passed 7-20-1992)

ADMINISTRATION AND ENFORCEMENT

§ 155.065 ADMINISTRATIVE RESPONSIBILITY.

(A) The Planning Director is hereby designated and authorized to enforce this zoning chapter and receive applications, issue permits and furnish the required certificates. The Planning Director will inspect sites and structures for compliance with applicable provisions of the law under the authority of this chapter.

(B) (1) The Plan Director shall keep records of all correspondence, applications, permits, inspections and certificates or notices issued.

(2) All papers that relate to buildings that are regulated under this chapter shall be retained on file and will be open for public inspection during regular business hours.

(Ord. passed 7-20-1992)

§ 155.066 IMPROVEMENT LOCATION PERMIT (ILP).

(A) An improvement location permit shall be required for any alteration to the condition of the land or structures thereon within the jurisdiction of this chapter. The proposed use shall also meet all other requirements set forth in this chapter and applicable state law prior to issuance of the improvement location permit.

(B) A site plan shall be submitted at time of application for an improvement location permit and shall comply with the site plan requirements set forth in § 155.067.

(C) No improvement location permit shall be issued unless the lot for which the improvement location permit is sought is located on a public way or on a recorded ingress/egress.

(D) No improvement location permit shall be issued until the appropriate fees have been paid to the Plan Director in accordance with those established in this chapter.

(E) Improvement location permits shall expire 12 months after date of issuance if construction has not commenced.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994)

§ 155.067 SITE PLAN REVIEW.

(A) No permit for the construction, exterior alteration, relocation occupancy or change in use of any building or land shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Plan Director, Zoning Administrator or an authorized designee. A site plan review shall also be required for the resumption of any use discontinued for more than one year or for the expansion of any existing use. Required approval includes proposals for commercial, residential, manufacturing, office, multiple dwelling residential developments, municipal, institutional, utility, fraternal or recreational purposes in all zoning districts established under this chapter.

(B) A site plan shall include the following elements as determined by the Plan Director in order to properly evaluate a particular project in accordance with the development standards set forth by this chapter and specifically adopted by the Plan Commission:

- (1) The name and address of the owner, developer, engineer, landscape architect and architect;
- (2) The location of the project by public way, township and section;
- (3) The legal description of the property including bearing notations and lengths;
- (4) The date, scale of map and north arrow;
- (5) The location, size, capacity and use of all existing and proposed structures and buildings to be placed on the site.
- (6) The site layout of the project including the location, size, arrangement and capacity of the area to be used for yards, setbacks, buildings, vehicular access, parking and loading and unloading;
- (7) The existing and proposed sewage, water, gas, electricity and storm drainage facilities;
- (8) The existing and proposed elevations of the building site with finished floor elevations of all proposed buildings and contours showing directions of stormwater runoff and the limits of any regulated floodplain and floodway;
- (9) The names and locations of all adjacent public streets including existing and proposed easements for future widening;
- (10) The location, widths and names of utility or other easements;
- (11) The layout, names, widths and rights-of-ways of proposed streets;
- (12) The description and use of adjacent property;
- (13) The location, dimensions and design of all signage for the project;
- (14) The location of all lighting for the project;
- (15) A landscape plan showing all natural land features, trees, forest cover and water sources, and all proposed changes to those features including size and type of plant material and areas devoted to landscaping;
- (16) The layouts of proposed lots with their numbers and dimensions;
- (17) Land use density factors; and
- (18) The outside storage and display area, if allowed.

(Ord. passed 7-20-1992)

§ 155.068 PERMITS AND FEES.

(A) The County Plan Commission shall establish a schedule of fees, charges and expenses, and a collection procedure for the administration and enforcement of this chapter. The schedule of fees shall be posted in the Zoning Administrator's office and may be altered or amended only by the County Commissioners. No action shall be taken on any application or appeal until all fees, charges and expenses have been paid in full.

(B) This section hereby establishes the following fees, charges and expenses.

Table D: Fees and Time Tables for Requests for Permits or Hearings Request			
Request	Fees	Procedure	Filing Time
Table D: Fees and Time Tables for Requests for Permits or Hearings Request			

Request	Fees	Procedure	Filing Time
Improvement location permit	\$50		
Like use determination	\$35	1 public hearing before the Board of Zoning Appeals (BZA)	Received by the Planning Director/Zoning Admin, office 30 days prior to next regularly scheduled Plan Commission meeting
Sign permit	\$50		
Sketch plat	None	1 meeting with the Technical Review Committee	Documentation received in Plan Commission's office 30 days prior to next regularly scheduled Plan Commission meeting
Special exception/ development standard land use variance	\$150	1 public hearing before the Board of Zoning Appeals (BZA)	Received by the Planning Director/Zoning Admin. office 30 days prior to next regularly scheduled BZA meeting
Temporary use or structure	\$25		
Zoning petitions (rezoning)	\$500/for 2 acres, \$25 more for each additional acre	1 public hearing before Plan Commission	Received by the Planning Director/Zoning Admin. office 30 days prior to next regularly scheduled Plan Commission meeting

(Ord. passed 7-20-1992; Ord. 2005-7-18, passed 7-18-2005)

ADVISORY PLAN COMMISSION, ADVISORY BOARD OF ZONING APPEALS

AND HEARING OFFICER

§ 155.080 PLAN COMMISSION.

(A) Membership.

(1) The County Advisory Plan Commission is established in accordance with I.C. 36-7-4-200 et seq. The term "Commission" refers to the County Advisory Plan Commission.

(2) The County Advisory Plan Commission shall consist of nine members, as follows:

- (a) One member appointed by the County Board of Commissioners Executive from its membership;
- (b) One member appointed by the County Council from its membership;
- (c) The County Surveyor or a qualified deputy appointed by the Surveyor;
- (d) The County Agricultural Agent; and

(e) Five citizen members, of whom no more than three may be of the same political party, appointed by the County Executive.

(3) Each citizen member shall be appointed because of the member's knowledge and experience in community affairs; the member's awareness of the social, economic, agricultural and industrial problems of the area; and the member's interest in the development and integration of the area. A citizen member may not hold other elective or appointive office in the municipal, county or state government, and must be a resident of the jurisdictional area of the Plan Commission.

(B) Term.

(1) The County Plan Commission was originally established by ordinance on February 8, 1965 and the ordinance provided that citizen members be appointed for the following terms of office:

- (1) One for a term of one year;
- (2) One for a term of two years;
- (3) One for a term of three years; and
- (4) Two for a term of four years.

(2) After the initial term of office of a citizen member expires, each new appointment of a citizen member shall be for a four-year term. If a vacancy occurs among the members of the Commission, the appointing authority shall appoint a member for the unexpired term of the vacating member.

(C) *Conflict of interest.*

(1) No member of the Commission shall participate in a hearing or decision of the Commission concerning a matter in which he or she has a direct or indirect financial interest or which for any other reason brought to the attention of the Commission, results in disqualification.

