

**VERMILLION
COUNTY**

**ZONING
ORDINANCE**

TABLE OF CONTENTS

VERMILLION COUNTY

ZONING ORDINANCE

		Page:
Article 1	Establishment of Districts	1
	Districts and Zoning Map Changes	1
	Replacement of Zoning Map	2
	Interpretation of District Boundaries	2
Article 2	Application of District Regulations	3
Article 3	Schedule of District Regulations	4
Section 1	Agriculture District	4
	Permitted uses and structures	4
	Uses permitted as Special Exceptions	5
	Minimum Lot Size	5
	Minimum Yard Size	5
	Maximum Height of Structures	5
	Minimum off-street parking requirements	5
	Limitations on Signs	6
Section 2	R-1 Rural Residential District	7
	Permitted uses and structures	7
	Uses permitted as Special Exceptions	7
	Minimum Lot Size	8
	Minimum Yard Size	8
	Maximum Height of Structure	8
	Minimum off-street parking requirements	8
	Limitations on Signs	8
Section 3	S-1 Suburban Residential District	8
	Permitted uses and structures	8
	Uses permitted as Special Exceptions	9
	Minimum Lot Size	10
	Minimum Yard Sizes	10
	Maximum Height of Structures	10
	Minimum off-street parking requirements	10
	Limitations on Signs	10
Section 4	S-2 Suburban Residential District	11
	Permitted uses and structures	11
	Uses permitted as Special Exceptions	12
	Minimum Lot Size	12
	Minimum Yard Sizes	12
	Maximum Height of Structures	12
	Minimum off-street parking	12
	Limitations on Signs	12

		<u>Page:</u>
Section 5	U-1 Urban Residential District	13
	Permitted uses and Structures	13
	Uses permitted as Special Exceptions	13
	Minimum Lot Size	13
	Minimum Yard Sizes	14
	Maximum Height of Structure	14
	Minimum off-street parking requirements	14
	Limitations on Signs	14
Section 6	B-2 General Business	14
	Permitted uses and Structures	14
	Uses permitted as Special Exceptions	15
	Minimum Lot Size	16
	Minimum Yard Sizes	16
	Maximum Height of Structures	16
	Minimum off-street parking requirements	16
	Off-street loading and unloading requirements	17
	Limitations on Signs	18
Section 7	B-3 Interchange Development	18
	Permitted uses and Structures	18
	Approval of Site Plan	19
	Minimum Lot Size	20
	Minimum Yard Sizes	20
	Maximum Height of Structures	20
	Minimum off-street parking requirements	20
	Limitations of Signs	20
Section 8	I-1 Industrial District	20
	Permitted uses and Structures	20
	Uses permitted as Special Exceptions	21
	Minimum Lot Size	21
	Minimum Yard Sizes	21
	Maximum Height of Structures	21
	Minimum off-street parking requirements	21
	Limitations on Signs	22
Section 9	I-2 Industrial District	22
	Permitted uses and Structures	22
	Uses Permitted as Special Exceptions	23
	Minimum Lot Size	24
	Minimum Yard Sizes	24
	Maximum Height of Structures	24
	Minimum off-street parking requirements	24
	Limitations on Signs	24
Article 4	Supplemental District Regulations	24
	Buildings on a Lot	24
	Divisions of Lots	24

	Page:
Access to Public Street	24
Access to Business of Industrial Districts	25
Visual Clearance on Corner Lots	25
Fences, Walls and Hedges	25
Accessory Buildings, Structures and Uses	25
Public Utility Uses	25
Height Modification	25
Front Yards	25
Projections into Yards	26
Signs	26
Mobile Homes in Agriculture Districts	26
Compact Homes	26
Recreational Vehicle Parks	27
Mobile Home Parks	28
Temporary Uses of Land or Structure	29
Off-street Parking	29
Off-street Loading	31
Planned Developments	31
Use Exceptions	31
Bulk Regulation Exceptions	32
Existing Conditions	32
Proposed Future Conditions	33
Additional Information	33
Flood Hazard Areas	34
Performance Standards, General Requirements	
for Industrial Districts	35
Noise	35
Vibration	35
Air Contaminants	35
Exceptions to Performance Standards	
and General Requirements	36
Mobile Home Subdivisions	36
Article 5	
Non-Conforming Uses	37
Buildings under Construction	37
Non-conforming Lots of Record	37
Non-conforming Uses of Land	37
Non-conforming Structures	38
Non-conforming Uses of Structures	38
Repairs and Maintenance	39
Article 6	
Administration and Enforcement	39
Administration and Enforcement	39
Improvement Location Permit	39
Application for Improvement Permit	39

	Page:
Certificates of Occupancy	40
Expiration of Improvement Location Permit	40
Construction and Use	40
No Permit Required For	41
Article 7	
Board of Zoning Appeals	41
Creation	41
Rules and Procedures	41
Powers and Duties	41
Hear and Determine Appeals Special Exceptions	41
Permit and Authorize Special Exceptions	41
Area Plan Commission Recommendations	42
Finding of Fact	42
Time Limit as a condition of Special Exception	42
Hear and Determine Appeals for Variances	42
Conditions and Safeguards	43
Powers of Board	43
Article 8	
Amendments	43
Article 9	
Fees and Expenses for Notice	43
Improvement Location Permit	43
Certificate of Occupancy	44
Mobile Home Permit	44
Petition for Rezoning	44
Variance	44
Special Exception	44
Cost of Publication and Petitioner's Responsibilities	44
Article 10	
Enforcement	44
Violations a Common Nuisance	44
Injunction	44
Penalty	45
Article 11	
Definitions	45
Article 12	
Separability Clause	51
Article 13	
Repeal of Conflicting Ordinances	51
Amendments to Ordinance	52-57

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR VERMILLION COUNTY, INDIANA, PROVIDING FOR THE ADMINISTRATION AND PENALTIES FOR VIOLATION THEREOF AND FOR THE REPEAL OF ALL CONFLICTING ORDINANCES.

THIS ORDINANCE is in accordance with a Comprehensive Plan and is adopted 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; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. This ordinance is made with reasonable regard 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 territory under the jurisdiction of the Vermillion County, Indiana, Area Plan Commission.

Now therefore be it ordained by the Board of County Commissioners of Vermillion County, Indiana, under authority of Chapter 138, Acts of 1957, General Assembly of the State of Indiana and all acts amendatory thereto:

This ordinance may be cited as:

The Vermillion County Zoning Ordinance.

ARTICLE 1

ESTABLISHMENT OF DISTRICTS: ZONING MAP

Section 1. The County is hereby divided into the following districts:

- A- Agricultural District
- R-1 Rural Residential District
- S-1 Suburban Residential District
- S-2 Suburban Residential District
- U-1 Urban Residential District
- B-2 General Business District
- B-3 Interchange Development District
- I-1 Industrial District
- I-2 Industrial District

which are shown on the Township Zoning Maps, which, together with all explanatory matter thereon, are incorporated into and made a part of this Ordinance.

The Zoning Maps shall be identified by the signature of the President of the Board of County Commissioners and the Seal of the County under the words: "I hereby certify that these are the Zoning Maps referred to in Article 1, Section 1 of Ordinance Number 1135 together with the date of the adoption of this Ordinance.

If any changes are made in the district boundaries or any other matter portrayed on the Zoning maps, such changes together with the following statement: "On (date), by official action of the Board of County Commissioners the following (change) changes (was) were made in the Zoning Maps: (brief description of nature of change,)" shall be made on the Zoning Maps promptly after the amendment has been approved by the Board of County Commissioners. The entry shall be signed by the President of the Board of County Commissioners and bear the seal of the County. No amendment to this Ordinance involving anything portrayed on the Zoning maps shall become effective until after such change has been made on the maps.

Regardless of the existence of copies of the official Zoning Maps which may from time to time be made or published, the Official Zoning Maps which shall be located in the County Court House are the final authority as to the current zoning status of land and water areas, buildings, and other structures in the unincorporated rated area of the county.

Section 2. Replacement of Zoning Maps:

In the event the Zoning maps become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions the Board of County Commissioners may by resolution adopt a replacement which shall replace the existing Zoning Maps. The new Zoning Maps may correct drafting or other errors or omissions in the replaced Zoning Maps but may not amend the zoning ordinance. The new *Zoning* Maps shall be identified by the signature of the President of the Board of County Commissioners and the seal of the county under the following words: "I do hereby certify that these Zoning Maps supersede and replace the Zoning maps adopted (date of adoption of maps being replaced) as part of Ordinance No. 1135 dealing with the text of the resolution.

Section 3. Interpretation of District Boundaries:

The following rules shall be used in interpreting the Zoning Maps:

- a. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, streams, rivers, or other bodies of water shall be construed to follow such centerlines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as approximately following corporate, township or county lines shall be construed as following those lines;

- d. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (c) above shall be so construed. Distances not specifically indicated on the Zoning maps shall be determined by the scale of the map;
- e. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Maps, or in other circumstances not covered by subsections (a) through (d) above, the Board of Zoning Appeals shall interpret the district boundaries.

ARTICLE 2

APPLICATION OF DISTRICT REGULATIONS

Section 1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations specified in this ordinance for the district in which it is located.

Section 2. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

Section 3. The regulations established by this ordinance are the minimum requirements for the promotion of the public health, safety, comfort, morale, convenience, and general public welfare. Whenever the requirements of this ordinance are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE 3
SCHEDULE OF DISTRICT REGULATIONS

Section 1
A - Agriculture District

a. Permitted Uses and Structures:

1. Agriculture.
2. Single-family dwellings.
3. Public parks, playgrounds, recreation areas and public golf courses and country clubs.
4. Public elementary, junior high, and high schools, and buildings for town, city, county, State, and Federal Government use.
5. Churches and cemeteries.
6. Community buildings and offices for agriculture and conservation public agencies.
7. Electric and telephone substations and distribution centers; filtration plant, pumping station and water reservoir; public or package treatment plants; fire stations; telephone exchange; radio and television transmitting or relay stations; and antenna towers; and other similar governmental and public utility service uses when located 200 feet or more from a residential lot or district boundary line.
8. Nurseries, greenhouses, and orchards. Roadside stands, provided all produce sold is produced on the premises.
9. Planned developments, residential, on tracts of land of 5 acres or more in area in accordance with Article 4, Section 20.
10. Home Occupations.
11. Temporary buildings and structures incidental to construction work only for the period of such work.
12. Storage of a continually unoccupied recreational vehicle in a private garage or rear or side yard.
13. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.

b. Uses Permitted as Special Exceptions by Board of Zoning Appeals.

1. Public or private airports and landing strips.
2. Private clubs and religious and charitable institutions.
3. The following uses provided the principal building, structure, or use is 200 feet or more from a residential lot or district boundary line: dog kennels, veterinarian office and animal hospital, sanitary land fills, livestock auction barns and yards, commercial riding stables, sawmills, and farm service centers.
4. Mobile home when located on a lot, which adjoins a public thoroughfare, and in accordance with the requirements of Article 4, Section 13.
5. Compact homes in accordance with the requirements of Article 4, Section 14.
6. Recreational Vehicle Parks in accordance with the requirements of Article 4, Section 15.
7. Uses, buildings and structures customarily accessory and clearly incidental to the above uses.

c. Minimum Lot Size: Lot Area - 1 acre. Lot width - 200 feet at the building setback line.

d. Minimum Yard Sizes: Front Yard - 50 feet along Major Highways; 40 feet along Collector Highways; 30 feet along all other roads. Rear Yard - 25 feet. Side Yards - 40 feet (each side).

e. Maximum Height of Structures: None.

f. Minimum Off-Street Parking Requirements:

Single-family dwelling and mobile homes - 1 parking space for each dwelling.

Public elementary or junior high schools - 1 parking space for each 3-faculty members and other full-time employees.

Public high schools - 1 parking space for each 7 students in accordance with design capacity of building.

School and institutional auditoriums and churches - 1 parking space for each 2 persons employed on the premises, and 1 additional space for each 6 seats based on maximum seating capacity, including fixed and movable seats.

Gymnasiums stadiums and grandstands - 1 parking space for each 6 seats based on maximum seating capacity, including fixed and movable seats.

Meeting halls and private clubs - parking spaces equal to 30 percent of the maximum number of people that can be accommodated in accordance with design capacity.

Home occupations - 1 parking space in addition to residence requirements.

Other permitted or special exception uses - parking spaces as determined by the Board.

g. Limitations on Signs: For each use no sign intended to be read from off the premises shall be permitted except non-flashing signs in accordance with the following provisions:

1. Nameplate and identification signs.

Agriculture use - not more than 1 nameplate for each principal farm dwelling.

Non-agricultural use - not more than 1 identification sign indicating only the name and address of the building.

On a corner lot 2 such nameplates or identification signs - one facing each street - shall be permitted.

No sign shall be closer than 15 feet to a lot line adjoining a street.

No sign shall project higher than 2 stories or 25 feet above curb level, whichever is lower.

2. For sale and to rent signs.

Not more than 1 sign per lot, not exceeding 12 square feet in area, and no closer than 8 feet to any other lot.

On a corner lot - 2 such signs - one facing each street - shall be permitted.

No sign shall project beyond the property line into the public right-of-way.

No sign shall project higher than 1 story or 15 feet above curb level, whichever is lower.

3. Roadside stand signs.

Not more than 2 signs, located only on the same lot as the roadside stand, not exceeding 12 square feet in area, and no closer than 50 feet to any other lot.

No sign shall project beyond the property line into the public right-of-way.

No sign shall project higher than 15 feet above curb level.

Section 2
R-1 Rural Residential District

a. Permitted Uses and Structures:

1. Agriculture.
2. Single-family dwellings.
3. Public parks, playgrounds, recreation areas and public golf courses and country clubs.
4. Public elementary, junior high, and high schools, and buildings for town, city, county, State and Federal Government use.
5. Churches and cemeteries.
6. Community Buildings and offices for agriculture and conservation public agencies.
7. Nurseries, greenhouses, and orchards. Roadside stands, provided all produce sold is produced on the premises.
8. Planned developments, residential, on tracts of land of 5 acres or more in area in accordance with Article 4, Section 20.
9. Temporary real estate offices for sale or rental of real estate on the premises when located within a subdivision containing 10 acres or more in area or a planned development.
10. Temporary buildings and structures incidental to construction work only for the period of such work.
11. Storage of a continually unoccupied recreational vehicle in a private garage or rear or side yard.
12. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.

b. Uses Permitted as Special Exceptions by Board of Zoning Appeals:

1. Public or private airports and landing strips.
2. Private clubs and religious and charitable institutions.

3. Electric and telephone substations and distribution centers; filtration plant, pumping station and water reservoir; public or package treatment plants; fire stations; telephone exchange; radio and television transmitting or relay stations; antenna towers; and other similar governmental and public utility service uses when located 200 feet or more from a residential lot or district boundary line.
 4. Home occupations.
 5. Nursery schools.
 6. Veterinarian office and animal hospital.
 7. Mobile home, when located on a lot, which adjoins a public thoroughfare, and in accordance with the requirements of Article 4, Section 13.
 8. Compact homes in accordance with the requirements of Article 4, Section 14.
 9. Recreational Vehicle Parks in accordance with the requirements of Article 4, Section 15.
 10. Uses, buildings and structures customarily accessory and clearly incidental to the above uses.
- c. **Minimum Lot Size:** Lot Area -1 acre. Lot width -150 feet at the building setback line.
 - d. **Minimum Yard Sizes:** Front Yard - 50 feet along Major Highways; 40 feet along Collector Highways; 30 feet along all other roads; Rear Yard - 25 feet; Side Yards - 15 feet (each side).
 - e. **Maximum Height of Structure:** 2 1/2 stories or 35 feet, whichever is lower.
 - f. **Minimum Off-Street Parking Requirements:** Same as in A-Agriculture District. Planned Developments - at least the total number of parking spaces on the basis of the required spaces for each individual use.
 - g. **Limitations on Signs:** Same as in S-1-Suburban Residential District.

Section 3

S-1 Suburban Residential District

- a. **Permitted uses and Structures:**
 - 1 The uses permitted and as regulated in numbers 1, 2, 3, 4, 5, 6, 8, 11, and 12, A - Agricultural District and the following uses:

- 2 Planned Developments, residential, on tracts of 5 acres or more in area in accordance with Article 4, Section 20.
- 3 Mobile home when located in a mobile home park.
- 4 Temporary real estate offices for sale or rental of real estate on the premises when located within a subdivision containing 10 acres or more in area or a planned development.
- 5 Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.

b. Uses Permitted as Special Exceptions by Board of Zoning Appeals:

- 1 Private clubs and religious and charitable institutions.
- 2 Home occupations.
- 3 Nursery schools.
- 4 Nursing or rest homes.
- 5 Electric and telephone substations and distribution centers; filtration plant, pumping station and water reservoir; public or package treatment plants; fire stations; telephone exchange; radio and television transmitting or relay stations; antenna towers and other similar governmental and public utility service uses.
- 6 Mobile home parks in accordance with the Mobile Home Parks Act of 1955, as amended, Indiana State Board of Health Regulations, as amended, and Article 4, Section 16 of this Ordinance when located adjacent to a Major or Collector Highway or Local Collector Road or Street.
- 7 Hospitals and medical clinics.
- 8 Uses, building, and structures customarily accessory and clearly incidental to the above uses.
- 9 Mobile home in accordance with the following provision.
Each mobile home shall be located on a lot and shall be the only principal building on the lot.