(2) The Commission shall enter in its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision.

(3) Any participating alternative member shall be appointed by the same body which appointed the regular member who has been disqualified.

(D) *Organization.*

(1) At the first meeting of each year, the Commission shall elect from its members a President and a Vice President.

(2) The Commission may appoint and fix the duties and compensation of a Secretary and those employees necessary for discharge of its duties, all in conformity to and compliance with salaries and compensations fixed by the County Commissioners and state law.

(E) *Rules of procedure.*

(1) The Commission shall supervise and make rules for the administration of the affairs of the Commission, and prescribe uniform rules pertaining to investigations and hearings.

(2) All meetings of the Commission shall be open to the public.

(3) The Commission shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare written findings of fact and record the vote, disqualification, abstention or failure to vote of each member upon each question.

(4) All minutes and records shall be filed in the office of the Commission and shall be a public record.

(F) *Powers and duties.*

(1) The Commission shall make recommendations to the County Commissioners concerning the adoption of the Comprehensive Plan, zoning regulations and amendments; and other matters, within the jurisdiction of the Commission and authorized by the Indiana Advisory Planning Law, being 36-7-4-101.

(2) The Commission shall also render decisions concerning subdivisions and PUDs, and approve plats or replats of subdivisions, and planned residential, commercial and industrial developments.

(Ord. passed 7-20-1992)

§ 155.081 BOARD OF ZONING APPEALS.

(A) *Purpose.*

(1) The County Advisory Board of Zoning Appeals (BZA) is hereby established in accordance with I.C. 36-7-4-900 et seq. The term "Board" refers to the County Advisory Board of Zoning Appeals.

(2) The County Advisory Board of Zoning Appeals shall have exclusive territorial jurisdiction over all matters properly before the Board from the appropriate jurisdictions in the county.

(3) The County Advisory Board of Zoning Appeals shall consist of five members.

(a) The members shall be initially appointed pursuant to state law to staggered terms:

1. One member for a three-year term;
2. Two members for a two-year term; and
3. Two members for a one-year term.

(b) Each member shall serve for a four-year term.

(c) Each appointing authority may, at any time, appoint one or more alternate members who shall be available to

replace any member who becomes disqualified under state law.

(d) The terms of these members shall expire on December 31 of the last year of their designated term.

(B) *Terms.* The members of the County Advisory Board of Zoning Appeals shall be initially appointed and serve for the following primary terms.

(1) The Board of County Commissioners shall appoint a citizen member of the County Plan Commission who shall serve a term of one year.

(2) The Board of County Commissioners shall appoint a citizen member (not a member of the County Plan Commission) who shall serve a term of two years.

(3) The County Plan Commission shall appoint a citizen member from its own membership who shall serve a term of three years.

(4) The County Council shall appoint a citizen member (not a member of the County Plan Commission) who shall serve a term of four years.

(5) The Board of County Commissioners shall appoint a citizen member (not a member of the County Plan Commission) who shall serve a term of four years.

(C) *Organization.*

(1) At the first meeting of each year the Board shall elect a Chairperson and a Vice Chairperson from among its members.

(2) The Board may appoint and fix the compensation of a Secretary and those employees necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensations fixed by the County Council and state law.

(D) *Rules of procedure.*

(1) The Board shall adopt rules concerning the filing of appeals, applications for variances and special exceptions, the giving of notice, the conduct of hearings, and other matters as required by state law or as deemed necessary or desirable by the Board.

(2) All meetings of the Board shall be open to the public.

(3) The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare written findings of fact and record the vote, disqualification, abstention or failure to vote of each member upon each question.

(4) All minutes and records shall be filed in the office of the Board and shall be a public record.

(E) *Findings and decisions.* All decisions of the Board on all matters within its jurisdiction and authority shall be in writing supported by specific written findings of fact on each material element pertaining to the matter under consideration.

(F) *Appeal to Court.* Each decision of the Board is subject to review by certiorari as prescribed by state law.

(G) *Authority.* The Board:

(1) Shall hear and determine appeals from and review any order, requirement, decision or determination made by the Plan Director, a staff member or administrative board designated by ordinance other than the Plan Commission, made in the enforcement of the zoning regulations or the issuance of building and occupancy permits under I.C. 36-7;

(2) May reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises and to that end shall have all the powers vested in the person or board from whom the appeal is taken; and

(3) Shall hear and approve or deny all special exceptions as specified in the zoning regulations. A special exception may be approved under this section only upon a written determination as provided in §§ 155.080 through 155.082.

(H) *Findings of fact; special exception.*

(1) The Board shall find make written findings of fact and decisions pursuant to and consistent with the criteria below.

(2) To grant a special exception, the Board shall find that:

(a) The establishment, maintenance or operation of the special exception will not be injurious to the public health, safety or general welfare of the community;

(b) The special exception will not affect the use and value of other property in the immediate area in a substantially adverse manner; and

(c) The establishment of the special exception will be consistent with the character of the district (particularly that area immediately adjacent to the special exception) and the permitted land uses.

(3) The Board may impose conditions as part of its approval to protect the public health and for reasons of safety, comfort and convenience.

(I) *Findings of fact; variance of development standards.* To approve or deny a variance from the development standards of the zoning regulations, the Board may impose reasonable conditions as a part of the Board's approval and shall find that:

- (1) The approval will not be injurious to the public health, safety 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; and
- (3) The strict application of the terms of the zoning regulations would result in practical difficulties in the use of the property.

(J) *Findings of fact; variance of use.* To approve or deny variances of use from the terms of the zoning regulations, the Board shall find:

- (1) The approval will not be injurious to the public health, safety 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 regulations would constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the County Comprehensive Plan.

(K) *Modification.*

(1) To reverse or modify in whole or in part an order, requirement, decision or determination of the Plan Director, staff member or administrative board (other than the Plan Commission), the Board shall find that the Plan Director, staff member or Administrative Board:

- (a) Improperly interpreted any relevant portion of a law, ordinance or rule;
- (b) Improperly took administrative action pertaining to a relevant law, ordinance or rule; or
- (c) Improperly enforced a relevant law, ordinance or rule.

(2) The Board may require the owner of a parcel of property to make a written commitment concerning the use of development of that parcel to receive a special exception or a variance from the terms of the zoning regulations. Those commitments shall be recorded in the office of the County Recorder and shall take effect upon the granting of the special exception or variance. A recorded commitment shall be binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice as provided by rule.

(L) *Conflict of interest.*

(1) No member of the Board shall participate in a hearing or decision of the Board concerning a matter in which he or she has a direct or indirect financial interest or, which for any other reason brought to the attention of the Board, results in disqualification.

(2) The Board shall enter in its record the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision.

(3) Any participating alternate member shall be appointed by the same body which appointed the regular member who has been disqualified.

(M) *Communication with Board members.*

(1) No person shall communicate with any Board member prior to a hearing or decision with the intent to influence the actions of any member of the Board regarding any matter pending before the Board.

(2) However, the staff may file a written statement with the Board setting forth facts or its opinions concerning that matter.

(Ord. passed 7-20-1992; Ord. 2019-6-3-1, passed 6-3-2019)

§ 155.082 HEARING OFFICER.

(A) *Creation of a Hearing Officer.* Purpose: appoint a Hearing Officer to hear and decide specific subject matters.

(B) *Board of Zoning Appeals.* The Hearing Officer will not hear and has no authority in BZA cases.

(C) *Plan Commission.*

(1) Type of hearing: one lot subdivisions with the following conditions:

- (a) The new parcel meets all requirements as outlined in the county zoning regulations; and

(b) The remaining acreage is within conformity of the district development standards for which the area is zoned.

(2) If the Hearing Officer does not wish to make a finding on a proposed petition, he or she shall notify the applicant that the petition shall be heard by the Plan Commission at its next regularly scheduled meeting.

(3) If the Hearing Officer denies the petition, he or she shall inform the applicant of the reasons for his or her decision. He or she shall inform the applicant that the applicant may request the Plan Commission to hear the petition. If the applicant so requests, within 30 days, the Hearing Officer shall cause the petition to be placed on the docket of the next regularly scheduled meeting of the Plan Commission.

(D) *Hearing conducted by the Hearing Officer.*

(1) The hearing shall be conducted in the similar fashion as the regular meetings of the Commission.

(2) The meeting shall be conducted at a time to be determined by the Hearing Officer, minutes taken and a written decision made.

(Ord. 2012-3-5, passed 3-5-2012)

NONCONFORMING USES

§ 155.095 NONCONFORMING USES.

(A) *Generally.* The lawful use of a building or premises, existing at the time of passage of this chapter, which does not conform to the use regulations of the district in which it is located shall be deemed to be a legal, nonconforming use.

(B) *Nonconforming uses.*

(1) (a) Nonconforming uses are considered incompatible or undesirable with permitted uses in the districts in which the use is located. Within the districts established by this chapter there are nonconforming lots, structures and uses of land. These nonconforming lots, structures and uses of land were lawful prior to passage of this chapter, but are now prohibited, regulated or restricted.

(b) It is the intent of this chapter to permit these nonconforming uses to continue until they are removed.

(c) Existing registered (on file in Plan Commission office) nonconforming uses can be sold provided the future owner re-registers the business with the Plan Commission office. (All other regulations in this section still apply.)

(d) Nonconforming structures and uses shall not be enlarged upon, extended or expanded, with exceptions to residential homes in A1, A2, R1 and R2 Districts existing before the enactment of this chapter. These structures can obtain an ILP (§ 155.066) with out receiving a variance if the improvement is not proposed within required setbacks of that district. Illegal uses existing at the time this chapter is enacted shall not be validated by virtue of its enactment.

(2) To avoid undue hardship, this chapter does not require a change in the plans, construction or designated use of any building or development in which actual construction was lawfully begun prior to the effective date of adoption of this chapter. Where demolition and removal of a building has progressed to a significant degree, such demolition or removal shall be considered to be construction, provided that the work is carried on diligently.

(3) When a nonconforming use of land or structure is discontinued or abandoned for six consecutive months, the structure and/or premises shall thereafter be used in conformance with regulations of the district in which it is located.

(4) Where nonconforming use status applies to both a structure and premises, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(5) Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if the reconstruction is undertaken within 18 months of the casualty, and if the restored structure has no greater coverage and contains no greater cubic content than previously.

(6) Normal maintenance and repair of a structure containing a nonconforming use may be performed, provided there is not physical change to the structure and such maintenance or repair does not extend or intensify the nonconforming use.

(7) No building shall be erected or expanded and no use of land area expanded upon any premises devoted to a nonconforming use, except in conformance with all other provisions of this chapter.

(8) This chapter does not require any change in the plans, construction or designated use of a building for which a building permit or improvement location permit has been issued prior to the date of passage of this chapter and on which construction will be begun within 30 days after the date of the permit and diligently completed (within 18 months from beginning construction).

(9) This chapter does not require any change in the plans, construction or designated environmental management use of any county property for which a construction and/or operation permit has been filed with and/or issued by the Indiana Department of Environmental Management and/or the United State Environmental Protection Agency prior to the date of the passage of this chapter.

(10) When a nonconforming use is discontinued for six months, the use of the same shall thereafter conform to the uses permitted in the district in which it is located, and any nonconforming dwelling which is deficient in ground floor area,

and which is removed from a lot, shall not relocate on the lot or be replaced by any other dwelling which is not in compliance with the requirements of this chapter. Notwithstanding the foregoing provision, an agricultural confinement feeding operation established prior to the enactment of this chapter may be discontinued for a period of up to two years and thereafter re-established without the need for a rezone, special exception or variance per other requirements of this chapter.

(Ord. passed 7-20-1992)

SPECIAL EXCEPTIONS

§ 155.110 SPECIAL EXCEPTIONS.

(A) *Generally.* Special exceptions are publicly or municipally operated uses traditionally affected with a public interest, and those uses entirely private in character but of such an unusual nature that their operation may raise unique problems with respect to their impact upon neighboring property and public facilities.

(B) *Procedure.*

(1) Upon receipt of an application for special exception, the Plan Director shall refer the application to the Board for public hearing.

(2) A copy of each application shall be referred concurrently to the Commission. The Plan Commission may, without public hearing, review the application for special exception and report on any effect the application might have upon the County Comprehensive Plan.

(3) In order for a special exception to be granted, the Board must find in writing that:

(a) The establishment, maintenance or operation of the special exception will not be injurious to the public health, safety or general welfare of the community;

(b) The special exception will not affect the use and value of other property in the immediate area in a substantially adverse manner; and

(c) The establishment of the special exception will be consistent with the character of the district (particularly that area immediately adjacent to the special exception) and the permitted land use.

(4) The Board may impose conditions as part of its approval to protect the public health, and for reasons of safety, comfort and convenience. All special exceptions are subject to the development standards of the county subdivision regulations §§ 154.110 through 154.118, 154.130 through 154.132, 154.145 through 154.147 and 154.160 through 154.171 if deemed necessary by the Board. The Board shall either direct the Plan Director to issue an improvement location permit for the special exception or to reject the application. The findings of the Board and its order to the Plan Director shall be in writing.

(C) *Existing use.*

(1) An existing use which is listed here as a special exception and which is located in a district in which the special exception may be permitted at the time of enactment of this chapter is a conforming use, providing the use meets the minimum development standards set forth in the respective districts.

(2) Any expansion of the special exception involving the enlargement of buildings, structures and land devoted to the use, shall be subject to the requirements and procedures described in this section.