The minimum lot size, minimum yard sizes, and other single-family dwelling requirements of the S-1 Suburban Residential District are complied with.

Each mobile home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for and attached to appropriate external systems.

Each mobile home shall be supported under the I-beams and shall be skirted on all sides with a permanently attached, substantial material, such as painted metal, fiberglass, concrete or masonry that will not detract from the appearance of the mobile home.

The mobile home shall be oriented on the lot in such a manner as is most compatible with other dwellings in the immediate neighborhood.

- c. **Minimum Lot Size:** Lot Area - 1/2 acre Lot Width - 100 feet
- d. **Minimum Yard Sizes:** Front Yard - 50 feet along Major Highways 40 feet along Collector Highways, 30 feet along all other roads. Rear Yard - 25 feet. Side yards - 10 feet (each side).
- e. **Maximum Height of Structures:** 2-1/2 stories or 35 feet, whichever is lower.
- f. **Minimum Off-Street Parking Requirements:** Same as in A - Agriculture District.
Planned Developments - at least the total number of parking Spaces on the basis of the required spaces for each individual use.

Hospital and nursing and rest homes - 1 parking space for each mobile home site, plus 1 space for each four sites for guest parking.

- g. **Limitations on Signs:** For each use no sign intended to be read from off the premises shall be permitted except non-flashing signs in accordance with the following provisions:

1. Nameplate and identification signs.

Agriculture use - as permitted in A - Agriculture District.

Residential uses - not more than 1 nameplate, not exceeding 1 square foot in area, for each dwelling unit indicating the name or address of the occupant or a permitted occupation.

Other uses - not more than 1 identification sign, not exceeding 16 square feet in area, which indicates only the name and address of the building or use.

On a corner lot 2 such signs - one facing each street-shall be permitted.

No sign shall be closer than 15 feet to a lot line adjoining a street.

No sign shall project higher than 1 story, or 15 feet above curb level, whichever is lower.

2. For sale and to rent signs.

Not more than 1 sign per lot, not exceeding 12 square feet in area and no closer than 8 feet to any other lot.

During the construction and sale of lots in a subdivision containing at least 10 acres, a temporary sign may be erected along each side of the subdivision fronting on the street, provided each sign contains not more than 120 square feet of surface area.

On a corner lot 2 such signs - one facing each street - shall be permitted.

No sign shall project beyond the property line into the public right-of-way.

No sign shall project higher than 1 story, or 15 feet above curb level, whichever is lower.

3. Signs accessory to parking areas.

Non-residential uses - signs designating entrances or exits are limited to 1 sign for each such entrance or exit and to a maximum size of 2 square feet each. 1 sign per parking area designating the identity or conditions of use and limited to a maximum size of 9 square feet shall be permitted.

On a corner lot 2 such signs - one facing each street - shall be permitted.

No sign shall project beyond the property line into the public right-of-way.

No sign shall project higher than 7 feet above curb level.

Section 4

S-2 Suburban Residential District

a. Permitted Uses and Structures:

- 1 Agriculture.
- 2 Single-family dwellings.
- 3 Public parks, playgrounds, recreation areas and public golf courses and country clubs.
- 4 Public elementary, junior high, and high schools and public buildings.
- 5 Churches and cemeteries.
- 6 Nurseries, greenhouses, and orchards. Roadside stands, provided all produce sold is produced on the premises.
- 7 Planned developments, residential, on tracts of land of 5 acres or more in area in accordance with Article 4, Section 20.

- 8 Temporary real estate offices for sale or rental of real estate on the premises when located within a subdivision containing 10 acres or more in area or a planned development.
- 9 Temporary buildings and structures incidental to construction work only for the period of such work.
- 10 Storage of a continually unoccupied recreational vehicle in a private garage or rear or side yard.
- 11 Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.

b. Uses Permitted as Special Exceptions by Board of Zoning Appeals:

- 1 Private clubs and religious and other charitable institutions.
- 2 Electric and telephone substations and distribution centers; filtration plant, pumping station and water reservoir; public or package treatment plants.
- 3 Home Occupations.
- 4 Nursery schools.
- 5 Nursing or rest homes.
- 6 Hospitals and medical clinics.
- 7 Uses, buildings and structures customarily accessory and clearly incidental to the above uses.

c. Minimum Lot Size: Lot Area - 1/2 acre. Lot Width - 100 feet at the building setback line.

d. Minimum Yard Sizes: Front Yard - 50 feet along Major Highways; 40 feet along Collector Highways; 30 feet along all other roads. Rear Yard - 25 feet. Side Yards - 10 feet (each side).

e. Maximum Height of Structures: 2 1/2 stories or 35 feet, whichever is lower.

f. Minimum Off-Street Parking Requirements: Same as in S-1 Suburban Residential District.

g. Limitations on Signs: Same as in S-1 Suburban Residential District.

Section 5
U-1 Urban Residential District.

a. Permitted Uses and Structures:

1. Single-family dwellings.
2. Public parks, playgrounds, recreation areas and public golf courses and country clubs.
3. Public elementary, junior high, and high schools and buildings for town, city, county, State and Federal Government use.
4. Churches and Community buildings.
5. The uses permitted and as regulated in numbers 2, 3, and 4, S-1 Suburban Residential District.
6. Temporary buildings and structures incidental to construction work only for the period of such work.
7. Storage of a continually unoccupied recreational vehicle in a private garage or rear or side yard.
8. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.

b. Uses Permitted as Special Exceptions by Board of Zoning Appeals:

1. The special exceptions permitted and as regulated in numbers 1, 2, 3, 4, 5, 6 and 7, S-1 Suburban Residential District.
2. Two-family dwellings and multiple-family dwellings.
3. Uses, buildings, and structures customarily accessory and clearly incidental to the above uses.

c. Minimum Lot Size:

	Area Per Dwelling Unit (Square Feet)	Lot Width (Feet)
<u>Single-Family</u>		
With sanitary sewers	7,200	60
Without sanitary sewers	12,000	80
<u>Two-Family</u>		
With sanitary sewers	6,000	80
Without sanitary sewers	7,500	90

Multiple-Family

With sanitary sewers	3,500	90
Without sanitary sewers	5,000	100

- d. **Minimum Yard Sizes:** Front Yard - 35 feet along Major and Collector Highways and 25 feet along all other roads. Rear Yard - 25 feet. Side Yard - 8 feet (each side).
- e. **Maximum Height of Structures:** Single-family and two-family dwellings 2-1/2 stories or 35 feet whichever is lower. *Multiple-family dwellings - 3 stories or 35 feet whichever is lower, except this height may be increased provided that for each 1 foot of building height over 35 feet, each required side and rear yard shall be increased by 2 feet.
- g. **Minimum Off-Street Parking Requirements:**
- Same as in S-1 suburban Residential District.
- Two-family dwellings: 1 parking space for each dwelling unit.
- Multiple-family dwellings: 1-1/2 parking spaces for each dwelling unit.
- g. **Limitations on Signs:** Same as in S-1 Suburban Residential District.

Section 6

B-2 General Business District.

- a. **Permitted Uses and Structures.**
1. Retail businesses and customary accessory service activities.
 2. Personal, business, financial, and professional services.
 3. Post offices; telegraph offices electric substations and distribution centers; fire and police stations; gas regulator stations; telephone exchanges and transmission equipment buildings and microwave relay towers; and waterworks, reservoirs, pumping stations, filtration plants, sewage treatment plants, and parks.
 4. A dwelling unit or lodging room as an accessory use in the principal building.
 5. Temporary buildings and structures incidental to construction work only for the period of such work.

6. Planned developments, business, on tracts of land of 4 acres or more in area in accordance with Article 4, Section 20 of this ordinance.
7. Recreational Vehicle Parks in accordance with the minimum requirements of Article 4, Section 15.
8. Amusement establishments such as bowling alleys, pool halls, dance halls, amusement parks and other out-door amusement facilities.
9. Automobile service station; boat sales, rentals, storage and repair; greenhouses, retail; machinery sales; monument sales; motor vehicles sales; pet shops; plumbing showrooms and shops; restaurants and taverns, including live entertainment and dancing; second-hand stores and rummage shops, excluding building materials or salvage goods; theaters, indoor; trailer sales and rental, for use with private passenger motor vehicles; mobile home sales; and drive-in food establishments.
10. Animal hospitals; auction rooms; blue-printing and photo-stating establishments; cartage and express facilities; frozen food lockers; motels; laboratories - medical and dental; laundrettes; model homes or garage displays; schools - music, dance, trade or business; undertaking establishments; and farm service centers.
11. Clubs and lodges, non-profit; convention and meeting halls; exhibition halls; charitable institutions; and parking lots, open and other than accessory and subject to the provisions of Article 4, Section 18 of this ordinance.
12. Building material sales, retail, but not including processing or manufacture of millwork; contractor's or construction offices and shops, without outside storage; dry cleaning establishments; fuel and ice sales provided liquid fuels in excess of 120 gallons are stored in underground tanks; garages for storage, repair, and servicing of motor vehicles; printing; publishing; radar installations and towers; and storage, warehousing and wholesale establishments.
13. Storage of a continually unoccupied mobile home or recreational vehicle.
14. Uses, buildings and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

b. Uses Permitted as Special Exceptions by Board of Zoning Appeals:

1. Theaters, drive-in - provided vehicular entrance and exit points are on thoroughfares located within a business or manufacturing district; no building or structure shall be set back from a property line or a residence district boundary line less than 40 feet; artificial lighting shall be arranged so that direct rays of light shall not beam upon adjoining properties and streets; and off-street reservoir parking spaces are installed, equal in number to 10 percent of the vehicle capacity of the theater.

2. Highway maintenance garages and yards.
3. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

c. **Minimum Lot Size:** None required.

d. **Minimum Yard Sizes:** Front Yard - 25 feet; Rear Yard - 20 feet. Side Yards - Not required along an interior lot line, but if provided, shall be not less than 5 feet. On a corner lot adjoining a street - 25 feet. Transitional yards—along a side lot line which, coincides with a side or rear lot line of a lot in a residence district, a yard shall be provided equal in width to the side yard required for a lot in the residence district.

e. **Maximum Height of Structures:** Three stories or 45 feet.

f. **Minimum Off-Street Parking and Loading Requirements:**

Off-Street Parking: Same as in U-1 Urban Residential District.

Private clubs and lodges - 1 parking space for each lodging room and 1 space for each 6 seats in accordance with design capacity of the main meeting room.

Motels - 1 parking space for each dwelling unit.

Schools - commercial or trade and music, dance, or business - 1 parking space for each 2 employees, plus 1 space for each 5 students based on the maximum student design capacity.

Bowling alleys - 7 parking spaces for each alley, plus such additional spaces as may be required herein for affiliated uses.

Gymnasiums, health salons, swimming pools, skating rinks, and dance halls, commercial - 1 parking space for each 3 persons based upon maximum design capacity, plus 1 space for each 3 employees.

Automobile service stations - 1 parking space for each employee, plus 2 spaces for each service stall.

Motor vehicle sales, wholesale stores, and stores for repair of household equipment or furniture-1 parking space for each 400 square feet of floor area.

Undertaking establishments and funeral parlors - 8 parking spaces for each chapel or parlor, plus 1 space for each funeral vehicle maintained on the premises,

Auto Laundries - 1 parking space for each 3 employees, plus 1 space for the owner or manager and reservoir parking spaces equal in number to 5 times the maximum capacity of the auto laundry.

Warehouse, storage, wholesale and mail order establishments - 1 parking space for each 2 employees based upon the maximum number of persons employed on the premises.

Cartage, express, parcel delivery and freight terminal establishments - 1 parking space for each 2 employees based upon the maximum number of persons employed on the premises, plus 1 space for each vehicle maintained on the premises.

Medical and dental clinics - 3 parking spaces for each examining or treatment room, plus 1 for each doctor and each employee in the building.

Restaurants and taverns - 1 parking space for each 3 persons based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity.

Banks - 1 parking space for each 300 square feet of floor area.

Business, professional, and public administration or service office buildings - 1 parking space for each 500 square feet of floor area.

Furniture and appliance stores - 1 parking space for each 400 square feet of floor area.

Other business and commercial establishments – 1 parking space for each 300 square feet of gross floor area.

Other permitted or special exception uses: parking spaces as determined by the Board.

Off-Street Loading and Unloading:

<u>Use</u>	<u>Gross Floor Area</u>	<u>No. of Berths</u>
Business or Commercial	5,000 to 10,000 sq. ft.	1(10x25')
	10,000 to 25,000 sq. ft.	2(10x25'each)
	25,000 to 40,000 sq. ft.	2(10x50'each)
	40,000 to 100,000 sq. ft.	3(10x50'each)
	Each additional 200,000 Sq. ft. or fraction thereof over 100,000 sq. ft.	1(10x50')

For Planned Developments, and Business: the total of the required berths for each individual use.

g. Limitations on Signs: For each use, no sign intended to be read from off the premises shall be permitted except in accordance with the following provisions:

1. Business signs and advertising signs in accordance with the following provisions:

- a. The gross surface area in square feet of all signs on a lot shall not exceed 6 times the lineal feet of frontage of the lot. Each side of the lot which adjoins a street shall be considered a separate frontage.
- b. The gross surface area of all advertising signs shall not exceed one-half the gross surface area of all signs permitted on a lot. Each side of the lot which adjoins a street shall be considered a separate frontage.
- c. A business sign when affixed to a building shall not project there from more than 8 feet. A business sign not affixed to a building shall be no nearer than 5 feet to a street right-of-way line.
- d. A business sign affixed to a building shall project no higher than 6 feet above building height. A business sign not affixed to a building shall project no higher than 30 feet.
- e. Advertising signs affixed to a building wall shall not project there from more than 2 feet, nor project higher than the building height. Free-standing advertising signs shall be located no closer than 40 feet to a street right-of-way line, 20 feet to a rear property line, 5 feet to a side lot line, and 100 feet to a residence district boundary line, nor project higher than 20 feet above the mean elevation of the finished grade of the adjoining ground or pavement.
- f. Any sign not affixed to a building and located within 3 feet of a driveway or parking area or within 50 feet of the intersection of two or more streets shall have its lowest elevation at least 9 feet above the mean elevation of the finished grade of the adjoining ground or pavement.
- g. Signs may have constant or flashing illumination, provided that where a sign is illuminated by light reflected upon it direct rays of light shall be shielded from residential buildings and the street.

Section 7

B-3 Interchange Development District.

- a. **Permitted Uses and Structures:** The following uses, provided all storage, servicing, or processing shall be conducted within completely enclosed buildings except for the following: "drive-in" establishments offering goods or services directly to customers waiting in parked motor vehicles, auxiliary storage to the principal use when it occupies not more than 20 percent of the gross lot area, storage of merchandise on display for sale to the public, and off street parking and loading and in accordance with paragraph b. below.
 - 1. Motels, hotels, restaurants, taverns and nightclubs, including live entertainment and dancing.

2. Establishments of the carryout or drive-in type offering goods or services directly to customers waiting in parked motor vehicles.
3. Commercial recreational uses, including golf, bowling alleys, amusement parks, and similar uses.
4. Sales and rental of automobiles, campers, mobile homes, and boats providing all servicing and maintenance shall be carried on within enclosed buildings.
5. Automobile service stations, farm machinery sales and service, garages for repair and servicing of motor vehicles.
6. Professional office uses, including medical and dental clinics.
7. Gift shops, antique stores, furniture and appliance stores, farm service centers, and laundrettes.
8. Recreational Vehicle Parks in accordance with the requirements of Article 4, Section 15.
9. Planned Developments, business, on tracts of land of four (4) acres or more in area in accordance with Article 4, Section 20.
10. The uses permitted and as regulated in numbers 1, 2, 3 and 5, I-1 Industrial District.
11. Other similar or comparable uses to those set forth in this section.

b. Approval of site plan:

1. No building or structure shall be erected or altered, or land used, unless and until a site plan of development for such building, structure or use has been presented to and approved by the Commission.
2. An application for an Improvement Location Permit in the B-3 Interchange Development District shall be accompanied by a detailed site plan showing the proposed use of buildings, structures, or land; the arrangement of all buildings and structures; the location of streets and driveways (existing and proposed) and proposed ingress and egress points; utility lines and easements, sewerage and water facilities, and drainage; parking and loading areas; buffer landscaping or screening; final grade and topography at a contour interval of five (5) feet or less; and other pertinent information as required by the Commission.
3. In approving a site plan the Commission shall determine that it conforms to all applicable provisions of this ordinance, that the safety and convenience of the public are properly provided for, and that adequate protection and separation are provided for contiguous and nearby properties. The Commission may attach to its approval of a site plan any reasonable conditions, limitations, or requirements which are found necessary, in its judgment, regarding: the number and location of ingress and egress points; the provision of marginal

access or service roads; the provision of adequate utility services; adequate internal circulation for vehicles and pedestrians; and compatibility with adjoining and nearby uses.

- c. **Minimum Lot Size:** Lot Area - 20,000 square feet. Lot Width - 100 feet.
- d. **Minimum Yard Sizes:** Front Yard - 50 feet. Rear Yard - 30 feet. Side Yard - 15 feet (each side) when adjoining an interior lot line; 25 feet when adjoining a street; and 50 feet where a side lot line coincides with a side or rear lot line in an adjacent Residential or Agriculture District.
- e. **Maximum Height of Structures:** 45 feet
- f. **Minimum Off-Street Parking and Loading Requirements:** Same as in B-2 General Business District.
- g. **Limitations on Signs:** Business signs as permitted and regulated in Numbers (a), (c), (d), (f), and (g), B-2 General Business District, except no maximum height limitation shall be required.

Section 8

I-1 Industrial District

a. Permitted uses and Structures:

1. The following uses provided the principal use is conducted within a completely enclosed building and conforms to the performance standards and general requirements of Article 4, Section 22 of this ordinance:

Light manufacturing, including processing, refining, fabricating, assembling, cleaning, testing or repairing of goods, materials, or products.

Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.

Wholesaling, warehousing, packaging, storage or distribution facilities.

General offices associated with an industrial use, including service facilities for employees or guests.

Printing, lithographing, publishing, or photography establishments.

2. Agriculture, as permitted and regulated in the A - Agriculture District.

3. Electric and telephone substations and distribution centers; filtration, plant, pumping station and water reservoir public or package treatment plants; fire stations; telephone exchange; radio and television transmitting or relay stations; antenna towers; and other similar governmental and public utility service uses.
4. Planned Developments, manufacturing, on tracts of land of 20 acres or more in area in accordance with Article 4, Section 20.
5. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use, including recreational areas for employees, and lodging facilities for owners, guards, or caretakers.

b. Uses Permitted as Special Exceptions by Board of Zoning Appeals:

1. Storage and use of explosive materials.
2. Trucking terminals.
3. Uses, buildings, and structures customarily accessory and clearly incidental to the above Uses.

c. Minimum Lot Size: Lot Area - 20,000 square feet. Lot Width - 100 feet.

d. Minimum Yard Sizes: Front Yard- 50 feet. Rear Yard - Except where abutting a railroad right-of-way, 30 feet. Side Yards- 15 feet (each side), when adjoining an interior lot line; 25 feet when adjoining a street and 50 feet where a side lot line coincides with a side or rear lot line in an adjacent Residential or Business district.

e. Maximum height of Structures: 45 feet.

f. Minimum Off-Street Parking & Loading Requirements:

1. Off-Street Parking:

Same as in B-2 General Business District.

Manufacturing, fabricating, processing, assembly, disassembly, cleaning, servicing, testing or repairing of materials, goods, or products – 1 parking space for each 3 employees based upon the working period when the maximum number of persons are employed on the premises.

2. Off-Street Loading & Unloading.

Same as in B-2 General Business District, except for the following: For any manufacturing, fabricating, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products, having a **Gross Floor Area of 5,000 to 40,000 sq. ft.** - one

loading berth is required; **Gross Floor Area** of 40,000 to 100,000 sq. ft. – two berths are required; For each additional 100,000 sq. ft. of **Gross Floor Area** or fraction thereof – an additional berth is required.

For Planned developments, Industrial uses, the number of loading berth required will be the total of the required berths for each individual use.

g. Limitations on Signs: For each use no sign, intended to be read, from off the premises shall be permitted except in accordance with the following provisions:

1. Business signs and advertising signs as permitted and regulated In the B-2 General Business District.

2. For Industrial Parks, 1 additional sign on each street frontage, other than those regulated in No. 1 (above) - shall be permitted, subject to the following:

Such sign shall advertise only the name and location of such park and the name and type of business of each occupant of the park.

The gross area in square feet of the additional sign shall not exceed 3 times the lineal feet of frontage of the lot.

Such a sign shall be set back at least 15 feet from the front lot line of such park.

No sign shall project higher than 30 feet above curb level.

SECTION 9 **I-2 INDUSTRIAL DISTRICT**

a. Permitted Uses and Structures:

The uses permitted in the I-1 Industrial District and the following uses provided they conform to the performance standards and general requirements of Article 4, Section 22 of this ordinance:

1. Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages
2. Manufacture and assembly of glass, plastic, paper, cloth, jewelry, and leather products.
3. Manufacture of colors, dye, paint, and other coating (excluding tar products).
4. Machine, welding, tool and die shops: electroplating operations.

5. Manufacture of pharmaceutical, biological, medical, cosmetic, and candy products.
6. Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical goods, and farm machinery.
7. Manufacture and assembly of marine, office, and household furniture and appliances; communication and automobile equipment; air conditioning, heating and refrigeration equipment.
8. Can and container manufacture and processing and milling of forest products.
9. Canning, bottling, processing and packaging of food and beverages, grain elevators, grain processing and starch manufacture.
10. Dyeing and cleaning works; and services such as freight movers, communication and canteen operations.
11. Upholstering and feather goods manufacture.
12. Trucking terminals.
13. Vehicle and implement repair and painting shops.
14. Lumber yards, building materials, millwork, storage and sale; contractor's storage yard.

b. Uses Permitted as Special Exceptions by Board of Zoning Appeals, provided they conform to the performance standards and general requirements of Article 4, Section 22:

1. Storage, use, or manufacture of explosive materials
2. Creosote manufacturing and treatment.
3. Bulk storage of petroleum products. ✓
4. Foundries, smelting operations, metal forging, rolling and stamping plants.
5. Manufacture of detergents and soaps.
6. Monument works and stone cutting.
7. Concrete mixing, production of concrete blocks, cinder blocks and similar building materials.
8. Cement, lime, and gypsum manufacturing, oil processing, refining and manufacturing.

9. Fat rendering and fertilizer manufacturing; stock yards, slaughtering, and allied food processing; leather curing and tanning.
10. Tar, tar-paper and tar products manufacturing and processing; manufacture of matches and fire works.
11. Production of emulsified asphalt and asphaltic concrete paving material.
- ✓12. Manufacture of chemicals and gases, poisons and insecticides.
13. Storage or processing of salvage, scrap, or junk.
14. Uses, buildings, and structures customarily accessory and clearly incidental to the above uses.

c. Minimum Lot Size: Lot Area - 1 acre; Lot Width - 150 feet

d. Minimum Yard Sizes: Front Yard - 40 feet; Rear Yard – Same as I-1 Industrial District.
Side Yards - each side; Same as I-1 Industrial District.

e. Maximum Height of Structures: Same as I-1 Industrial District.

f. Minimum Off-Street Parking and Loading Requirements: Same as I-1 Industrial District.

g. Limitations on Signs: Business and advertising signs as permitted and regulated in the I-1 Industrial District.

ARTICLE 4. SUPPLEMENTARY DISTRICT REGULATIONS

Section 1. Buildings on a Lot: Except as otherwise provided, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot and in no case shall there be more than one such building on a lot.

Section 2. Division of Lots: No lot improved with a building or buildings shall hereafter be divided into two or more lots and no portion of any such improved lot shall be sold, unless all improved lots resulting from each such division or sale shall conform with all of the bulk regulations of the zoning districts in which the property is located.

Section 3. Access to Public Street: Each principal building hereafter erected shall be on a lot, which adjoins a public street or a permanent easement of access, at least twenty (20) feet wide, connecting to a public street.

AMENDED to 40 Feet

Section 4. Access to Business or Industrial Districts: No land which is located in a Residence District shall be used for driveway or vehicular access purposes to any land which is located in a Business or Industrial District.

Section 5. Visual Clearance on Corner Lots: On a corner lot in any residential district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets, in the area bounded by the street right-of-way lines of the corner lot and a line joining two points on the street right-of-way lines thirty-five (35) feet from the point of the intersection.

Section 6. Fences, Walls and Hedges: Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided all other provisions of this ordinance are complied with.

Section 7. Accessory Buildings, Structures, and Uses:

a. Notwithstanding other provisions of this ordinance, walks, driveways, curbs, retaining walls, lattice-work screens, trees, shrubs, flower, plants, mail boxes, name plates, lamp posts, bird baths, benches, and structures of a like nature are permitted in any required front, side or rear yard provided they do not violate the requirements of Section 5, Article 4.

b. Accessory buildings, structures, and uses other than those set forth in (a.) shall be permitted in any required rear yard provided they are located no closer than five (5) feet to any property line.

c. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

Section 8. Public Utility Uses: The regulations of this ordinance shall not be interpreted so as to limit or interfere with the construction, installations, operation and maintenance for public utility purposes of water and gas pipes, mains and conduits; electric light and electric power transmission and distribution lines; telephone and telegraph lines; oil pipe lines and sewer mains.

Section 9. Height Modification: Church spires, belfries and domes, silos, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, flag poles, television and radio towers, masts and aerials, cooling towers, elevator bulkheads, scenery lofts, tanks, skylights or mechanical appurtenances necessary to the building may be erected above the height limits herein specified.

Section 10. Front Yards: Where 25 percent or more of the lots on one side of the street within a block or within a distance of 1800 feet, whichever is less, are occupied by buildings on the effective date of this ordinance, no building or other structure shall be erected, reconstructed, altered, or moved so as to project closer to the right-of-way line of the street on which it faces than the average building setback line established by such buildings: Where no front yard line has been thus

established, the front yard requirements set forth in the Schedule of District Regulations shall be complied with.

Section 11. Projections into Yards: Every part of a required yard shall be open and unobstructed except for accessory buildings and uses.

Section 12. Signs: Signs erected by governmental agencies are exempt from the regulations set forth under Limitations on Signs in the Schedule of District Regulations.

Section 13. Mobile Homes in Agriculture Districts: The Zoning Administrator may permit mobile homes in Agricultural Districts subject to the following conditions:

- a. Each mobile home shall be located on a lot and shall be the only principal building on the lot.
- b. The minimum lot size, minimum yard sizes, and other single family dwelling requirements of the Agricultural District are complied with.
- c. Each mobile home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for and attached to appropriate external systems.
- d. Personal goods and articles, other than cars, fuel tanks, boats, lawn furniture, and similar items too large to reasonably enclose, shall be stored on the mobile home lot only in a completely enclosed structure.
- e. All health and sanitary regulations of Vermillion County and the Indiana State Board of Health are complied with.
- f. A temporary permit is issued for a mobile home subject to termination under the condition established in paragraph g. below
- g. When the area within which the lot is located is rezoned to a Residential, Business, or Industrial District, the mobile home shall be removed from the new district within 90 days after the rezoning.

Section 14. Compact Homes: In any district in which compact homes are permitted the following minimum requirements shall apply:

- a. Each compact home shall be located on a lot and shall be the only principal building on the lot.
- b. A compact home shall comply with the minimum lot, size, minimum yard sizes, and other single 1 family dwelling requirements of the district in which it is located.
- c. The wheels shall be removed from each compact home.

- d. All compact homes shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage as approved by the Zoning Administrator.
- e. Each compact home shall be oriented on the lot in such manner as is most compatible with other dwellings in the immediate neighborhood.

Section 15. 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 Major or Collector Highway or Local Collector Road with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park.
- 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 hazard's 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 25 recreational vehicle spaces per acre of gross site area.
- d. Recreational vehicles shall be separated from each other and from other park buildings or structures by at least 10 feet.
- e. In addition to complying with any required side or rear yard provisions of the district in which the park is located: (1) no recreational vehicle space shall be nearer than 50 feet to the right-of-way line of a major or Collector Highway or nearer than 25 feet to the right-of-way line of a Local Col. Road; and (2) 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 of at least 25 feet in width shall be required.
- f. At least one centrally located recreation area equal in size to 8 percent 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.
- g. In Agricultural Districts, food stores, restaurants, sporting goods, laundromats, dry cleaning pick-up-stations and similar convenience and service shops shall be permitted in recreational vehicle parks containing 50 or more spaces provided: (1) such shops and the parking areas required by their use shall not occupy more than 10 percent of the total area of the park; (2) the use of such shops shall be solely by the occupants of the park; and (3) such shops shall be so located or designed within the park to present no visible evidence of their commercial nature to persons outside the park.
- h. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.

- i. A dense greenbelt of evergreen trees and/or shrubs, not less than 3 feet high after one full growing season and which at maturity is not less than 10 feet high, shall be located and effectively maintained at all times along all park boundary lines where deemed necessary by the Board of Zoning Appeals to protect occupants from adverse influences outside the park or nearby neighbors from adverse effects of the park.
- j. Recreational vehicle spaces shall be rented by the day or week only and each recreational vehicle occupying a space shall remain in the same park no longer than 120 days.

Section 16: Mobile Home Parks. In any district in which Mobile Home Parks are permitted the following minimum requirements shall apply:

- a. The minimum area of a mobile home park shall be 5 acres.
- b. No mobile home site shall be rented in any park except for periods of 30 days or longer.
- c. No mobile home shall be nearer than 100 feet to the right-of-way line of any Major or Collector Highway.
- d. A dense greenbelt of evergreen trees and/or shrubs, not less than 3 feet high after one full growing season and which at maturity is not less than 10 feet high, shall be located and effectively maintained at all times along all park boundary lines where deemed necessary by the Board of Zoning Appeals.
- e. Each park shall provide a recreational area or areas equal in size to at least 8 percent of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
- f. Coin-operated laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted in mobile home parks provided: **(1)** they are subordinate to the residential character of the park; **(2)** they are located, designed and intended to serve only the needs of persons living in the park; **(3)** the establishments and the parking areas related to their use shall not occupy more than 10 percent of the total area of the park; and **(4)** the establishments shall present no visible evidence of their commercial nature to areas outside the park.
- g. Each park shall provide either one central waterproof structure available to all mobile home sites or a single waterproof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.
- h. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- i. Mobile home Sites shall be minimum of 3600 square feet in area.

- j. Each mobile home site shall have a minimum width of 40 feet.
- k. The minimum distance between a mobile home and another mobile home or structure shall be 15 feet. Each mobile home shall be located at least 10 feet from the greenbelt.
- l. Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size 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.

Section 17: Temporary Uses of Land or Structures. A permit for temporary uses, such as carnivals, revival meetings and uses of a similar nature, may be issued by the Zoning Administrator provided the following conditions are adhered to:

- a. The use is, in fact, temporary and will terminate at a specific time.
- b. The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire and other emergency vehicles.
- c. Adequate sanitary facilities are available at the site to accommodate the number of persons expected to visit such use.
- d. Adequate parking, both off-street and on-street is available within 1,400 feet of the proposed site.
- e. Outdoor lighting will be shielded or directed away from adjoining residential property and streets.
- f. The sign regulations of Article 3, Schedule of District Regulations for the district in which such temporary use is located shall be observed.

Section 18: Off-Street Parking. The off-street parking provisions of this ordinance shall apply as follows:

- a. All buildings and structures erected and all uses of land established after the adoption of this ordinance shall be provided with off-street parking and loading spaces as set forth for each district in Article 3 - Schedule of District Regulations and in this Section.
- b. When the intensity of use of any building, structure, or premises is increased by additional dwelling units, floor area, seating capacity, or employment, off-street parking and loading spaces shall be provided for such increase in intensity of use.
- c. Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this ordinance.

- d. All off-street parking spaces required by this ordinance shall be provided on the same lot with the building, structure, or use unless the Board of Zoning Appeals approves a detached location.
- e. A required off-street parking space shall be at least nine (9) feet in width and twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas.
- f. Off-street parking spaces may be located in any yard except a front yard and a side yard adjoining a street.
- g. The required off-street parking spaces for any number of separate buildings, structures, or uses may be provided collectively on one lot providing the total number of such spaces shall not be less than the sum of requirements for the various individual buildings, structures, or uses computed separately in accordance with Article 3.
- h. When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
- i. All off-street parking area required by this ordinance shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage of a vehicle for more than forty-eight (48) hours.
- j. Every parcel of land hereafter used as a public or private off-street parking area capable of accommodating five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:
 - 1. Each required off-street parking space shall have direct access to an aisle or driveway and all required off-street parking areas shall have vehicular access to a street or alley so designed to minimize interference with pedestrian and traffic movement.
 - 2. All required off-street parking areas shall be paved with bituminous, concrete, or other all weather, dustproof surfacing and shall be provided with bumper guards or barrier curbs where needed.
 - 3. Any lighting used to illuminate a required off-street parking area shall be shielded so as to prevent direct illumination of any properties outside the parking area.
 - 4. All open off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five (5) feet nor more than eight (8) feet in height.

Section 19: Off-Street Loading. The off-street loading provisions of this ordinance shall apply as follows:

- a. All required loading berths shall be located on the same lot as the use served. No permitted or required loading berth shall be located within forty (40) feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard.
- b. Unless otherwise specified, a required off-street loading berth shall be at least ten (10) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
- c. All open off-street loading berths shall be improved with a cement concrete pavement or a comparable hard surface pavement.
- d. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.
- e. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- f. Uses for which off-street loading, a space is required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.