(D) *Delay.*

(1) Any person who is issued an improvement location permit for a special exception must begin construction within nine months after the permit is issued; complete the special exception within two years after such construction is begun, whichever is later; and conform to the provisions of any restrictions or conditions which the Board imposed in conjunction with approval of the special exception by the Board and upon the basis of which the improvement location permit was issued.

(2) Persons failing to do so may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person, to show cause why such approval should not be withdrawn and such improvement location permit revoked.

(E) *Alteration, change, amendment or extension.* 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 use upon which such permit was based.

(1) Upon receipt of the application, the Board shall proceed as in the case of original application for a special exception.

(2) If the Board approves and orders the application or use changed, altered, amended or extended, it shall notify the Plan Director who shall issue an amended improvement location permit.

(3) The Board may impose any additional reasonable requirements or conditions including, but not limited to, establishing building setback lines and lot sizes for a special exception use, if, in the Board's judgment, additional requirements or conditions are necessary for the protection of the public health, safety, comfort and convenience.

(F) *Uses classified as special exceptions.* The following uses or structural alterations, which are classified as special exceptions, may be permitted by the Board of Zoning Appeals in the designated zoning districts in accordance with the procedure specified in this chapter.

- (1) Abattoir (slaughterhouse): commercial processing of animals, including commercial hatcheries and poultry processing plants in the A1 District;
- (2) Confined feeding operations in the A2 District;
- (3) Airports and landing fields in the A1, A2 and I Districts;
- (4) Archaeological sites, buildings or properties in all districts;
- (5) Auditorium, community center, stadium, armory, gymnasium, public buildings and other similar places for public events in Commercial Districts;
- (6) Bed and breakfast inn in the A1, A2, R1 and R2 Districts;
- (7) Boarding or lodging house in the R2 District;
- (8) Building material sales (with no outside storage or display area) in the CG District;
- (9) Bus terminals in the CG and I Districts;
- (10) Camps and campgrounds in the A1, A2, FP and PV Districts;
- (11) Cement, lime and gypsum manufacturing, oil processing, refining and manufacturing in the I District;
- (12) Churches, synagogue, temples, convents, monasteries, theological schools, rectories, parish houses and not-for-profit food or clothing pantry operated for a charitable purpose in all districts;
- (13) Cement mixing, production of concrete blocks, cinder blocks and other similar building materials in the I District;
- (14) Correctional and penal institutions in the I District;
- (15) Confined feeding operations in the A2 District;
- (16) Country clubs in the A1 and A2 Districts;
- (17) Crematories in the CG and I Districts;
- (18) Day care center; see nursery school;
- (19) Elementary and secondary schools and colleges, public or private, but excluding music, dance and similar business schools in the CG District;
- (20) Fat rendering; stock yards, slaughtering and allied food processing; leather curing and tanning in the I District;
- (21) Feed stores in the CG District;
- (22) Fertilizer manufacturing in the A1 District.
- (23) Golf courses in the A2 District;
- (24) Gun clubs in the A2 District;
- (25) Heliports in the A2 District;
- (26) Historic sites, buildings or properties in all the districts;
- (27) Hospitals and sanitariums, public or private, in the A2 District;
- (28) Hotels or motels in the CG District;
- (29) Kennels in the A2 District;
- (30) Lake developments - recreational uses in the A2 District;
- (31) Large animal hospitals in the A2 District;
- (32) Livestock sale or auction in the A2 District;
- (33) Lodge or private club in the A1, A2 and R2 Districts;
- (34) Manufacture and distribution of commercial fertilizers and agricultural chemicals in the A1 District;
- (35) Marina in the A2, PV and FP District;
- (36) Medical centers or clinics in the CG District;
- (37) Mini warehouse in the CC, CG and I Districts;

(38) Mobile homes (manufactured type structures as defined in § 155.005) parks (in accordance with § 155.050(B)) in the A2 District;

(39) Monument works and stone cutting in the I District;

(40) Mortuaries and funeral homes without crematorium in the R2 and CG Districts;

(41) Daycare in all districts;

(42) Oil and gas exploration, pumping and temporary storage facilities allowed in all districts;

(43) Park and playground in the A2 District;

(44) Plumbing, electrical, heating, sheet metal, roofing showrooms and shops (with no outside storage or display of goods) in the CG District;

(45) Public or private schools with dormitories in the A1, A2, R1, R2 Districts;

(46) Public utility power plants, transformer stations, filtration and sewage disposal plants, pumping stations, water reservoirs and railroad rights-of-way in all districts except A1 and all residential districts;

(47) Recreation vehicle park in the A1, A2, FP, R2 and PV Districts;

(48) Riding stables in the A2 District;

(49) Road courses or race tracks in the CG, A1, and A2 Districts;

(50) Rock crushing, grinding or mulling in the A2 District;

(51) Sand, gravel and aggregate extraction and processing in the A2 and I Districts;

(52) Sawmill and kiln type operations in the A1 and A2 Districts;

(53) Stockyards-shipping, holding and sale of animals in the A1 and A2 Districts;

(54) Storage and use of explosive materials in the I District;

(55) (a) Storage or processing of salvage or scrap, junk yards and automobile wrecking in the I District, provided that the use is confined within closed buildings or in yards completely enclosed and surrounded by solid walls or solid fences at least eight feet in height; so that operation is not visible during any season of the year.

(b) Fences to be kept in good repair and satisfactory in appearance which includes:

1. No holes or missing pieces;

2. Consists of one natural or painted color; and

3. Displays no advertising unless allowed by permit under this chapter.

(56) Public swimming pools in the A2 and CG Districts;

(57) Tennis or swimming clubs in the A2 District;

(58) Tourist home in the A2 and R2 Districts;

(59) Trucking terminals in the I District;

(60) Veterinary clinics, including animal hospitals, in the A2 and CG Districts;

(61) Air strips for personal use in the A1 District;

(62) Recreational type activities and/or uses in the A1 and A2 Districts;

(63) Low impact/property occupation in the A1 and A2 Districts;

(64) Automobile, motorcycle, off-road vehicle and agriculture equipment repairs, parts or body shops in A1 and A2 Districts;

(65) Contractor's equipment storage yard for the storage of equipment, vehicles, or other materials commonly used in the contractor's type of business in all districts;

(66) Placement of propane distribution tanks in A1 and A2 Districts; and

(67) Microbrewery, winery or distillery for the production of beer, wine and distilled liquors/spirits in all zoning districts.

(68) Wind energy conversion systems in all zoning districts.

(69) Banquet hall/assembly facility/retreat center (may also include, but is not limited to, sports arenas, outdoor concerts, public theatre and dancing) in A1, A2, R1, and R2 Districts.

(70) Commercial solar energy conversion systems, as defined in Ordinance 2020-6-1 and incorporated by reference herein, in all zoning districts.