Section 20. Planned Developments. The Plan Commission may authorize the unified development of tracts of land when such tracts: (a) are to be developed by a single owner or a group of owners acting jointly and (b) meet the minimum acreage requirements set forth for Planned Developments in Article 3, Schedule of District Regulations.

In exercising this authority, the Commission may vary the strict application of the district regulations within the planned development on the basis of an approved and recorded plan and program for development as follows:

a. Use Exceptions: The Commission may permit in the planned development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Commission shall find:

- 1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- 2) That any business or manufacturing uses permitted by such exception are not of such a nature or so located as to create a detrimental influence on surrounding residential areas, both within and outside of the planned development:

- 3) That not more than twenty (20) percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by such exception: and
- 4) That in a manufacturing planned development, such additional uses allowed by exception shall conform with the performance standards set forth herein, applicable to the industrial district where the development is located.

b. Bulk Regulation Exceptions: The Commission may permit exceptions to the applicable bulk regulations of this ordinance within the boundaries of planned developments, provided that the Commission shall find:

- 1) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate lots;
- 2) That the minimum lot area per dwelling unit and the minimum lot width requirements of this ordinance may be reduced by the Plan Commission in any development containing residential uses, and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in addition to the amount of public open space required by the subdivision regulations;
- 3) That the average density of dwelling units in the total unit plan shall not be higher than that permitted in the district in which the plan is located;
- 4) That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

The proponent of a Planned Development Permit shall submit an Application for Permit to the Secretary of the Plan Commission together with a plat of the area involved in the application which shall show at least the following within the planned development area and within three hundred (300) feet thereof:

a. Existing Conditions:

- 1) Accurate boundaries of the planned development area.
- 2) Existing zoning.
- 3) Rights-of-way of existing streets, roads and easements.
- 4) Existing water, sewer, electrical and other utility lines, facilities and easements.
- 5) Existing buildings and structures and land and building use.

- 6) Topography at a contour interval of five (5) feet or less and other physical features such as streams, drainage ways and other water areas, and wooded areas.

b. Proposed Future Conditions:

The proponent of a planned development shall also submit as part of the application, a plat or plan of development showing within the planned development area and within three hundred (300) feet thereof the following:

- 1) Proposed zoning.
- 2) Final grade and topography at a contour interval of five (5) feet or less and all proposals for surface drainage including addition, alteration or relocation of streams, other drainage ways, lakes and other water areas.
- 3) Abandonment or relocation of existing utility lines and provision of new water, sewer, electrical and other utility lines and easements.
- 4) Location and height of proposed buildings and building groups and the proposed use of each.
- 5) Proposed street and lot layout including right-of-way and pavement showing the abandonment or relocation of existing streets and alleys and the provision of new streets, alleys and easements for pedestrian and vehicular access; also the location, capacity and proposed access and circulation of off-street parking areas.
- 6) The location of proposed parks, playfields, schools and other common or public open space.
- 7) Proposed points of ingress and egress for the planned development.

c. Additional Information. The proponent of a planned development shall also submit:

- 1) Evidence of financial ability to carry out such development.
- 2) Copies of proposed agreements for permanent unified control such as deed restrictions, covenants or other instruments by which development, improvements or uses are regulated or limited.
- 3) A realistic timetable within which the improvements contained in the planned development proposal can reasonably be expected to be completed.

The proposed planned development shall conform to the procedures and standards for subdivision approval as set forth in the Subdivision Control Ordinance.

The Commission shall review the proposed planned development. Following review, the Commission may approve or reject the proposal. In rejecting, the Commission may recommend modifications or changes in the planned development, which shall be a condition of subsequent approval. The effect of approval is as follows:

- a. In the event that no rezoning is necessary to carry out the planned development, Commission approval shall constitute approval of a preliminary and final plat of development.
- b. In the event that a change in zoning is necessary to carry out the planned development, Commission approval shall constitute approval of a preliminary plat of development and a favorable recommendation to the Board of County Commissioners for the rezoning of the planned development area or area proposed for rezoning. Final plat approval, in this case, is effective upon adoption of an ordinance by the Board of County Commissioners approving the proposed rezoning.

Upon final approval of a Planned Development, it shall be recorded in the Office of the Recorder and shall be binding upon the applicants and owners of all areas contained within the planned development, their successors, heirs and assigns and shall limit and control the issuance and validity of all Certificates of Occupancy, Improvement Location Permits, construction or reconstruction, location or relocation, use and activity in all land, buildings and structures located within the planned development area.

Any proposed modifications or amendments to the approved and recorded planned development shall be referred to the Commission and may be approved in the same manner as the original approval of the planned development and, through the same procedures.

Failure of the applicant to develop a planned development reasonably within the time schedule submitted and approved as a part of the planned development program, or failure to develop in accordance with the approved and recorded plan shall void the permit for a planned development.

Section 21. Flood Hazard Areas. Flood hazard areas are shown on the Zoning Maps. An Improvement Location Permit for a use or structure, including filling and construction of other improvement intended to reduce the danger of flood, otherwise permitted on a lot located in a zoning district but within the Flood Hazard Area shall not be issued unless and until the Zoning Administrator:

- a. Receives a written report from the Flood Control and Water Resources Commission, based upon a thorough study of the land, use, or structure involved, which determines (1) that the proposed use, structure or fill would not impede the flow of water or increase flood heights and (2) the proposed use or structure would not endanger life or property. The request for a written report from the Flood Control and Water Resources Commission shall be made by the Zoning Administrator. A scale drawing identifying the location, dimensions and elevations related to USGS datum of the land for which the improvement Location Permit is sought shall be a part of the request and shall be provided the Zoning Administrator by the applicant for such permit.

- b. Finds that buildings and structures proposed to be located in the Flood Hazard Area are designed, constructed, and placed on the lot so as to create minimum obstruction to the flow of water.
- c. Finds that the foundations of all proposed buildings and structures are designed to withstand flood conditions at the site.
- d. Finds that all buildings and structures proposed to be located in the Flood Hazard Area will be securely anchored to the ground and that equipment, materials, and wastes stored outside a building will have a specific gravity substantially heavier than water or will be otherwise secured against flooding away.

The boundaries of the Flood Hazard Areas are based upon the extent of flood plains as identified by soils in the Soil Survey of Vermillion County.

Section 22. Performance Standards and General Requirements for Industrial Districts.

- a. The storage or manufacture of materials or products, which decompose detonation are permitted only when specifically approved by the Board of Zoning Appeals. Storage or manufacture of such materials shall not be located within 1,000 feet of the boundary line of any zoning district.
- b. Any use, hereafter established in an Industrial District requiring conformance with performance standards, shall be operated in such a manner as to conform with the regulations set forth in "a" above; other provisions of this ordinance; and applicant performance standards set forth below. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with such regulations.

1. Noise

- (a) No use shall produce noise in such a manner as to be objectionable because of volume, frequency, or beat. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

2. Vibration

- (a) No industrial operation or activity shall cause at any time or at any point along the nearest adjacent lot line earth borne vibrations which are detectable without the aid of instruments.

3. Air Contaminants

- (a) No person shall cause, let, permit, suffer, or allow to be discharged from any air contaminant source whatsoever any air contaminant for more than three minutes in any hour at the emission point which is:

- (1) Greater than the density that is designated as No. 2 smoke on the Ringelmann Chart as published in the U. S. Bureau of Mines Informa-Circular 6888.

- (2) Of such opacity as to obscure an observers view to a degree equal to or greater than does smoke described in (1) above.

The following exceptions to the above provisions of this Section shall be permitted:

(1) Smoke the shade or appearance of which is equal to but not darker than No. 3 of the Ringelmann Chart for a period or periods aggregating six minutes in any one hour, when cleaning a fire or when building a new fire; or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable;

(2) Where the presence of uncombined water is the only reason for failure of an emission to meet the limitation of 3. (a), (2) above, such limitation shall not apply. The burden of proof that water is the only cause of violation shall rest with the person violating this ordinance.

(b) The discharge into the outdoor atmosphere of air contaminants so as to cause air pollution and create a public nuisance is contrary to the public policy of the county and the provisions of this ordinance.

No use shall discharge from any air contaminant source whatsoever air contaminants in sufficient quantities and of such characteristics and duration as to cause an injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger or may tend to endanger the comfort, repose, health, or safety or any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property the escape of such material in addition to constituting a violation of this ordinance is also declared to be a public nuisance and action to abate the same may be taken by the Zoning Administrator.

4. Glare and Heat

(a) Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the Zoning Administrator.

Section 23. Mobile Home Subdivisions. In any district in which Mobile Home Parks are permitted as a Special Exception, Mobile Home Subdivisions may also be permitted as a Special Exception and, if permitted the following minimum requirements shall apply:

a. Each subdivision shall adhere to the procedures, design standards, and required improvements of the Subdivision Control Ordinance.

b. The minimum lot and yard sizes shall be the same as those required for a single-family dwelling in the district in which the mobile home subdivision is located.

c. The minimum area of a mobile home subdivision shall be 5 acres.

d. Each mobile home shall be supported under the l-beams and shall be skirted on all sides with a permanently attached, substantial material, such as painted metal, fiberglass, concrete, or masonry, that will not detract from the appearance of the mobile home.

e. Each mobile home occupying a lot in the subdivision shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and a plumbing and electrical connections designed for and attached to appropriate external systems.

ARTICLE 5
NON-CONFORMING LOTS, NON-CONFORMING USES OF
LAND, NON-CONFORMING STRUCTURES, AND
NON-CONFORMING USES OF STRUCTURE AND PREMISES

Section 1. Buildings under Construction. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Section 2. Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot as shown in the records in the Office of the County Recorder on the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located;

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves a remaining lot with width or area below the requirements stated in this ordinance.

Section 3. Non-conforming Uses of Land. If at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued subject to the following provisions:

- a. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance:
- c. If any non-conforming use of land ceases for any reason for a period of more than six consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which the land is located. PROVIDED, however, that a non-conforming mobile home may be replaced on a lot in any district if it is of equal or larger size and of less age than the mobile home being replaced, the replacement is fully completed within a period of less than six consecutive months, and the replacement mobile home otherwise meets the requirements of this Ordinance.

Section 4. Non-Conforming Structures. If a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued subject to the following provisions.

- a. No non-conforming structure may be enlarged or altered in a way, which increases its non-conformity;
- b. If a non-conforming structure is destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it may not be reconstructed except in conformity with the provisions of this Ordinance.
- c. If a non-conforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 5. Non-Conforming Uses of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of the adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, that use may be continued subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- b. Any non-conforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;

- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning conditions and safeguards in accordance with the provisions of this ordinance.
- d. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;
- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located;
- f. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 6. Repairs and Maintenance. On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE 6
ADMINISTRATION AND ENFORCEMENT
IMPROVEMENT LOCATION PERMITS
CERTIFICATES OF OCCUPANCY

Section 1. Administration and Enforcement. The administration and enforcement of this ordinance is the responsibility of the Zoning Administrator appointed by the Board of County Commissioners.

Section 2. Improvement Location Permit. No building or other structure may be erected, moved, added to, or structurally altered unless an Improvement Location Permit has been issued by the Zoning Administrator in accordance with the provisions of this ordinance. A permit may be

issued only if the building or structure for which the permit is sought will comply in all respects with this and all other applicable laws.

Section 3. Application for Improvement Location Permit. Application for an Improvement location permit made in duplicate and accompanied by a scale drawing, showing the dimensions and the shape of the lot to be built upon; the size and location of existing buildings; and the location and dimensions of the proposed building or alteration. The application must include any other information that is necessary for the administration and enforcement of this ordinance, including but not limited to existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; and conditions existing on the lot.

One copy of the application shall be returned to the applicant by the Zoning Administrator after he has indicated his approval or disapproval of it. The second copy similarly marked, shall be retained by the Zoning Administrator. If an application is not approved, the Zoning Administrator shall state the reasons for his action on the application.

If the application for an improvement location permit is approved, the applicant shall post the permit in a conspicuous location on the site of a new, or altered building or structure, or an addition, or a building or structure moved from another location.

Section 4. Certificates of Occupancy for New, Altered, or Non-Conforming Uses. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy has been issued by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance.

A non-conforming structure or use may be maintained, renewed, changed or extended only after a Certificate of Occupancy has been issued by the Zoning Administrator stating specifically how the non-conforming use differs from the provisions of this ordinance.

A temporary Certificate of Occupancy may be issued for a period not exceeding six months during alteration or partial occupancy of a building. The Zoning Administrator may require as a condition precedent safeguards that will reasonably protect the safety of the occupants and the public.

Section 5. Expiration of Improvement Location Permit. If the work described in an improvement location permit has not been started within 90 days from the date it was issued, the permit shall expire and written notice thereof shall be given to the persons affected.

If the work described in any improvement location permit has not been substantially completed within two years of the date it was issued, the permit shall expire and written notice thereof shall be given to the persons affected, together with notice that all work shall cease until a new permit has been obtained.

Section 6. Construction and Use to be as Provided in Applications, Plans, Permits and Certificates of Occupancy. Improvement location permits or certificates of occupancy issued on the basis of Plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.

Section 7. No permit shall be required for:

- a. Routine maintenance, repair, or remodeling of existing structures not involving any change of use, additional lot coverage, or building size.
- b. Public utility uses set forth in Section 8, Article 4.
- c. Lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, play equipment, and landscaping, providing they do not violate the requirements of Section 5, Article 4.
- d. Signs with a surface area of less than four square feet.
- e. Structures having less than 1,000 square feet of floor-area which are used exclusively for Agricultural purposes provided they do not violate the requirements of Section 5, Article 4.
- f. Agricultural uses of land without buildings or structures.

ARTICLE 7
BOARD OF ZONING APPEALS

Section 1. Creation: There is hereby created a Board of Zoning Appeals consisting of five (5) members who shall be appointed and serve in accordance with Chapter 138, Acts of 1957, General Assembly of the State of Indiana and all Acts amendatory thereto.

Section 2. Rules and Procedures: The Board shall adopt such rules concerning the filing of appeals and applications for variances and exceptions, giving of notice and conduct of hearings as shall be necessary to carry out their duties.
The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions and shall record the vote on all actions taken. All minutes and records shall be filed in the office of the Board and shall be a public record.

Section 3. Powers and Duties. The Board of Zoning Appeals shall:

- a. Hear and determine appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator.
- b. Permit and authorize special exceptions to the district regulations in the classes of cases or in particular situations specified in this ordinance.
 - 1. A written application for a special exception shall be filed with the Zoning Administrator. The application shall include a dimensioned sketch plan of the proposed special exception showing the existing condition, utility and street facilities, and use of the proposed site and the adjoining properties, the boundaries of the proposed site and the dimensions, kind and location of improvements proposed for such site.
 - 2. Prior to a hearing on the special exception by the Board, a copy of the application shall be forwarded to the Plan Commission for its review as to the effect of the application upon the Comprehensive Plan of the county. The Plan Commission may present its recommendations thereto to the Board.
 - 3. Before a special exception is granted the Board shall find:
 - a) that the special exception will not endanger the public health, safety, morals, comfort, or general welfare;
 - b) that the Special Exception will not be injurious to the use and enjoyment of other property in the vicinity nor diminish and impair property values within the neighborhood;
 - c) that the Special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - d) that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - e) that ingress and egress points are so designed as to minimize traffic congestion in the public streets.
 - 4. In granting an authorization for a special exception the Board may prescribe a time limit as a condition within which the action for which the exception is requested shall be started or completed or both, and such additional conditions and safeguards it deems appropriate in order to achieve the intent of this ordinance. Failure to comply with such conditions, or the conditions applicable to each use, made a part of the terms under which the special exception is authorized, shall void the permit granted and is a violation of this ordinance.
- c. **Authorize upon appeal in specific cases** such variance from the terms of this ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done;
 - 1. An appeal to the Board requesting a variance shall demonstrate:
 - (a) that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

- (b) that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - (c) that the special conditions and circumstances do not result from the actions of the applicant;
 - (d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
2. No non-conforming use of neighboring land, structure, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 3. In granting a variance the Board may prescribe such conditions and safeguards it deems appropriate in order to achieve the intent of this ordinance. Failure to comply with such conditions and safeguards, when made a part of the terms under which a variance is granted, shall void the variance granted and is a violation of this ordinance.
 4. Under no circumstances, may the Board grant a variance to allow use not permitted in Article 3 of this Ordinance in the district involved.
- d. In exercising it's powers the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the Zoning Administrator.

ARTICLE 8 **AMENDMENTS**

The Board of County Commissioners may, from time to time, amend, supplement or change the regulations and districts fixed by this ordinance. Any such amendments, supplements or changes shall only be made in accordance with the provisions of Chapter 138 of the Acts of the Indiana General Assembly 1957, as amended.

ARTICLE 9 **FEES AND EXPENSES FOR NOTICE**

Section 1. Each application for a location improvement permit must be accompanied by a check payable to the county according to the following schedule:

a. Fees for location improvement permits applied for properly before construction begins will be as follows:

1. Residential structures of houses or accessory buildings will be \$25.00.
2. Commercial/industrial structures will be assessed a base fee of \$100.00 plus an additional \$.10 per sq. ft. of floor space over 1,000 sq. ft., up to a maximum fee of \$1,500.00.

b. Fees for location improvement permits applied for after construction has begun will be 200% of the fee that would have been assessed if applied for properly before construction.