(Ord. passed 7-20-1992; Ord. 1994-6-20-2, passed 6-20-1994; Ord. 1996-12-2, passed 12-2-1996; Ord. 2001-12-17, passed 12-17-2001; Ord. 2012-3-5-1, passed 3-5-2012; Ord. 2012-6-18, passed 6-18-2012; Ord. 2012-12-3-3, passed 12-3-2012; Ord. 2013-9-4, passed 9-4-2013; Ord. 2014-10-6, passed 10-6-2014; Ord. 2014-12-15-B, passed 12-15-2014; Ord. 2015-6-1-1, passed 6-1-2015; Ord. 2015-6-1-2, passed 6-1-2015; Ord. 2019-5-6, passed 5-6-2019; Ord. 2019-12-2-3, passed 12-2-2019; Ord. 2020-6-1, passed 6-1-2020)

WIRELESS FACILITIES

§ 155.125 GENERAL PROVISIONS.

(A) *Title.* These regulations shall officially be known, cited and referred to as the “Wireless Telecommunication Facility Regulations of Putnam County” (hereinafter “these regulations”).

(B) *Purposes.* In order to protect the public health, safety and general welfare of the community, while accommodating the communication needs of residents and business these regulations are necessary in order to:

- (1) Facilitate the provision of wireless telecommunication services to the residents and business of the county;
- (2) Minimize adverse visual effects of towers through careful design and siting standards;
- (3) Encourage the location of towers in nonresidential areas through performance standards and incentives;
- (4) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- (5) Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.

(C) *Authority.* The County Planning Department is vested with the authority to review, approve, conditionally approve and disapprove applications for wireless communication facilities, including sketch, preliminary and final plans.

(D) *Jurisdiction.*

(1) These regulations apply to all wireless communication facilities, as defined in §155.126, located within the jurisdiction of the County Planning Department as provided by law.

(2) No wireless communications facility may be constructed within the jurisdiction without an approved and signed permit from the Planning Department after approval by the Board of Zoning Appeals.

(E) *Enactment.* In order that wireless communications facilities may be constructed in accordance to these purposes and policies, these regulations shall be in full force and in effect in the manner provided by law. All applications for wireless communication facility sitings pending on the effective date of these regulations shall be reviewed under these regulations.

(F) *Interpretation, conflict and separability.*

(1) *Interpretation.* In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(2) *Conflict.* These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from any other ordinance, rule or regulation, statute or other provision of law, the provision, which is more restrictive or imposes higher standards shall control.

(3) *Separability.* If any part or provision of these regulations or the application of these regulations to any service provider or circumstances is adjudged invalid by any court of competent jurisdiction, the judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgement shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other service providers or circumstances. The County Board of Zoning Appeals hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application, which is judged to be invalid.

(G) *Amendments.*

(1) For the purpose of protecting the public health, safety and general welfare, the County Planning Department may from time to time propose amendments to these regulations which shall be approved or disapproved by the County Board of Commissioners at a public meeting following public notice.

(2) Realizing that communication technologies are evolving and changing quickly, future innovations may reduce the impacts of individual facilities and render portions of these regulations obsolete. Therefore, periodic review and revision of these regulations will be necessary.

(H) *Public purpose.* Regulations of the siting of wireless communication facilities is an exercise of valid police power delegated by the state and as stipulated in the Federal Telecommunications Act of 1996, being 47 U.S.C. Ch. 5, Subchs. I, II, and VI. The developer has the duty of compliance with reasonable conditions laid down by the County Board of Zoning Appeals.

(l) *Enforcement and violations.*

(1) The enforcement of these regulations shall be the responsibility of the Planning Department.

(2) The Board of Zoning Appeals reserves the right to hire a private technical consultant to review individual applications for wireless facilities at the cost of the applicant.

(Ord. 2001-12-17, passed 12-17-2001) Penalty, see §155.999

§ 155.126 DEFINITIONS.

For the purpose of this subchapter, certain abbreviations, terms and words shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.

ACT. The Communications Act of 1934, being 47 U.S.C. §§ 201 et seq., as it has been amended from time to time, including the Federal Telecommunications Act of 1996, being 47 U.S.C. Ch. 5, Subchs. I, II, and VI, and shall include future amendments to the Communications Act of 1934.

AFFILIATE. When used in relation to an operator, another person who directly or indirectly owns controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders or owners of some other ownership interest; and when used in relation to the County Planning Department, any agency, board, authority or political subdivision affiliated with the Area Plan Commission or other person in which the County Planning Department has legal or financial interest.

ALTERNATIVE TOWER STRUCTURE. Human-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. (See also **STEALTH FACILITY**.)

ANALOG TECHNOLOGY. Replicates and amplifies voice messages as they are carried from the transmitting antenna to the receiving antenna.

ANTENNA. Any exterior apparatus designed for telephonic, radio or television communications through sending and/or receiving or electromagnetic waves.

ANTENNA HEIGHT. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower tripod or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

APPLICANT. A person who applies for a wireless facility siting. An **APPLICANT** can be the owner of the property, or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant or architect.

BROADCAST. To transmit information over the airwaves to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems or wireless data communications networks.

CELL SITE. A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s), parking, and may include other uses associated with ancillary to cellular communications transmission.

CELLULAR SERVICE. A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.

CELLULAR TELECOMMUNICATIONS. A commercial low power mobile radio service licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

CELLULAR TELECOMMUNICATIONS FACILITY. A facility that consists of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer, which connects the mobile unit with the land-based telephone lines.

CO-LOCATION. Locating wireless communications equipment from more than one provider on a single site.

COMMON CARRIER. An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.

COMMUNICATION TOWER. A guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital microwave, cellular, telephone or similar forms of electronic communication.

COMMUNICATIONS FACILITY. A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. **COMMUNICATIONS FACILITIES** include structures or towers and accessory buildings.

COMMUNICATIONS TRANSMISSION SYSTEM or **COMMUNICATIONS SYSTEM**. A wired communication transmission system, open video system, wireless communications transmission system regulated by these regulations.

COMPREHENSIVE OR MASTER PLAN. The current adopted plan of the Putnam County Planning Department.

C.O.W.s. Cells on "wheels", see **TEMPORARY WIRELESS COMMUNICATION FACILITY**.

DIGITAL TECHNOLOGY. Converts voice and data messages into digits that represent sound intensities at specific points of time and data content.

DIRECTIONAL ANTENNA. An antenna or array of antennas designed to concentrate a radio signal in a particular area.

DISH ANTENNA. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data. Also called **MICROWAVE ANTENNA** or **MICROWAVE DISH ANTENNA**.

ESMR. Enhanced specialized mobile radio.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

FREQUENCY. The number of cycles completed each second by a sound wave; measured in hertz (Hz).

GOVERNING AUTHORITY. The governing authority of the Putnam County Board of Zoning Appeals.

GRADE. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than five feet from the structure, between the structure and a line five feet from the structure.

GUYED TOWER. A communication tower that is supported, in whole or part, by guy wires and ground anchors.

LATTICE TOWER. A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

LICENSE. The rights and obligations extended by the Board of Zoning Appeals to an operator to own, construct, maintain and operate its system within the jurisdiction of the Board of Zoning Appeals for the sole purpose of providing services to persons or areas outside the jurisdiction.

MHZ. Megahertz, or 1,000,000 Hz.

MICRO-CELL. A low power mobile radio service telecommunications facility used to provide increased capacity in high-call demand areas to improve coverage in areas of weak coverage.

MICROWAVE. Electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional signal used to transmit radio frequencies from point-to-point at a relatively low power level.

MICROWAVE ANTENNA. A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

MONOPOLE TOWER. A communication tower consisting of a single pole constructed without guy wires and ground anchors.

OMNIDIRECTIONAL ANTENNA. An antenna that is equally effective in all direction and whose size varies with the frequency and gain for which it was designed.

OWNER. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the office of the Assessor. **OWNER** also includes a deedholder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the municipality a copy of a deed or contract of sale showing date, book and page of recording.

PERSONAL COMMUNICATIONS SERVICES or **PCS**. Digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer the same telephone number wherever he or she goes. Also known as **PERSONAL COMMUNICATION NETWORK (PCN)**.

PREEXISTING TOWERS AND ANTENNAS. Any tower or antenna on for which a permit has been issued prior to the effective date of these regulations and is exempt from the requirements of these regulations.

PUBLIC PROPERTY. Any real property, easement, air space or other interest in real estate, including a street, owned by or controlled by the County Planning Department or any other governmental unit.

ROOF AND/OR BUILDING MOUNT FACILITY. A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.

SCENIC VIEW. A view that may be framed, wide angle or panoramic and may include natural and/or human-made structures and activities. A **SCENIC VIEW** may be from a stationary viewpoint or be seen as one travels along a roadway, waterway or path. A **VIEW** may be to a far away object, such as a mountain, or of a nearby object.

SELF-SUPPORT TOWER. A communication tower that is constructed without guy wires and ground anchors.

SPECTRUM. Relating to any transmissions or reception of electromagnetic waves.

STEALTH FACILITY. Any communications facility which is designed to blend into the surrounding environment. Examples of **STEALTH FACILITIES** may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. (See also **ALTERNATIVE TOWER STRUCTURE.**)

SYSTEM. The communications transmission system operated by a service provider in the jurisdiction of the County Planning Department.

TELECOMMUNICATIONS. The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

TEMPORARY WIRELESS COMMUNICATION FACILITY. Any tower, pole, antenna and the like designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and alternative tower structures.

WIRELESS COMMUNICATION FACILITY. An all-encompassing definition; any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals or any other spectrum-based transmissions/receptions.

WHIP ANTENNA. An antenna that transmits signals in 360 degrees. **WHIP ANTENNAS** are typically cylindrical in shape and are less than six inches in diameter and measure up to 18 feet in height. Also are called **OMNIDIRECTIONAL, STICK OR PIPE ANTENNAS.**

VIEW CORRIDOR. A three-dimensional area extending out from a viewpoint. The width of the **VIEW CORRIDOR** depends in the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the **VIEW CORRIDOR** extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

(Ord. 2001-12-17, passed 12-17-2001)

§ 155.127 WIRELESS COMMUNICATION FACILITY APPLICATION PROCEDURE AND APPROVAL PROCESS.

(A) *General procedure.* The submission of applications for wireless communications facilities shall follow the same procedure as detailed in the county zoning regulations.

(B) *Additional procedures.* In addition to the information required elsewhere in the county zoning regulations, development applications and approval for wireless communications facilities shall include the following supplemental information:

- (1) A report from a qualified and licensed professional engineer which:
 - (a) Describes the tower height and design including a cross section, latitude, longitude and elevation;
 - (b) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;
 - (c) Describes the tower's capacity, including the number and type of antennas it can accommodate;
 - (d) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - (e) Includes an engineer's stamp and registration number; and
 - (f) Includes other information necessary to evaluate the request.
- (2) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use;
- (3) Before the issuance of a building permit, the following supplemental information shall be submitted:
 - (a) A copy of the FAA's response to the submitted "A Notice of Proposed Construction or Alteration" (FAA Form 7460-1) shall be submitted to the Area Plan Commission;
 - (b) Proof of compliance with applicable FCC regulations; and
 - (c) A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with structural and electrical standards.

(4) At the time of the first annual declaration of operation (§155.129), the applicant shall provide the Planning Department with an as-built survey from a registered land surveyor verifying the coordinates, height and site plan of the wireless facility.

(C) *Site plan requirements.* In addition to the site plan requirements found elsewhere in the county zoning regulations, site plans for wireless communications facilities shall include the following supplemental information:

- (1) Location and approximate size and height of all buildings and structures within 1,500 feet adjacent to the proposed wireless communication facility;
- (2) Site plan of the entire development, indicating all improvements including landscaping and screening;
- (3) Elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site; and
- (4) Plans shall be drawn at the scale of one-inch equals 50 feet.

(Ord. 2001-12-17, passed 12-17-2001)

§ 155.128 GENERAL APPROVAL STANDARDS.

Generally, approval of a wireless communications facility can be achieved if the following items are met:

- (A) The location of the proposed tower is compatible with the County Master Plan and zoning regulations;
- (B) The submitted site plan complies with the performance criteria set in these regulations;
- (C) The lowest six feet of the facility/tower be visually screened by trees or large shrubs;
- (D) The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety;
- (E) The owner of the wireless communication facility (by notarized written letter) has agreed to permit other persons/cellular providers to attach cellular antenna or other communications apparatus;
- (F) The proposed facility/tower is not constructed in such a manner as to result in needless height, mass and guy-wire supports;
- (G) The color of the proposed facility/tower will be of a light tone or color (except where required otherwise by the FAA) as to minimize the visual impact and that the tower will have a security fence around the tower base or the lot where the tower is located; and
- (H) The facility/tower is in compliance with any other applicable local, state or federal regulations.

(Ord. 2001-12-17, passed 12-17-2001)

§ 155.129 GENERAL WIRELESS COMMUNICATIONS FACILITY PERFORMANCE STANDARDS.

(A) *Co-location requirements.* All commercial wireless telecommunication towers erected, constructed or located within the jurisdiction of the county zoning regulations shall comply with the following requirements:

(1) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Board of Zoning Appeals in conjunction with a technical consultant (see § 155.125(1)(2)) finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two-mile search radius (one mile search radius for towers under 200 feet in height) of the proposed tower due to one or more of the following reasons:

- (a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;
- (b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;
- (c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; and
- (d) Other unforeseen reasons that make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

(2) Any proposed commercial wireless telecommunication service tower shall be designed, structurally and electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 200 feet in height or for at least one additional user if the tower is over 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(B) *Tower and antenna design requirements.*

- (1) Proposed or modified towers and antennas shall meet the following design requirements.