Section 2. Each application for a Certificate of Occupancy must be accompanied by a fee payment of \$10.00.

a. Fees for a Certificate of Occupancy applied for after occupancy takes place will be 200% of the fee that would have been assessed if applied for properly.

Section 3. The fee for a mobile home permit will be \$25.00.

a. Fees for mobile home permits applied for after placement of mobile home has begun will be 200% of the fee that would have been assessed if applied for properly before placement.

Section 4. Each petition for rezoning of land must be accompanied by a fee payment of \$75.00 and the petitioner must also bear the cost of public notice as described in Article 9, Section 7.

Section 5. Each petition for a variance to the terms of the zoning ordinance must be accompanied by a fee payment of \$30.00 and the petitioner must bear the cost of public notice as described in Article 9, Section 7.

Section 6. Each petition for a special exception as called for in the zoning ordinance must be accompanied by a fee payment of \$20.00 and the petitioner must bear the cost of public notice as described in Article 9, Section 7.

Section 7. Petitioners for rezoning, variance or special exception must provide for and bear the cost of Public notice. This shall include the cost of a legal notice in the newspaper, a public notice sign to be posted on the property by the petitioner and the petitioner shall be responsible for mailing a notice by certified mail to all adjacent property owners. A petitioner who withdraws their petition, or other individuals who prohibit a meeting from taking place, must bear the cost of public notice if the petition must be re-advertised before another meeting.

ARTICLE 10 **ENFORCEMENT**

Section 1. Violations a Common Nuisance. Any building or structure erected, raised or converted or land or premises used in violation of any provision of this ordinance is hereby declared to be a

common nuisance and the owner of the building or structure, land or premises liable for maintaining a common nuisance.

Section 2. Injunction. The Plan Commission, the Board of Zoning Appeals or the Zoning Administrator may institute a suit for injunction in the Circuit Court of the county to restrain an individual or a governmental unit from violating the provisions of this ordinance. The Plan Commission or the Board of Zoning Appeals may also institute a suit for a mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this ordinance.

Section 3. Penalty. A person who violates any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten (10) dollars and not more than three hundred (300) dollars. Each day that a violation is permitted to exist is a separate offense.

ARTICLE 11 **DEFINITIONS**

For the purpose of this ordinance, the following terms have the meanings indicated below:

The present tense includes the future tense.

The singular number includes the plural and the plural includes the singular.

The word "shall" is mandatory; the word "may" is permissive. The word "used" includes "designed" or "intended to be used".

Any words not defined as follows shall be construed in their general accepted meanings as defined by Webster's Dictionary.

Accessory Building, Structure or Use - One which: (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; (c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and (d) is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

Agriculture- The use of a tract of land for agriculture purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses of tenant housing and for packing, treating, or storing the produce provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Air contaminant source is any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, and heating and power

plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings, automobiles, trucks, tractors, buses, and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, indoor and outdoor, refuse dumps and piles and all stack and other chimney outlets from any of the foregoing.

Air Pollution - is the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

Alley - A public right-of-way, which normally affords a secondary means of access to abutting property.

Block - A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes and other lines of demarcation.

Board - The Board of Zoning Appeals of Vermillion County.

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 Height - The vertical distance from the curb level to the highest point of the underside of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof.

Bulk - The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following: (a) size and height of buildings; (b) location of exterior walls at all levels in relation to lot lines, streets, or to other buildings; (c) gross floor area of buildings in relation to lot area; (d) all open spaces allocated to buildings; and (e) amount of lot area and lot width provided per dwelling unit.

Business - An occupation, employment, or enterprise which occupies time, attention, labor, and materials; or wherein merchandise is exhibited or sold, or where services are offered.

Commission - Vermillion County Area Plan Commission.

Compact Home - A portable structure, designed for year around living, 45 feet or more long, 16 feet or more wide for its entire length, with the four outside walls supported by a permanent foundation.

Curb Level - The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the pavement elevation at the street centerline similarly measured, or the mean elevation of the finished grade of the surface of the ground or pavement immediately adjacent to a building shall be considered the "curb level."

Dusts - are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, dulling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

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

Dwelling Unit - One or more rooms, which are arranged, designed, or used as living quarters for one family only. Individual bathrooms are not necessarily provided, but complete single kitchen facilities, permanently installed, shall be included for each "dwelling unit."

Dwelling, Single-Family - A dwelling containing one dwelling unit only.

Dwelling, Two-Family - A dwelling containing two dwelling units only.

Dwelling, Multiple-Family - A dwelling or portion thereof, containing three or more dwelling units.

Family - One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than three persons not all so related, together with his or their domestic servant, maintaining a common household in a dwelling unit. A family may include not more than two roomers, boarders, or permanent guests - whether or not gratuitous.

Floor Area of a Building - (for determining off-street parking and loading requirements) The sum of the gross horizontal areas of the several floors of the building, or portion thereof, 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 area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Fumes are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcinations, or chemical reaction, when these processes create air-borne particles,

Garage, Private - An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the private passenger vehicles of the family or families resident upon the premises.

Gas is an aeriform fluid having neither independent shape nor volume, but tending to expand indefinitely.

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

Home Occupation - An occupation or activity conducted entirely within a dwelling, solely by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and in connection with which:

- a. There is no display of goods or outside storage of goods or equipment nor commodity sold on the premises;
- b. Not more than one (1) person not a resident on the premises is employed;
- c. Not over 25 percent of the first floor of the dwelling is occupied by such use;
- d. No internal or external alterations to the dwelling are required to accommodate the use.

Junk Yard - An open area where waste or scrap materials or three or more motor vehicles not in running or operable condition or parts thereof are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, but excluding uses established entirely within enclosed buildings.

Kennel - Any premises or portions thereof on which more than four dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder; or a parcel of land, the deed to which was recorded in the Office of said Recorder prior to the adoption of this ordinance.

Lot - A tract or parcel of land of at least sufficient size to meet minimum zoning requirements for use and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or a permanent easement of access, at least twenty ~~(20)~~ feet wide, connecting to a public street.

40

Lot, Corner - A lot situated at the intersection of two or more streets.

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

Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

Lot Width - The horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth at the established front building line.

Mists - minute liquid particles generated by any of the methods listed for Dusts, or Fumes or by the spraying of liquids.

Mobile Home - A portable structure having a living area of 480 square feet or more and designed or used for year-round living.

Mobile Home Park - An area of land used for the parking of two or more mobile homes.

Mobile Home Site - The area of land in a mobile home park for the parking of one mobile home.

Mobile Home Subdivision - A residential subdivision designed exclusively for and occupied by mobile homes and where the lots are separately owned and recorded as a subdivision.

Performance Standards - A criterion established to control noise, smoke, toxic or noxious matter, vibration, or glare or heat generated by, or inherent in, uses of land or buildings.

Planned Development - A tract of land, under single ownership or control, which contains two or more principal buildings and may contain more than one principal use in a unified development where specific requirements of a given zoning district may be modified.

Public Way - A sidewalk, alley, street, or limited access highway.

Recreational Vehicle - A temporary dwelling for travel, recreation and vacation use including but not limited to:

Travel Trailer - A vehicle, identified by the manufacturer as a travel trailer, having a living area of less than 480 square feet and designed to move on the highway.

Pick-up Coach - A structure designed to be mounted on a truck chassis or cut-down car.

Motor Home - A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle.

Camping Trailer - A canvas, folding structure, built on a chassis with wheels and designed to move on the highway.

Tent - A collapsible shelter of canvas or other material stretched and sustained by poles and used for camping outdoors.

Recreational Vehicle Park - An area of land used for the parking of two or more recreational vehicles.

Ringlemann Chart - One which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of gray for use in estimating the light - obscuring capacity of smoke and smoke density.

Ringlemann Number - Designation of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission or the light-obscuring capacity of the smoke.

Setback - The minimum horizontal distance between the front line of a building or structure and the front property line.

Sign - A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or tract of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. A "sign" shall not include: (a) the display of official court or public office notices; (b) the flag, emblem, or insignia of a nation, political unit, school, or religious group; nor. (c) one located completely within an enclosed building, except signs located behind window areas intended to be viewed from outside the building.

Sign, Advertising - A sign, which directs attention to a business, commodity, service, or entertainment not exclusively, related to the premises where such sign is located or to which it is affixed.

Sign, Business - A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, Gross Area of - The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Smoke - small gas and air-borne particles consisting essentially of carbonaceous material in sufficient number to be observable.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above or if there is no floor above, the space between the floor and the ceiling next above. A basement having more than one-half the clear floor-to-ceiling height above curb level shall be considered a story.

Story, Half - A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three feet-above the top level of the story below.

Street - A partially or fully improved public right-of-way, which affords the principal means of access to abutting property.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, except public utility communication and electrical transmission lines and equipment and facilities supporting the same and/or incidental thereto.

Structural Alteration - A change, other than incidental repairs, which would prolong the life of the supporting members of a building, columns, beams, girders, or foundations.

Use - The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Vapors - the gaseous form of substances which are normally in the solid or liquid state and which can be changed to these states by increasing the pressure or decreasing the temperature.

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.

Yard, Front - A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear - A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side - A yard extending along a side lot line from the front yard to the rear yard.

ARTICLE 12 **SEPARABILITY CLAUSE**

The provisions of this ordinance are considered separable. If any provision is found to be unconstitutional it is the intent of the Board of County Commissioners that the remainder have full force and affect.

ARTICLE 13 **REPEAL OF CONFLICTING ORDINANCES**

All ordinances or part of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on _____.

Amendments taken from Commissioner's minutes.

**AMENDMENTS FOR JULY 9, 1998
(ADOPTED BY COUNTY COMMISSIONERS AUGUST 18, 1998)**

Zoning Ordinance, Page 70. Definitions. Lot - A tract or parcel of land of at least sufficient size to meet the minimum zoning requirements of the district in which it is located for use and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or a permanent easement of access, at least forty (40) feet wide, connecting to a public street or road.

Article 4. Section 2. Zoning Ordinance, Page 36. Division of Lots. No lot improved with a building or buildings shall hereafter be divided into two or more lots unless all improved lots resulting from such division shall meet the minimum zoning requirements of the district in which it is located. No portion of any such improved lot shall hereafter be sold unless all improved lots resulting from such sale shall meet the minimum zoning requirements of the district in which it is located.

Article 4. Section 3. Zoning Ordinance, Page 36. Access to Public Street. Each principal building hereafter erected shall be on a lot, which adjoins a public street or a permanent easement of access, at least forty (40) feet wide, connecting to a public street.

Add the following section to both the Zoning Ordinance as Article 2. Section 4. (Page 4), and to the Subdivision Ordinance as Article 1 (page 1), and renumber current Article 1 to become Article 1.5.

Classification of Land Divisions. All land to be divided shall be categorized into one of three (3) classes of land division. Those classes are:

- a) Exempt Divisions
- b) Minor Subdivisions
- c) Major Subdivisions

Exempt Divisions - Divisions of land which are not intended to create a subdivision or housing development and which are not subject to the requirements of the Subdivision Control Ordinance. Landowners must apply for approval of exempt divisions by the Zoning Administrator, using a form available in the Zoning Office. New tracts or parcels created through an Exempt I division are not eligible for Exempt II divisions. Exempt divisions must qualify under one of the following criteria:

Exempt I.

- a. A division of land for agricultural purposes not involving any new street or easement of access.
- b. A division of land into two (2) or more tracts of which all tracts are at least five (5) acres and does not require any new street or easement of access.

- c. A division of land for a transfer between adjoining tracts to correct errors in an existing legal description, provided that no additional building sites are created except for accessory buildings.
- d. A division of land ordered through court degree for distribution of property or estate settlement.
- e. A division of land for right-of-way for street or other public infrastructure construction.
- f. A division of land into cemetery plots.

Exempt II.

A division of a single tract or parcel as recorded on the effective date of this amendment, and zoned agricultural or residential, into a maximum of six (6) tracts or parcels such that all new tracts or parcels shall be a minimum of one (1) acre in size and meet all other minimum zoning requirements of the district in which it is located. Exempt II divisions are not allowed on tracts or parcels created by the use of an Exempt I division.

Amendments to the Subdivision Control Ordinance:

Article 2. Section 1. Subsection C. Item 3. (Page 3). Under Street Type and Right-of-Way add: Rural Access Road and 40'0'.

Article 2. Section 1. Subsection C. Item 9. (Page 5). Delete Section b. and replace with new Section b. as follows: Lot Addresses, Street Names and/or Road Numbers shall be assigned by the E-911 Administrator prior to final Plat Approval by the Commission.

Article 2. Section 2. Subsection A. Item 1. (Page 8). at the end of the paragraph after the words "installed at the following points" add: or as determined by the Commission.

Article 2. Section 2. Subsection A. Item 2. (Page 8). after the words established grade adjoining it add: and all Lot Corner Monuments shall bear a plastic cap with the name and license number of the Licensed Professional Surveyor and/or Engineer.

Article 2. Section 2. Subsection B. Item 3. (Page 9). add: Paragraph c. Chip and Seal* Bituminous Seal Coat Type 6 per INDOT Section 407, over Bituminous Prime Coat per INDOT Section 408, over 6" Compacted Aggregate Base, Type "O" per INDOT Section 308, over Prepared Subgrade per INDOT Section 207, with Finished Shoulders, Ditches, ~ Slopes per INDOT Section 20

add: Paragraph d., Rural Access Road*

Surface: 3" of Gravel or Crushed Stone.

Base: 6" of Gravel or Crushed Stone.

Sub-Base: Compacted Sub-grade.

Crown: 1/4 inch per each 1 foot from Centerline of Roadway

Minimum Traveled Road Width: 18 feet.

Article 2. Section 2. Subsection G. Item 2. (Page 12). Paragraph b. Under (1) delete as determined by the Commission, and add: as required by the Indiana State Board of Health.

under (2) delete licensed engineer, licensed surveyor or qualified sanitarian, and add: Soil Scientist or qualified person approved by the State of Indiana to perform such tests.

under (5) delete percolation test indicates a time of 60 minutes or more for the water to fall one inch, and add: Septic Permit has not been issued by the Indiana State Board of Health or appropriate agency.

Article 2. Section 2. Subsection G. Item 3. (Page 13). after If this occurs, delete the rest of sentence and add: the Subdivider shall make contact with local sanitary districts, towns or local health departments to determine if the installation of the sewer system could be joined into an existing system.

Article 2. Section 2. Subsection I. (Page 13). after subject to approval, delete by the Commission, and add: of the Commission and the E-911 Administrator.

Article 3. Section 2. Subsection C. Item 3. (Page 15). after the words less than ten percent add: or as determined by the Commission. Elevations are to be based on Sea Level Datum.

Article 3. Section 4. Subsection B. Item 2. (Page 19). paragraph a (6) add: Maintenance of all Streets and Roads shall be the responsibility of the Subdividers, Lot Owners or Subdivision Improvement Association until said streets or roads meet the minimum paving specifications required as outlined in Article 2, Section 2 of the Vermillion County Subdivision Control Ordinance dated July 6, 1970 and amended (? , 1998) and as according to Indiana Code, Title 8, Article 20, Chapter 1, Section 50.1 prior to the Vermillion County Commissioners accepting the Streets and Roads into the County Road System.

Article 3. Section 4. Subsection B. Item 2. (Page 20). paragraph d, delete the word shall, and to replace it add: may

Article 5. Definitions, Section. Streets, Subsection d. Local Access Roads and Streets. add: Rural Access Road - Roads within a subdivision which will carry low volumes of traffic and are used primarily to provide access to the abutting tracts, parcels and lots within the Subdivision and provide access to local access roads.

Article 5. Definitions, Section. Page 24.

Subdivision - The process of dividing a single lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership of residential, commercial or industrial land, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes.

A. Subdivision, Minor. The division of a single tract or parcel of Agricultural or Residential Zoned land or a part thereof into a maximum of Fifteen (15) lots for the purpose, whether immediate or future, of transfer of ownership for Single Family Residential Dwellings (Lots), providing that each lot(s) have direct access from a Public Road, and the division of land is one lot depth and the lot(s) lines do not adjoin a business or industrial district boundary line. For Review and Final Approval the plat shall be in Form and Content as outlined and according to Article 3, Section 4, Subsection A, Item (1); Subsection B, Items (1) & (2).

(1). A Subdivision Minor that requires more than one lot depth shall have a minimum Right-of-Way from a Public Road along one side of each lot which does not border a Public

Road. The Right-of-Way and the Road shall be constructed to the minimum specified requirements of the Vermillion County Subdivision Control Ordinance and meet all the requirements as above for the division of lots and tracts and the Review and Final Approval Process same as provided in Subdivision Minor above.

(2). A Minor Subdivision which requires the division of a singular tract or parcel of Agricultural or Residential Zoned Land or a part thereof into lots for single family residential dwellings (lots) along an existing Public Road Right-of-Way may be filed as provided for under Article 3, Procedure; Section 6, Alternate Procedure.