(2) Towers and antennas shall be designed to blend into the surrounding environment using monopole design when possible and through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(C) *Tower height.* The maximum tower height permitted is calculated by applying the following:

(1) If the tower is designed to accommodate only one service provider, the maximum height shall be 100 feet from grade;

(2) If the tower is designed to accommodate two service providers, the maximum height shall be 200 feet from grade; and

(3) If the tower is designed to accommodate more than two service providers, the maximum height shall be 300 feet from grade.

(D) *Accessory utility buildings.* All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning regulations.

(E) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting.

(F) *Antennas mounted on structures, roofs, walls and existing towers.* The placement of wireless telecommunication antennas on roofs, walls and existing towers may be approved by the County Board of Zoning Appeals, provided the antennas meet the requirements of these regulations, after submittal of:

(1) A final site and building plan as specified by §155.127; and

(2) A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

(G) *Temporary wireless communications facilities.* Any facility designed for temporary use (as defined in §155.126) is subject to the following:

(1) Use of a temporary facility is allowed only if the owner has received a temporary use permit from the County Planning Department;

(2) Temporary wireless facilities are permitted for use of no longer than 30 days for use while constructing permanent facilities, and no longer than five days for use during a special event; and

(3) The maximum height of a temporary wireless facility is 50 feet from grade.

(H) *Interference with public safety telecommunications.*

(1) No new or existing telecommunications service shall interfere with public safety telecommunications.

(2) All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

(3) Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Planning Department at least ten calendar days in advance of such changes to allow time to monitor interference levels during the testing process. (All new sites/structures are encouraged to show a good faith effort by providing local public safety telecom location at the 100-foot mark at a minimal cost.)

(I) *Abandoned or unused portions of towers.* Abandoned or unused towers or portions of towers shall be removed as follows:

(1) The owner of a wireless facility shall annually (in January) file a declaration with the Planning Department as to the continuing operation of every wireless carrier installed on the facility subject to these regulations. Each carrier shall be illustrated by its height on the facility; and

(2) Failure to do so shall be determined to mean the facility is no longer in use and considered abandoned, thus subject to the following.

(a) All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless the Planning Department approves a time extension via the Board of Zoning Appeals approval. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. If the applicant does not remove the facility, then it is the responsibility of the property owner.

(b) Unused portions of towers above a manufactured connection shall be removed within 180 days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new permit.

(J) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(Ord. 2001-12-17, passed 12-17-2001)

§ 155.130 ZONING SPECIFIC WIRELESS COMMUNICATION FACILITY PERFORMANCE STANDARDS.

(A) Zoning district description.

(1) *Agricultural Protection District (A1)*. This district is established to protect suitable land for active agricultural production in the county. Agricultural production is recognized as the primary economic activity in the county, and certain lands are particularly suited to such uses because of their size, configuration, soil, topography and location in relation to other land uses. This district is intended to prevent the conversion of such agricultural lands to urban uses and to promote the compatibility of land uses in the county.

(2) *Agriculture District (A2)*. This district is established to permit the full range of agricultural activities as well as certain planned large lot residential development with development standards, which protect the full range of agricultural uses as determined by the Plan Commission, and other uses customarily conducted in agricultural areas. This use is primarily located along highways and scenic corridors, and adjacent to municipalities.

(3) *Low Density Residential District (R1)*. The purpose of this district is to provide areas of low density, suburban type residential development with particular emphasis on promoting residential subdivision development.

(4) *Medium Density Residential District (R2)*. The purpose of this district is to provide areas of moderate density, suburban residential development with particular emphasis on promoting residential subdivision development.

(5) *Commercial Convenience District (CC)*. Businesses in the CC District cater to and are located close to residential districts and are development in a manner that reflects the residential character of the area. These businesses must not create excessive congestion, noise or other objectionable influences. Businesses located in this district tend to serve the day-to-day needs of the neighborhoods in which they are located.

(6) *Commercial General District (CG)*. Businesses located in the CG District require locations on or near major arterials and their intersections. CG businesses serve the day-to-day needs of the neighborhood, and supply the more permanent and durable needs of the whole community.

(7) *Industrial District (I)*. Uses located in this district encompass light and heavy industrial activities. Heavy industrial activities are generally major operation and extensive in character, and require large sites, open storage and service areas, quick access to regional transportation, and generate nuisances such as smoke, noise, vibrations, dust, glare, air pollution and water pollution. Heavy industrial uses should be located away from residential and commercial uses. Light industrial uses are relatively clean, quiet, and free of smoke, noise, color or dust.

(8) *Mineral Extraction District (ME)*. The purpose of this district is to provide land for the mining, excavation, processing and storing of mineral resources. This district is designed to ensure that these resources are properly managed and that all land which mineral extraction has occurred will be left in such conditions, so as to not create a hazard or nuisance which either immediately or in the future affects the health, safety or general welfare of the community.

(9) *Preservation District (PV)*. The purpose of this district is to retain and promote open space, historic and scenic views, the surroundings of culturally significant buildings or structures, and ecologically significant land adjacent to rivers. The Preservation District will also minimize soil erosion, siltation and water pollution.

(B) Wireless facility siting standards; zoning.

(1) New commercial wireless communications towers are allowed only as a special exception, requiring the approval of the Board of Zoning Appeals, in the following districts subject to division (D) below:

- (a) A1;
- (b) A2;
- (c) CC;
- (d) CG;
- (e) I; and
- (f) ME.

(2) New commercial wireless communications towers are not allowed in the following districts:

- (a) R1;
- (b) R2; and
- (c) PV.

(3) Noncommercial wireless facilities (amateur radio antennas) are subject to division (C) below.

(C) Noncommercial wireless faculty (amateur radio antennas) standards.

(1) Towers supporting amateur radio antennas and conforming to all applicable provisions of these regulations shall be allowed only in the rear yard of residentially zoned parcels.

(2) In accordance with the Federal Communications Commission's preemptive ruling PRB1, towers erected for the

primary purpose of supporting amateur radio antennas may exceed 30 feet in height provided that a determination is made by the Board of Zoning Appeals that the proposed tower height is technically necessary to successfully engage in amateur radio communications.