(3). The creation of a Minor Subdivision is for the purpose of subdividing small parcels or tracts of Residential Zoned Land, or Agricultural Zoned Land that is not productive or can not be efficiently used for Agricultural activities. It is not the intent that the Minor Subdivision be Pyramided into Residential Planned Development of Roads, Streets and Blocks.

B. Subdivision, Major. A subdivision which does not qualify as a Minor Subdivision, including residential subdivisions of sixteen (16) or more lots, smaller residential subdivisions which require additional improvements, and commercial or industrial subdivisions.

Bed and Breakfast Amendment proposed May 13, 1999 and approved May 14, 1999:

Article 3, Section 1, b: Add #8. Bed and Breakfast accommodations as an accessory use in an existing dwelling.

Article 3, Section 2, b: Change 4. Home Occupations, to: 4. Home Occupations, and bed and breakfast accommodations.

Article 3, Section 3, b: Change 2. Home Occupations, to: 2. Home Occupations, and bed and breakfast accommodations.

Article 3, Section 4, b: Change 3. Home Occupations, to: 3. Home occupations, and bed and breakfast accommodations.

Definitions: Add:

Bed and Breakfast Accommodations: Use of parts of an existing dwelling, by its occupants and secondary to its use for dwelling purposes, as a bed and breakfast business, providing sleeping quarters and food to short term guests for pay. A short term guest is one who stays for no more than thirty (30) consecutive days.

Height Restriction Amendment

Approved November 16, 1999

Amendment to Vermillion County Zoning Ordinance initiated by the Vermillion County Area Plan Commission to require special exception for heights of structure, tower, antennas over 45'0" in height as listed below:

A Agriculture District

(Add) e., 1. 45'0" maximum heights for uses and structures listed under Article 3, Section A, 7. Heights exceeding the 45'0" maximum may be permitted as special exception by Board of Zoning Appeals. Agriculture uses and structures, fire, police and governmental uses shall be exempt from the maximum height requirement.

R-1 Rural Residential District

(Add) e., 1. 45'0" maximum heights for uses and structures listed under Article 3, Section 2, b., 3. Heights exceeding the 45'0" maximum may be permitted as special exception by Board of Zoning Appeals.

S-1 Suburban Residential District

(Add) e., 1. 45'0" maximum heights for uses and structures listed under Article 3, Section 3, b., 5. Heights exceeding the 45'0" maximum may be permitted as special exception by Board of Zoning Appeals.

S-2 Suburban Residential District

(Add) e., 1. 45'0" maximum heights for uses and structures listed under Article 3, Section 4, b., 2. Heights exceeding the 45'0" maximum may be permitted as special exception by Board of Zoning Appeals.

U-1 Urban Residential District

(Add) e., 1. 45'0" maximum heights for uses and structures listed under Article 3, Section 5, b., 1. Heights exceeding the 45'0" maximum may be permitted as special exception by Board of Zoning Appeals.

B-2 General Business District

(Add) e., 1. 45'0" maximum heights for uses and structures listed under Article 3, Section 6, a., 3. Heights exceeding the 45'0" maximum may be permitted as special exception by Board of Zoning Appeals.

B-3 Interchange Development District

(Add) e., 1. 45'0" maximum heights for uses and structures listed under Article 3, Section 7, a., 10, Number 3 as regulated in I-1 Industrial District. Heights exceeding the 45'0" maximum may be permitted as special exception by Board of Zoning Appeals.

I-1 Industrial District

(Add) e., 1. 45'0" maximum heights for uses and structures listed under Article 3, Section 8, a., 3. Heights exceeding the 45'0" maximum may be permitted as special exception by Board of Zoning Appeals.

I-2 Industrial District

(Add) e., 1. Maximum height as regulated by I-1 Industrial District Section 8, e., 1.

Supplementary District Regulations

Article 4, Section 9. Height Modifications.

(Add) After limits herein specified: Heights exceeding the maximum district regulations limits may be permitted by Special Exception by the Board of Zoning Appeals.

Approval of Fee Schedule and Amendments

February 18, 1991

Article 9. Fees and Expenses for Notice

Section 1. Each application for a location improvement permit must be accompanied by a check payable to the county according to the following schedule:

A: Fees for location improvement permit applied for properly before construction begins will be as follows

1. Residential structures of houses or accessory building will be \$25.00
2. Commercial/industrial structures will be assessed a base fee of \$100.00, plus an additional \$.10 per square foot of floor space over 1000 square feet, up to a maximum fee of \$1,500.

B: Fees for location improvement permits applied for after construction has begun will be 200% of the fee that would have been assessed if applied for properly before construction.

Section 2. Each application for a Certificate of Occupancy must be accompanied by a fee payment of \$10.00.

A: Fees for a Certificate of Occupancy applied for after occupancy takes place will be 200% of the fee that would have been assessed if applied for properly.

Section 2. The fee for a mobile home permit will be \$25.00.

A: Fees for mobile home permits applied for after placement of mobile home has begun will be 200% of the fee that would have been assessed if applied for properly before placement.

Article 10. Enforcement

Section 1. Violations a Common nuisance. Any building or structure erected, raised or converted or land or premises used in violation of any provision of this ordinance is hereby declared to be a common nuisance and the owner of the building or structure, land or premises liable for maintaining a common nuisance.

Section 2. Injunction. The Plan Commission, the Board of Zoning Appeals or the Zoning Administrator may institute a suit for injunction in the Circuit Court of the county to restrain an individual or a governmental unit from violating the provisions of this ordinance. The Plan Commission or the Board of Zoning Appeals may also institute a suit for a mandatory violation of the provisions of this ordinance.

Section 3. Penalty. A person who violates any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten (10) dollars and not more than three hundred (300) dollars. Each day that violation is permitted to exist is a separate offence.

**Amendment to the Building Code Ordinance:
September 7, 1993**

A motion was made by Frank Pitchkites to revise the Vermillion County Building Code Ordinance to read 200 sq. feet and \$1,800. J.R.Young seconded the motion. Frank Pitchkites and J.R.Young votes aye, Lonis Baird voted nay. Motion Carried.

February 18, 1991
Commissioner's Meeting

"The Area Plan Commission approved new permit fees for the county. (building) Harry Crossley made a motion to allow the fee schedule. Lonis Baird seconded. All in favor. Motion Carried. The approved fee schedule follows:

ARTICLE 9. FEES AND EXPENSES FOR NOTICE

Section 1. Each application for a location improvement permit must be accompanied by a check payable to the county according to the following schedule:

a. Fees for location improvement permits applied for properly before construction begins will be as follows:

1. Residential structures of houses or accessory buildings will be \$25.00.
2. Commercial/industrial structures will be assessed a base fee of \$100.00 plus an additional \$.10 per square foot of floor space over 1000 square feet, up to a maximum fee of \$1,500.00.

b. Fees for location improvement permits applied for after construction has begun will be 200% of the fee that would have been assessed if applied for properly before construction.

Section 2. Each application for a Certificate of Occupancy must be accompanied by a fee payment of \$10.00.

a. Fees for a Certificate of Occupancy applied for after occupancy takes place will be 200% of the fee that would have been assessed if applied for properly.

Section 3. The fee for a mobile home permit will be \$25.00.

a. Fees for mobile home permits applied for after placement of mobile home has begun will be 200% of the fee that would have been assessed if applied for properly before placement.

ARTICLE 10. ENFORCEMENT.

Section 1. Violations a Common Nuisance. An building or structure erected, raised or converted or land or premises used in violation of any provision of this ordinance is hereby declared to be a common nuisance and the owner of the building or structure, land or premises liable for maintaining a common nuisance.

Section 2. Injunction. The Plan Commission, the Board of Zoning Appeals or the Zoning Administrator may institute a suit for injunction in the Circuit Court of the county to restrain an individual or a governmental unit from violating the provisions of this ordinance. The Plan Commission or the Board of Zoning Appeals may also institute a suit for a mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this ordinance.

Section 3. Penalty. A person who violates any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten (10) dollars and not more than three hundred (300) dollars. Each day that violation is permitted to exist is a separate offence."

AN ORDINANCE AMENDING THE VERMILLION COUNTY ZONING ORDINANCE

BE IT ORDAINED, by the Board of Commissioners of Vermillion County, Indiana:

1. That Section 3.c. of the Vermillion County Zoning Ordinance be amended by the addition of the following provision:

PROVIDED, however, that a non-conforming mobile home may be replaced on a lot in any district if it is of equal or larger size and of less age than the mobile home being replaced, the replacement is fully completed within a period of time less than six months, and the replacement mobile home otherwise meets the requirement of this ordinance.

2. That Section 2.b.10 of the Vermillion County Zoning Ordinance be amended by the insertion of the following provisions:

10. Mobile home in accordance with the following provision.

Each mobile shall be located on a lot and shall be the only principal building on the lot.

The minimum lot size, minimum yard sizes, and other single-family dwelling requirements of the S-1 Suburban Residential District are complied with.

Each mobile home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for and attached to appropriate external systems.

Each mobile home shall be supported under the I-beams and shall be skirted on all sides with a permanently attached, substantial material, such as painted metal, Fiberglas, concrete, or masonry, that will not detract from the appearance of the mobile home.

The mobile home shall be oriented on the lot in such a manner as is most compatible with other dwellings in the immediate neighborhood.

DATED this 1st day of October 1973.

(Signed by the Commissioners)

**AN ORDINANCE AMENDING ARTICLE 3, SECTION 1C
OF THE ZONING ORDINANCE OF VERMILLION COUNTY INDIANA**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VERMILLION COUNTY,
INDIANA:

That Article 3, Section 1c of the Zoning Ordinance of Vermillion County, Indiana, be amended
as follows:

Minimum lot size:

Lot area: One (1) acre

Dated this 2nd day of July 1973.

(Signed by the Commissioners)

Amendment to the Zoning Ordinance:

Vermillion County Zoning Ordinance amendment: Article 3, Section 9a, Item 16 was amended to include Electrical generating facilities as permitted use in an I-2 Industrial District.

Adopted by the Vermillion County Commissioners at their regular meeting on April 20, 1999.

Wind Energy Conversion Systems (WECS) Amendment to the
Vermillion County Zoning Ordinance
Ordinance #2021-13

1.1 PURPOSE AND SCOPE - This article establishes general guidelines for the siting and use of Wind Turbine Generators, Meteorological towers (MET) and related devices and structures. This article is intended to:

- A. Protect residential areas and neighboring properties from any potentially adverse visual or noise impacts of Wind Turbine Generators or related devices and structures.
- B. Provide for a land use that will provide an energy source with low associated environmental impacts, protect natural resources, protect agricultural economies, and protect the health, safety, and welfare of Vermillion County residents.
- C. Provide for the complete removal of abandoned or noncompliant Wind Turbine Generator towers, MET towers, or related devices and structures.
- D. Allow restricted use of Wind Turbine Generator towers and MET towers of limited height.
- E. Provisions of any and all land leases for property being used for the installation of any WECS with any Landowner must comply with all standards provided for in this document to ensure neighboring private and public assets are protected for any and all damages of any type.
- F. The U.S. Fish & Wildlife Service must be consulted with in accordance with the USFW Land-based Wind Energy Guidelines (March 23, 2012) as referenced in Appendix A.
- G. This article, all provisions and guidelines herein, shall be transferred with and applied to any and all ownership changes, and shall not be waived in whole or in part by any bankruptcy or other such type proceeding.

1.2 APPLICABILITY

- A. Micro Wind System towers and MET Towers less than 45 feet in height shall be permitted subject to the grant of a Special Exception from the Vermillion County Board of Zoning Appeals (BZA) exclusively in the following zoning districts: A-Agricultural, Industrial I, Industrial II, and N-1, subject to compliance with the regulations of this Ordinance and any conditions or commitments imposed at the time of the Special Exception grant, and shall be subject to all standards and the requirements of Sections 1.3 and 1.4.
- B. Wind Farms, Large Wind Turbines, WECS and MET Towers exceeding 45 feet in height, and all related devices and structures for the above, shall be permitted subject to

the grant of a Special Exception from the BZA, exclusively in the following zoning districts: A-Agricultural, Industrial I, Industrial II, and N-1 subject to compliance with the regulations of this Ordinance and any conditions or commitments imposed at the time of the Special Exception grant, and shall be subject to all standards and the requirements of Sections 1.3 and 1.4.

1.3 GENERAL REQUIREMENTS

A. Minimum Site Area.

1. Permits issued by Vermillion County for WECS Project located in the Agricultural zoning district shall be limited to the equivalent of 100 megawatt of production or 6000 acres calculated at 60 acres per megawatt produced. Exceptions to this size limitation for any WECS project shall only be permitted by Special Exception granted by the BZA.

2. The minimum site area for a Wind Turbine Generator or a MET Tower shall be as necessary to meet required setbacks, the other standards of the Vermillion County Zoning Ordinance, and as required by the Special Exception granted by the BZA.

B. Setbacks.

1. Micro Wind System towers and all associated features, including transmission and communication lines to and from the structure, shall be set back from any adjoining property lot line, road right-of-way, railroad right-of-way or overhead electrical transmission or distribution lines a minimum distance equal to the total height of the structure.

2. Each proposed Wind Turbine Generator or MET Tower, including transmission and communication lines to and from the structure, shall meet the following applicable setback requirements:

a. Each Wind Turbine Generator or MET Tower and all associated features shall be set back from any adjoining property lot line, road right-of-way, railroad right-of-way or overhead electrical transmission or distribution lines a minimum distance of two (2) miles from the base of the tower.

b. Wind Farms and WECS occupying multiple parcels may have internal property line setbacks waived by execution of a written document signed by all land owners sharing such property line. All such documents shall be recorded in the office of the Vermillion County Recorder within 45 days of the signing of each wind lease agreement and said document shall be cross referenced to the current recorded deeds. The Wind Developer shall not be permitted to submit a memorandum of lease

containing multiple lease contracts to the Vermillion County Recorder. Signed wind lease contracts not submitted to the Vermillion County Recorder's office within 45 days of signing are null and void in Vermillion County for purposes of this Ordinance.

c. The setback distance for all WECS shall be two (2) miles from platted residential subdivisions of a municipality, healthcare facilities, and schools. Distance shall be measured from the center of the foundation at the base of the WECS to the closest Corporate Limit boundary line, healthcare facility property line, or school property line.

C. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a Wind Turbine Generator shall be no less than 60 feet or $1/3$ of distance to the top of the hub, whichever is greater.

D. Maximum Noise Levels. Any proposed Wind Turbine Generator shall produce sound levels that are no more than 32 decibels as measured on the dB(A) scale at the property lines of the site in question. For all towers other than Micro Wind Systems the following shall be provided:

1. A noise study by a licensed acoustician chosen by the Vermillion County Area Plan Commission (APC) and paid for by the Wind Developer shall be submitted with the application for a Wind Turbine Generator tower. Said study shall be prepared by a qualified professional acoustician with no less than three years of experience conducting WECS and community noise sound studies and shall include the Vermillion County Zoning Ordinance governing noise abatements following, at a minimum:

a. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation;

b. A survey and report prepared by a qualified acoustician with no less than three years of experience conducting WECS community noise sound studies and wind development that analyzes the preexisting ambient noise (including seasonal variation) and the potentially affected residences, schools, public buildings or other noise sensitive land uses located within a two (2) mile radius of the proposed project site. Study shall include decibels for both A and C weighted scales.

c. A description and map of the cumulative noise impacts and any problem areas identified.

d. A description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive land uses.

E. Maximum Vibrations. Any proposed Wind Turbine Generator shall not produce vibrations perceptible beyond the property on which it is located or cause vibration that could be detected in nearby structures or damage underground wells.

F. Electrical Components

1. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.

2. Electrical collection cables - All WECS electrical collection cables between each WECS shall be located underground. All buried transmission lines shall be at a minimum depth of six (6) feet until the same reach the property line or a substation adjacent to the property line.

3. No electrical collection cables or communication lines may cross any neighboring property without the express written consent of the property owner, approved by the APC, and shall follow the underground burial requirements listed in item F.2 above.

4. During the construction, operation, decommissioning, dismantling and removal of any WECS or any of the associated devices and structures (including but not limited to the tower base, communication and transmission lines), any and all topsoil in the affected area shall be removed, stored and held separately from any excavation activity (including but not limited to trenching, ditching, digging or any other soil disturbance). After the work has been completed, then the disturbed area and extending to 100 feet in all directions shall be tilled using a sub-soiler to a minimum depth equal to that of the soil disturbance in two (2) opposing passes then the original topsoil that was removed shall be returned to the original area from where it was obtained.

G. Interference with Reception. Any Wind Turbine Generators, including all transmission and communication lines to and from the structure, shall be constructed and operated so that they do not interfere with agricultural tiling, present and future, drainage, natural resource preservation, agricultural economies, local residential broadcast television signals, communication or microwave transmissions, GPS for agricultural use, military defense radar, navigational and radio reception to neighboring areas, electromagnetic communications including radio, telephone, cell phone and microwave.

H. State or Federal Requirements. All proposed Wind Turbine Generators or MET towers shall meet or exceed all local, state, or federal standards and regulations.

I. Aesthetics and Lighting. Any proposed Wind Turbine Generator or MET tower shall meet the following requirements:

1. Each Wind turbine Generator or MET tower shall be subject to any

applicable standards of the Federal Aviation Administration (FAA). If any towers are not subject to FAA regulations, the towers shall be marked or identified in order to easily be identified for low-level aviation operations as noted below and subject to any requirements of the Vermillion County Zoning Ordinance or imposed as a condition of any Special Exception granted by the BZA.

a. Each tower shall have Aircraft Detection Lighting System. A lighting plan for each WECS shall be provided to the BZA. Such plan should select and submit to the FAA a request to use and Aircraft Detection Lighting System (ADLS) approved by the FAA. The applicant shall provide to the Executive Director of the APC a copy of the FAA approval of the required ADLS prior to the installation of any tower section. The plan must describe all lighting that will be used, including any lighting that may be required by the FAA. The lighting shall be planned and developed in such a way to minimize the visual impact of the structures.

2. Each Wind Turbine Generator tower and MET tower may be a monopole, monotube or lattice style construction and shall be self-supporting. Towers shall not include guy wires.

J. Signs. A sign no more than 4 square feet and no less than 2 square feet in area displaying an address, telephone number and the tower ID number for emergency calls and informational inquiries shall be posted at the Wind Turbine Generator or MET tower erected prior to a Wind Turbine Generator installation. No Wind Turbine Generator tower or MET tower or site shall include an advertising sign.

K. Not Essential Services. Wind Turbine Generators and MET towers shall be regulated and permitted pursuant to this Article of the Vermillion County Zoning Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

L. Removal of Abandoned or Unsafe Wind Turbine Generators or MET Towers.

1. Any Wind Turbine Generator or MET tower that is not operated for a continuous period of 6 months shall be considered abandoned.

2. Any tower found to be unsafe or not in compliance with the Special Exception conditions related to noise or shadow flicker placed upon it by the BZA, shall be in violation of the Special Exception grant.

3. The owner of any Wind Turbine Generator tower or MET tower that is abandoned or in violation of the Special Exception approval shall remove the tower within twelve (12) months of receipt of notice from the Executive Director of the APC.

4. In addition to removing the Wind Turbine Generator, or MET tower, including all infrastructure, transmission and communication lines, aggregate, concrete base material, and rebar, the owner shall return the property and complete agronomic soil conditions to pristine pre-construction condition.

5. The owner's restoration shall be approved in writing by the landowner and is subject to APC approval within such twelve (12) month period.

6. Failure to remove an abandoned Wind Turbine Generator or MET tower within such twelve (12) month period shall be a violation subject to enforcement action by the APC.

7. A decommissioning plan is required and must be approved by the APC. The plan shall provide for the method and payment of the anticipated cost of removing a WECS at the end of its serviceable life or upon its becoming discontinued or abandoned to ensure that the WECS is properly decommissioned. The decommissioning plan, for all WECS except Micro Wind Systems, shall include, at a minimum, the following:

a. Assurance. Written assurance that the WECS will be properly decommissioned upon the expiration of its serviceable life or in the event of its discontinuance or abandonment.

b. Cost Estimate. An estimate of the costs of decommissioning and removing the WECS upon the expiration of its useful life or in the event of its discontinuance or abandonment. The cost estimate shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of WECS, shall be updated every three (3) years or upon a change in ownership of the WECS, whichever is earlier, and is subject to approval by the APC.

c. Financial Assurance. The cost of removal and site restoration is the full responsibility of the Applicant and transfers with any and all changes in ownership of the WECS, and shall not be waived in whole or in part by any bankruptcy proceedings. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the WECS and to restore the site, the following steps shall be followed:

1). For each WECS, the Applicant shall determine an amount of money equal to the estimated removal and restoration cost.

2). The APC shall require independent verification of the adequacy of this amount.

3). This amount shall be secured in the form of a surety, such as surety bond, letter of credit, or other financial promise, and shall

be subject to the approval of the APC.

d. Abandonment. The Applicant shall verify, under penalties for perjury, that all easements and leases for the WECS contain terms that provide financial assurances to the property owners to ensure that the WECS are properly decommissioned within one (1) year of the expiration of its serviceable life or upon discontinuance or abandonment.

M. Climb Prevention. All tower designs shall include features to deter climbing or be protected by anti-climbing devices, when applicable, such as:

1. Fences with locking portals at least six feet high; or
2. Anti-climbing devices 15 feet vertically from the base of the tower.
3. Locked tower doors.

N. Waste Management. All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All HAZARDOUS WASTE generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations.

O. Utility Interconnection. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS.

P. Warnings. A reasonably visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.

Q. Drainage Repair. All damages to County maintained waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS must be completely repaired to meet or exceed original condition, and so as not to impede the natural flow of water. All repairs must be completed within 30 days as approved by the Vermillion County Surveyor or designate, and subject annual inspection by the Vermillion County Surveyor or designate and further repair for a period of 5 years from the date of construction, or decommissioning and dismantling, as it may apply.

R. Use of Roads. An Applicant proposing to use any county roads for the purpose of transporting WECS or substation parts or equipment for construction, operation, or maintenance of the WECS or Substation, shall comply with the following:

1. All proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Vermillion County Board of Commissioners and have a signed

Road Use Agreement on file in the Vermillion County Auditor's Office. The Vermillion County Board of Commissioners shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.

2. All road damage caused by the construction of the WECS project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Vermillion County Board of Commissioners. The Vermillion County Board of Commissioners may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a Professional Engineer shall be required by the Vermillion County Board of Commissioners to insure that future repairs are completed to the satisfaction of the County. The cost of bonding is to be paid by the applicant.

3. Newly constructed WECS access roads may not impede the flow of water.

4. All repairs must be completed in the time period agreed upon by the Vermillion County Board of Commissioners.

5. Throughout the life of the project as repairs to WECS are made, road repairs will be completed each time the Applicant's equipment uses county roads and as the Vermillion County Board of Commissioners deem necessary, at the Applicant's expense.

6. The location of all WECS maintenance and or access roads must be approved by the Vermillion County Board of Commissioners and may not be located closer than 3,000 feet to any residence as measured from the center of the access road to the corner of the residence.

S. Dust Control. Reasonable dust control measures are required by the County during construction of the WECS. Treating with a suitable dust suppressant approved by the Vermillion County Board of Commissioners shall be used. The frequency of application shall be on an as needed basis.

T. Sewer and Water.

1. All WECS facilities shall comply with existing septic and well regulation as required by the Vermillion County Health Department and the State of Indiana Department of Public Health.

2. All wells, water towers and piping within a two (2) mile radius of each WECS site shall be inspected by a licensed certified Indiana well installer prior to and following construction, annually for a period of 10 years. All expenses associated with the inspections shall be at the expense of the developer. Any damage or contamination caused by vibration or any operations of WECS or their

construction, decommissioning and dismantling, shall be repaired at the expense of the Wind Developer and the Wind Developer is required to provide commercial water tanks and water to affected homes until an investigation is complete and problems, if caused by WECS construction or operation, are mitigated.

U. Height.

All Micro Wind System towers, MET towers, Wind Farms, Wind Turbines (Large Wind System or Small Wind System), and WECS approved under this Ordinance are subject to the height requirements as specified under Section 1 of the Vermillion County Zoning Ordinance. Heights exceeding the 45'-0" maximum may be permitted only if a variance is granted by the BZA.

V. Fire Prevention and Emergency Response Plan and Requirements. The Wind Developer shall provide:

1. A description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
2. A designation of the specific agencies that would respond to potential fire or other emergencies.
3. All emergency response training and equipment needed to respond to a fire or other emergencies including an assessment of the trainings shall be provided on an annual basis by the Wind Developer.

W. Mitigation of Impacts. The Applicant's site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities, and all agricultural economies. The U.S. Fish & Wildlife Service must be consulted with in accordance with the USFW Land-based Wind Energy Guidelines (March 23, 2012) as referenced in Appendix A.

X. Shadow Flicker. At no time shall a WECS tower, nacelle, or blades create shadow flicker on any non-participating landowner's property. For the purpose of this Ordinance a nonparticipating landowner shall be defined as a landowner on which a tower and its associated infrastructure does not physically sit.

Y. Property Value Guarantee. A property value guarantee shall be offered by the Wind Developer to all landowners within a two (2) mile radius of a WECS. Fair market value will be established by, at minimum, two reputable appraisers of the landowners' choice to establish baseline data for property values at the Wind Developer's expense. If the value of a property decreases or a landowner is unable to sell his property after the

WECS is erected, the developer will pay that landowner the difference or buy the property at the baseline fair market value determined prior to construction of the WECS project.

Z. Notice. Prior to applying for a Special Exception, the Wind Developer must notify every household and landowner within a two (2) mile radius of the parcel for which said Special Exception is being sought. Such notifications must be by certified mailing.

1.4 SPECIAL EXCEPTION REQUIRED

A. Unless exempted under Section 1.2, all Wind Turbine Generators and MET towers shall be subject to Special Exception approval and all requirements for Special Exception in accordance with the Rules of Procedure for the Vermillion County Board of Zoning Appeals Article IV, exclusively in those districts listed as: A-Agriculture, Industrial I, Industrial II, and N-1. In addition to the general standards of approval for Special Exception, all Special Exceptions required by this Article shall comply with the following standards of approval:

1. The use shall meet all general requirements listed above in Section 1.3.
2. All decommissioning money paid to Vermillion County shall be placed in an interest accruing account controlled by Vermillion County prior to the approval of any permits.
3. As specified in Section 1.3, a Noise Study shall be submitted including satisfactory mitigation measures to assure that no nearby residential uses will be subjected to noise impacts greater than 32 dBA at the property line.
4. A Special Exception for a proposed project, if granted by the BZA, shall be valid for a period of one (1) year. If an application for an Improvement Location Permit has not been submitted with such one (1) year period, the Special Exception shall automatically terminate and be of no further force or effect. The Applicant shall be granted a single one (1) year extension subject to the Applicant submitting a report to the BZA which shows the progress made on the project.

B. Application Requirements. Prior to the construction of a WECS, the Applicant shall obtain the following: (1) a Special Exception from the BZA; and (2) Drainage approval as required under the Vermillion County Stormwater and Erosion Control Ordinance when deemed necessary, (3) an Improvement Location Permit from the APC.

1. The Application for Special Exception. The application shall be filed with the BZA and include the following items:
 - a. A WECS Project summary, including, to the extent available: (1) Each turbine's point location, including its name plate generating capacity; the make and model of the WECS that will be installed; the maximum

height of the WECS towers measured from the base to the tip of the blade in vertical position and diameter of the WECS rotors; and (2) a description of the Applicant, Owner, and Operator, including their respective business structures.

b. The names, addresses, and phone numbers of the Applicant, Owner and Operator, and all property owners with WECS or associated utility lines on their properties. A memorandum of lease for all leases for properties with WECS must be filed in the Vermillion County Recorder's Office within 45 days of the lease being signed.

c. A topographic map of the project site and the surrounding area which shall encompass an area at least a two (2) mile radius from the proposed project site with contours of not more than five foot intervals.

d. A site plan at an appropriate scale (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1-inch equals 20 feet) showing the proposed location of the WECS facility, including the planned locations of each WECS tower, WECS access roads, substations, electrical cabling, and ancillary equipment. In addition, the site plan shall show: Primary structures within a two (2) mile radius of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; location of all above-ground utility lines within a distance of a two (2) mile radius; recognized historic or heritage sites as noted by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources; and any wetlands based upon a delineation prepared in accordance with the applicable U. S. Army Corps of Engineer requirements and guidelines.

e. Location of all existing underground utility lines associated with the WECS site.

f. All required hearing filing fees as prescribed by this ordinance.

g. An executed Agricultural Impact Mitigation Agreement (AIMA) with the Vermillion County Board of Commissioners as referenced in Appendix B.

h. An executed Road Use Agreement with the Vermillion County Board of Commissioners.

i. A letter of project plan approval by the INDNR and the US Fish & Wildlife Service.

2. The Application for Improvement Location Permit. The Applicant shall apply to the APC for an Improvement Location Permit. In addition to the

information required on the Improvement Location Permit Application and those documents required under section 1.3, the Applicant shall provide the following information to the APC prior to the issuance of an Improvement Location Permit:

- a. Location of all utility lines within a two (2) mile radius of the proposed WECS.
- b. Location of all underground utility lines associated with the WECS site.
- c. Stamped engineer drawings of the structural components of the tower construction including the base and footings.
- d. Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
- e. Manufacturer's specifications and installation and operation instructions and an un-redacted operations safety manual for the model of WECS that will be installed.
- f. Certification by a registered professional engineer that the towers' design is sufficient to withstand wind load requirements for structure as defined by Indiana IBCA 2012.
- g. All turbines shall be new equipment commercially available. Used, experimental or proto-type equipment still in testing shall subject to approval by the BZA as per the normal Special Exception process.
- h. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the APC.
- i. No appurtenances other than those associated with the WECS operations shall be connected to any wind tower except with express, written permission by the BZA.
- j. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.
- k. A revegetation plan for restoring areas temporarily disturbed during construction.
- l. A fire protection plan for construction and operation of the WECS facility (See V. Fire Prevention and Emergency Response Plan and Requirements).

- m. Any other item reasonably requested by the BZA.
- n. A drainage plan for construction and operation developed under the standards of the Vermillion County Commissioners Stormwater Management Standards and Specifications for Development or Construction within the County.
- o. An erosion control plan developed and provided in compliance with the Vermillion County Commissioners Stormwater Management Standards and Specifications for Development or Construction within the County, approved by the Vermillion County Soil and Water Conservation District and the Vermillion County Drainage Board, and all other local, state, and federal regulations.
- p. Each WECS Tower and MET tower shall require an Improvement Location Permit. The fee for each improvement Location Permit shall be subject to the fee schedule established under of Vermillion County Zoning Ordinance Wind Energy Systems.

1.5 OPERATION

A. Interference. If, after construction of the WECS, the APC receives a written complaint related to interference with agricultural tiling, present and future, drainage, natural resource preservation, agricultural economies, local residential broadcast television signals, communication or microwave transmissions, GPS for agricultural use, military defense radar, navigational and radio reception to neighboring areas, electromagnetic communications including radio, telephone, cell phone and microwave, the Owner or Operator shall be notified in writing and the Owner or Operator shall take reasonable steps to respond within five (5) business days to resolve the complaint. Applicant, Owner or Operator shall take such actions as may be required to mitigate interference with drainage, natural resources, agricultural economies, electromagnetic communications, such as radio, telephone, microwaves, GPS for agricultural use, military defense radar or television signals caused by any WECS. In addition, the Applicant, Owner or Operator shall comply with the following:

- 1. Failure to remedy a complaint. If the Executive Director of the APC determines that an Owner or Operator has unreasonably failed to remedy such verified interference within fifteen (15) days after the Owner or Operator received the written complaint, the Executive Director of the APC shall take appropriate action to rescind any permit or approval associated with the WECS in question. Upon such rescission, the Owner or Operator shall be required to begin the decommissioning process.

B. Coordination with Local Fire Department.

- 1. The Applicant, Owner or Operator shall submit to all providers of

emergency services serving the WECS Project area a copy of the as-built site map in digital format, if requested.

2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan and provide annual training and equipment for local Emergency Response Personnel on an ongoing, annual basis at the Owner's or Operator's expense.

Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

C. Materials Handling, Storage and Disposal.

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2. All hazardous materials or waste related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

D. An ongoing log of maintenance activities performed on all WECS shall be submitted to the Executive Director of the APC on an annual basis.

E. Fees.

1. Fee per Project: \$50,000 for the first WECS tower; the Fee for each additional WECS tower is \$10,000.

F. Violation. Violation of this Ordinance shall be an offense punishable by a fine not to exceed \$1,000.00. Each day a violation goes un-remedied after the Applicant, Owner or Operator is sent written notice of the violation by registered mail is considered a separate offense. It is the goal of this Ordinance to promote structural safety to protect the public, and in setting an appropriate fine the nature of the offense, the degree of public safety involved, the efforts of the County, and the Applicant, Owner, or Operator to quickly and safely resolve any violation shall be considered. In the event Vermillion County takes action to enforce the Ordinance against an Applicant, Owner, or Operator, all expenses incurred by the County, including but not limited to attorneys and engineering experts, shall be reimbursed to the County by the Applicant, Owner, and Operator.

1.6 DEFINITIONS

A. "Applicant" means the entity or person who submits to the County an application for the siting of any WECS or Substation or thereafter operates or owns a WECS.

B. "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) within one year of such event.

C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

D. "Wind Developer" means the person that enters into a wind option agreement or wind energy agreement with the owner of the real property for the purpose of developing a wind energy project.

E. "Large Wind energy Conversion System" means a WECS with a manufacturer's rating of more than fifty (50) kilowatts per wind tower, or a total height of more than one-hundred forty (140) feet, or a swept area of more than forty (40) feet.

F. Meteorological tower ("MET") means, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System.

G. "Micro Wind System" means a building mounted WECS that has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than fifteen (15) feet above the highest point on the roof.