(D) *Commercial wireless facility performance criteria.*

	R1, R2, PV	A1, A2, CC, CG, I, ME
	R1, R2, PV	A1, A2, CC, CG, I, ME
Antenna to be affixed to a new (proposed) ground tower	Not allowed	<p>Special exception</p> <p>Maximum tower height: See § 155.129(C)</p> <p>Setbacks: the greater distance of the following:</p> <ol style="list-style-type: none"> 1. Tower height +10 feet from the street R/W or site boundaries 2. Twice the tower height from residential property lines
Antenna to be affixed to an existing building without a roof tower	<ol style="list-style-type: none"> 1. Antenna may be placed on the facade or roof of conforming building or structures without regard to height or setback of the building. 2. Antenna support structures will be considered to be roof towers if the height of the structure exceeds 10 feet above permitted height of the building. 	<ol style="list-style-type: none"> 1. Antenna may be placed on the facade or roof of conforming building or structures without regard to height or setback of the building. 2. Antenna support structures will be considered to be roof towers if the height of the structure exceeds 10 feet above permitted height of the building.
Antenna to be placed to a new (proposed) roof tower	Not allowed	<p>Special exception:</p> <ol style="list-style-type: none"> 1. Tower height above the roof may be as high as the setback distance to the nearest roof edge. 2. The heights allowable for a ground tower may be used for a roof tower if the required setbacks for a ground tower are met.
Antenna to be added to an existing approved ground tower	<p>Allowed if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The tower height is not increased. 2. No ancillary features are added to the tower other than antenna, required safety hardware and ancillary equipment buildings. 3. All conditions of the previous tower approval have been satisfied. 	<p>Allowed if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The tower height is not increased. 2. No ancillary features are added to the tower other than antenna, required safety hardware and ancillary equipment buildings. 3. All conditions of the previous tower approval have been satisfied.
Antenna to be added to a nonconforming tower	Subject to zoning requirements concerning nonconforming structures	Subject to zoning requirements concerning nonconforming structures

Antenna to be placed to an existing water tower	Allowed if the following conditions are met: 1. The antenna meets all FAA requirements. 2. Screening of the ancillary equipment buildings meets the Planning Directors approval	Allowed if the following conditions are met; 1. The antenna meets all FAA requirements. 2. Screening of the ancillary equipment buildings meets the Planning Director's approval
Accessory structures (equipment building and the like)	Subject to all requirements of appropriate zones (i.e., bulk, setback and the like)	Subject to all requirements of appropriate zones (i.e., bulk, setback and the like)

(Ord. 2001-12-17, passed 12-17-2001)

§ 155.999 PENALTY.

(A) *General zoning penalty.*

(1) *Violations.* If any new construction, structural changes, alteration or extension shall be commenced; or if any building shall be moved within the jurisdictional area of the county prior to the issuance of an improvement location permit, such action violates this section by the person performing the construction or work and the person owning the real estate.

(2) *Common nuisance.* Any building which shall be erected, raised or converted, or any land or premises which shall be used in violation of any provision of this chapter or of any regulations made by the Commission, shall be deemed to be a common nuisance and the owner of the building, land or premises shall be liable for maintaining a public nuisance.

(3) *Penalties for violation.* The procedures for the enforcement of this chapter are as follows.

(a) Actions for injunction for violations of this chapter shall be instituted by the Commission to restrain individuals or governmental units from violating the provisions of this chapter as enacted pursuant to I.C. 36-7-4 as amended, except that such actions may also be instituted by the county.

(b) The Plan Director shall be the designated enforcement officer and shall act for the Commission and shall not be personally liable for his or her official acts.

(c) The Commission as relator or otherwise, may institute suits for mandatory injunctions directing individuals or governmental units to remove structures erected in violation of the provisions of this chapter. If the Commission shall be successful in any such suit, the respondent shall bear the cost of the action.

(4) *Fines.*

(a) *General procedure.* There shall be a minimum of a three step procedure for the enforcement of violations. Intermediate steps, including additional notices of violation and extensions of time limits for compliance may be used by the Plan Director at his or her discretion. The minimum steps are as follow.

1. *Notice of violation.* The Plan Director shall issue a notice of violation to the person(s) who has committed, in whole or in part, a violation. Said notice is a warning to violator(s) that a violation has been determined and that it must be corrected within a specified time period.

2. *Notice of fines for violation.* The Plan Director shall issue a notice of fines for violation to the person(s) who has committed; in whole or in part, a violation. The notice of fines for violations is a citation that states the fines for the violation. The notice of fines for violation shall be mailed via certified mail, return receipt requested. The person(s) in violation will be given a time period to pay all applicable fines, and must correct the violation within the time period specified by the Plan Director or face additional fines.

3. *Legal action.* If the person(s) in violation refuses to pay the fines or correct the violation, the Plan Director may refer the violation to the Plan Commission Attorney in order to pursue Court action. Additional fines and liens against the property may also be pursued until the matter is resolved.

(b) *Monetary fines.* Monetary fines may be imposed, in addition to the fees specified in §155.068, at the discretion of the Plan Director with the notice of fines for violations.

1. *Multiple violations.* Each violation shall constitute a separate offense.

2. *Fine amount.* Each separate offense shall be subject to a fine from \$1,000 to \$2,500 per day from the day of compliance requested by the Plan Director in the notice of violation.

a. In addition to any fine imposed, any person who initiates any activity which requires a permit without first obtaining a permit may be required to pay three times the normal amount of the permit consistent with the adopted fee schedule.

b. The amount of the fine shall be at the discretion of the Plan Director.

3. *Payment.* The payment of any violation shall be by cash or cashier's check and shall be delivered to the Plan Director who shall forward same to the County Auditor for deposit.

a. Fine payments will not be accepted for a violation on a property on which other violations remain unresolved.

b. The Plan Director may, at his or her discretion, waive fines for the otherwise timely correction of the violation.

(c) *Appeals.* Any person receiving a notice of violation and/or fines for violation may appeal the violation and/or fine to a court of jurisdiction. A written statement from the person in violation, giving notice of the filing of an action with a court, shall be submitted to the Plan Director via certified mail at least three days prior to the date any fine and/or compliance is due.

1. *Fines.* Fines due will be postponed until the court of jurisdiction have made a ruling as to the violation and/or fine. The person(s) in violation shall have a maximum of 90 days to complete the hearing process. Failure to meet this deadline will reinstate all fines due by the person(s) in violation, including those which would have accumulated during the appeal process.

2. *Additional notices.* No additional notices will be issued by the County Planner if the person(s) in violation has (have) submitted an appeal or notice of court review.

(d) *Enforcement.* The County Planner via the Plan Commission Attorney may bring an action in the Putnam Circuit of Superior Court to evoke any legal, equitable or special remedy, for the enforcement of any ordinance or regulation created under I.C. 36-7-4, and its subsequent amendments.

(5) *Amendments.* All amendments to this chapter shall conform to relevant provisions of I.C. 36-7-4-600 et seq. and all acts amendatory thereto.

(6) *Validity.* If any title, article, section, clause, paragraph, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, article, section, clause, paragraph, provision or portion of this chapter.

(B) *Wireless facilities.* Any person who violates §§ 155.125 through 155.130 shall be subject to a fine of not more than \$575, such fine pursuant to the provisions of I.C. 36-7-4-1000.

(Ord. passed 7-20-1992; Ord. 2001-12-17, passed 12-17-2001; Ord. 2014-10-20-3, passed 10-20-2014)