H. "Small Wind System" means a WECS that has a nameplate capacity (manufacturer's rating) less than or equal to 100 kilowatts per wind tower, and total height of one hundred forty (140) feet or less and a swept area of forty (40) feet or less.

I. Wind Energy Conversion System ("WECS") means all necessary devices that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s), switching stations, meteorological towers, communications facilities, and other required facilities and equipment, as related to the WECS project.

J. "Wind Farm" means an area of land with a cluster of wind turbines for driving electrical generators.

K. "Wind Turbine" means a device that converts the wind's kinetic energy into electrical energy.

APPENDIX A

Protection of Wildlife

1. The US Fish & Wildlife Service must be consulted with by the Wind Energy Facility owner early in the WECS planning process. USFWS Land-based Wind Energy Guidelines (March 23, 2012) must be used to assist developers in identifying species of concern that may potentially be affected by their proposed project, including migratory birds, bats, bald and golden eagles and other birds of prey; and listed, proposed, or candidate endangered and threatened species. These impacts may include:

- Collisions with wind turbines and associated infrastructure; loss and degradation of habitat from turbines and infrastructure;
- Fragmentation of large habitat blocks into smaller segments that may not support sensitive species;
- Displacement and behavioral changes; and
- Indirect effects such as increased predator populations or introduction of invasive plants.

2. Tiered Approach

The Guidelines use a "tiered approach" for assessing potential adverse effects to species of concern and their habitats. The tiered approach is an iterative decision-making process for collecting information in increasing detail; quantifying the possible risks of proposed wind energy projects to species of concern and habitats; and evaluating those risks to make siting, construction, and operation decisions. During the pre-construction tiers (Tiers 1, 2, and 3), developers will work with the Service to identify and avoid and minimize risks to species of concern. During post-construction tiers (Tiers 4 and 5), developers will assess whether actions taken in earlier tiers to avoid and minimize impacts are successfully achieving the goals and, when necessary, taking additional steps to reduce impacts. Subsequent tiers refine and build upon issues raised and efforts undertaken in previous tiers. Each tier offers a set of questions to help the developer evaluate the potential risk associated with developing a project at the given location.

Briefly, the tiers address:

- Tier 1 - Preliminary site evaluation (landscape-scale screening of possible project sites)
- Tier 2 - Site characterization (broad characterization of one or more potential project sites)
- Tier 3 - Field studies to document site wildlife and habitat and predict project impacts
- Tier 4 - Post-construction studies to estimate impacts
- Tier 5 - Other post-construction studies and research

The tiered approach provides the opportunity for evaluation and decision-making at each stage, enabling a developer to abandon or proceed with project development, or to collect additional information if required. This approach does not require that every tier, or every element within each tier, be implemented for every project.

If sufficient data are available at a particular tier, the following outcomes are possible:

- The project proceeds to the next tier in the development process without additional data collection.
- The project proceeds to the next tier in the development process with additional data collection.
- An action or combination of actions, such as project modification, mitigation, or specific post-construction monitoring, is indicated.
- The project site is abandoned because the risk is considered unacceptable.

The final Guidelines and all associated materials are available at

www.fws.gov/windenergy

APPENDIX B

**AGRICULTURAL IMPACT MITIGATION AGREEMENT
Between**

and the VERMILLION COUNTY BOARD OF COMMISSIONERS

**Pertaining to the Construction of a Commercial Wind Energy Facility
in Vermillion County, Indiana**

The following standards and policies are required by Vermillion County, Indiana to help preserve the integrity of any Agricultural Land that is impacted by the Construction and Deconstruction of a wind energy facility. This AIMA is made and entered into between the Commercial Wind Energy Facility Owner and the Vermillion County Board of Commissioners.

_____ LLC, an _____ limited liability company authorized to transact business in Indiana, hereafter referred to as "Commercial Wind Energy Facility Owner or Facility Owner", plans to develop an approximately _____ MW Commercial Wind Energy Facility or "Facility" in Vermillion County, which will consist of approximately turbines, access roads, an underground collection line, a switchyard, a substation, and an operation and maintenance building site.

If Construction does not commence within four years after this AIMA has been fully executed, this AIMA will be revised, with the Facility Owner's input, to reflect Vermillion County's current Wind Energy Conversion System Ordinance. This AIMA, and any updated AIMA, will be filed with the Vermillion County Board of Commissioners by the Facility Owner.

This AIMA is applicable to Construction and Deconstruction activities occurring partially or wholly on privately owned Agricultural Land.

Conditions of the AIMA

The actions set forth in this AIMA shall be implemented in accordance with the conditions listed below:

- A. All Construction or Deconstruction activities may be subject to County or other local requirements. However, the specifications outlined in this AIMA shall be the minimum standards applied to all Construction or Deconstruction activities.
- B. All actions set forth in this AIMA are subject to modification through negotiation by Landowners and a representative of the Facility Owner, provided such changes are negotiated in advance of any respective Construction or Deconstruction activities.

C. The Facility Owner may negotiate with Landowners to carry out the mitigative actions that Landowners wish to perform themselves. In such instances, the Facility Owner will offer Landowners the area commercial rate for their machinery and labor costs.

D. All mitigative actions will extend to associated future Construction, maintenance, repairs, and Deconstruction of the Commercial Wind Energy Facility.

E. The Facility Owner will exercise Best Efforts to determine all Landowners and Tenants affected by the Construction and Deconstruction of a Facility. The Facility Owner shall keep the Landowners and Tenants informed of the project's status, meetings, and other factors that may have an impact upon their farming operations.

F. The Facility Owner agrees to include a statement of its adherence to this AIMA in any environmental assessment and/or environmental impact statement that may be prepared in connection with the Project.

G. Execution of this AIMA shall be made a condition of any Special Exception approval. A copy of this AIMA shall be mailed to each Landowner. Within 30 days of execution of this AIMA, the Facility Owner shall provide postage and mailing labels to the APC for mailing to all Landowners. If the Facility Owner becomes aware that a Landowner was not included on the list of Landowners to which a copy of this AIMA was mailed, the Facility Owner shall notify the APC and provide postage and a mailing label as soon as possible.

In the case of a new Underlying Agreement with a Landowner, the Facility Owner shall incorporate this AIMA into such Underlying Agreement.

H. The Facility Owner will implement all mitigative actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by the Facility Owner for the Project.

I. If any mitigative action(s) is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the mitigative actions shall be interpreted as if they did not contain the unenforceable provision.

J. No later than 45 days prior to the Construction or Deconstruction of a Commercial Wind Energy Facility, the Facility Owner will provide the Landowner(s) with a phone number the Landowner can call to alert the Facility Owner should the Landowner(s) have questions or concerns with the work which is being done or has been carried out on his/her property.

K. If the Facility is sold or transferred, the Facility Owner assuming ownership of the facility shall provide notice of such sale or transfer within ninety (90) days to the County and to Landowners, and the existing Financial Assurance requirements, plus the other

terms of this AIMA, shall apply to the new Facility Owner.

L. After Construction, the Facility Owner will provide the APC with "as built" drawings (strip maps) showing the location of all tiles lines damaged in the Construction of the Wind Farm. The drawings and GPS tile lines repair coordinates will be provided for distribution by the APC to the Soil and Water Conservation District (SWCD) and the County Surveyor for the purpose of assisting Landowners with future drainage needs.

M. In addition, after all Construction is complete, all affected Landowners will receive a copy of the tile repairs location map with GPS coordinates identified as the electric cable crosses their property.

N. The Facility Owner shall comply with all local, state and federal laws and regulations, specifically including the worker protection standards to protect workers from pesticide exposure.

Definitions

Abandonment: Occurs when Deconstruction has not been completed within 12 months after the wind energy facility reaches the end of its Useful Life.

Aboveground Cable: Electrical power lines installed above grade to be utilized for conveyance of power from the Wind Turbine(s) to the Wind Facility substation.

Agricultural Impact Mitigation Agreement (AIMA): The Agreement between the Commercial Wind Energy Facility Owner and the Vermillion County Board of Commissioners described herein.

Agricultural Land: Land used for Cropland, hayland, pasture land, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government set-aside programs used for purposes as set forth above.

Best Efforts: Diligent, good faith, and commercially reasonable efforts to achieve a given objective or obligation.

Commercial Operation Date: The calendar date on which the Commercial Wind Energy Facility produces power for commercial sale, not including test power. Within ten (10) calendar days of the Commercial Operation Date, the Commercial Wind Energy Facility Owner shall notify the County and the Department of the Commercial Operation Date in writing.

Commercial Wind Energy Facility Owner (Facility Owner): A commercial enterprise that owns or operates a Wind Energy Facility of equal to or greater than 500 kilowatts in total nameplate capacity.

Construction: The installation, preparation for installation and/or repair of a Commercial Wind Energy Facility.

Cropland: Land used for growing row crops, small grains, vegetables or hay; includes land which was formerly used as Cropland, but is currently in a government set-aside program and pastureland.

Deconstruction: The removal of a Commercial Wind Energy Facility from the property of a Landowner and the restoration of that property as provided in the Agricultural Impact Mitigation Agreement. The terms "Deconstruction" and "Decommissioning" have the same meaning and, therefore, may be interchanged with each other.

Deconstruction Plan: A plan prepared by a Professional Engineer, at the Commercial Wind Energy Facility Owner expense, that includes:

1. the estimated Deconstruction cost per turbine, in current dollars at the time of filing, for the Commercial Wind Energy Facility, taking into account, among other things:
 - a. the number of Wind Turbines and related Commercial Wind Energy Facilities involved,
 - b. the original Construction costs of the Commercial Wind Energy Facilities,
 - c. the size and capacity of the Wind Turbines,
 - d. the salvage value of the Commercial Wind Energy Facilities,
 - e. the Construction method and techniques for the Wind Turbines and other Commercial Wind Energy Facilities, and
2. a comprehensive detailed description of how the Commercial Wind Energy Facility Owner plans to pay for the Deconstruction of the Commercial Wind Energy Facility.

Financial Assurance: A reclamation bond or other commercially available Financial Assurance that is acceptable to Vermillion County, with the County as primary beneficiary and the Landowners as secondary beneficiaries.

Landowner(s): Any person with an ownership interest in property that is used for agricultural purposes and that is party to an Underlying Agreement.

Professional Engineer: An engineer licensed to practice engineering in the State of Indiana, and who is determined to be qualified to perform the work described herein by mutual agreement of Vermillion County and the Commercial Wind Energy Facility Owner.

Soil and Water Conservation District (SWCD): A local unit of government that provides technical and financial assistance to eligible Landowners for the conservation of soil and water resources.

Tenant: Any person lawfully residing or leasing/renting land that is subject to an Underlying Agreement.

Topsoil: The uppermost layer of the soil that has the darkest color or the highest content of organic matter; more specifically, it is defined as the "A" horizon.

Underlying Agreement: The written agreement with a Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has constructed, constructs, or intends to construct a Commercial Wind Energy Facility on the property of the Landowner.

Underground Cable: Electrical power lines installed below grade to be utilized for conveyance of power from the Wind Turbine(s) to the Wind Facility substation.

USDA Natural Resources Conservation Service (NRCS): NRCS provides America's farmers with financial and technical assistance to voluntarily put conservation on the ground, not only helping the environment but agricultural operations too.

Useful Life: A Commercial Wind Energy Facility will be presumed to have no remaining Useful Life if: (1) no electricity is generated for a continuous period of twelve (12) months and (2) the Commercial Wind Energy Facility Owner fails, for a period of 6 consecutive months, to pay the Landowner amounts owed in accordance with the Underlying Agreement.

Wind Turbine: A wind energy conversion unit equal to or greater than 500 kilowatts in total nameplate generating capacity.

Construction and Deconstruction Requirements

1. Support Structures

a. On Agricultural Land, only single pole support structures will be used for overland transmission not located adjacent to the Commercial Wind Energy Facility substation.

b. Where the electric line is adjacent and parallel to highway and/or railroad right-of-way, but on privately owned property, the support structures will be placed as close as reasonably practicable and allowable by the applicable County Engineer or other applicable authorities to the highway or railroad right-of-way. The only exceptions may be at jogs or weaves on the highway alignment or along highways or railroads where transmission and distribution lines are already present.

c. The highest priority will be given to locating the electric line parallel and adjacent to highway and/or railroad right-of-way. When this is not possible, Best Efforts will be expended to place all support poles in such a manner so as to minimize their placement on Cropland (i.e., longer than normal spans will be utilized when traversing Cropland).

2. Aboveground Facilities

Locations for Facilities shall be selected in a manner so as to be as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land that contains the facilities. The Facility Owner's compliance with applicable local, county, state, and federal statutes, rules, regulations, and ordinances, and its securing any variations or waivers to such statutes, rules, regulations, and ordinances in accordance with applicable law, in selecting such locations shall constitute compliance with this provision.

3. Guy Wires and Anchors

- a. Best Efforts will be made to place guy wires and their anchors out of Cropland, pastureland and hayland, placing them instead along existing utilization lines and on land not used for row crops, pasture or hay. Where this is not feasible, Best Efforts will be made to minimize guy wire impact on Cropland.
- b. All guy wires will be shielded with highly visible guards.

4. Underground Cabling Depth

- a. Underground electrical cables will be buried with:
 - i. a minimum of 6 feet of top cover where it crosses Cropland and pasture land,
 - ii. a minimum of 6 feet of top cover where it crosses wooded/brushy land.
- b. Notwithstanding the foregoing, in those areas where (i) rock in its natural formation and/or (ii) a continuous strata of gravel exceeding 200 feet in length are encountered, the minimum top cover will be 30 inches .

5. Topsoil Removal and Replacement

- a. Any excavation shall be performed in a manner to preserve Topsoil. Best Efforts will be made to store the Topsoil near the excavation site in such a manner that it will not become intermixed with subsoil materials.
- b. Best Efforts will be made to store all disturbed subsoil material near the excavation site and separate from the Topsoil.
- c. When backfilling an excavation site, the stockpiled subsoil material will be placed back into the excavation site before replacing the Topsoil.
- d. Refer to Item No. 7.A. through 7.D for procedures pertaining to rock removal from the subsoil and Topsoil
- e. Refer to Items No. 8.A. through 8.D. for procedures pertaining to the alleviation of compaction of the Topsoil.
- f. Best Efforts will be performed to place the Topsoil in a manner so that after settling occurs, the Topsoil's original depth and contour (with an allowance

for settling) will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance will the Topsoil materials be used for any other purpose unless agreed to otherwise by the Landowner.

g. Excess subsoil material resulting from Wind Turbine foundation excavation shall be removed from Landowner's property, unless otherwise agreed to by Landowner.

h. Topsoil stripping or separation is not required for the excavation of narrow trenches, those 24 inches wide or less.

6. Repair of Damaged Tile Lines

If underground drainage tile is damaged by Construction or Deconstruction, it will be repaired in a manner that assures the tile line's proper operation at the point of repair. The following shall apply to the tile line repair:

a. The Facility Owner will work with the Landowner to identify the tile lines traversing the property included within the Underlying Agreement which will be crossed or disturbed by the Construction of the Facility. All tile lines identified in this manner will be shown on the Construction and Deconstruction Plan and staked or flagged in the locations where expected crossing or disturbance is anticipated prior to Construction or Deconstruction to alert Construction and Deconstruction crews to the possible need for tile line repairs.

b. Tile lines that are damaged, cut, or removed shall be staked or flagged with stakes or flags placed in such a manner they will remain visible until the permanent repairs are completed. In addition, the location of damaged drain tile lines will be recorded using Global Positioning Systems (GPS) technology.

c. If water is flowing through any damaged tile line, the Facility Owner shall utilize Best Efforts to immediately and temporarily repair the tile line until such time that the Facility Owner can make permanent repairs. If the tile lines are dry and water is not flowing, temporary repairs are not required if the permanent repairs can be made by the Facility Owner within 14 days (weather and soil conditions permitting) of the time damage occurred; however, the exposed tile lines will be screened or otherwise protected to prevent the entry of foreign materials or animals into the tile lines.

d. Where tile lines are severed by an excavation trench (repairs shall be made using the Drain Tile Repairs, Figures 1 and 2). If there is any dispute between the Landowner and the Facility Owner on the method of permanent tile line repair, the appropriate Soil and Water Conservation District's opinion shall be considered by the Facility Owner and the Landowner.

e. To the extent practicable, there will be a minimum of one foot of

separation between the tile line and the Underground Cable whether the Underground Cable passes over or under the tile line. If the tile line was damaged as part of the excavation for installation of the Underground Cable, the Underground Cable will be installed with a minimum one foot clearance below or over the tile line to be repaired or otherwise to the extent practicable.

f. The original tile line alignment and gradient shall be maintained. A laser transit shall be used to ensure the proper gradient is maintained. A laser operated tiling machine shall be used to install or replace tiling segments of 100 linear feet or more.

g. During Construction stage, all permanent tile line repairs must be made within fourteen (14) days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner.

h. Following Construction and/or Deconstruction activities, the Facility Owner will utilize best practices to restore the drainage in the area to the condition it was before the commencement of the Construction/Deconstruction activities. If the Facility Owner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may - but is not required to - implement the recommendations of the Vermillion County SWCD and such implementation would resolve the dispute.

i. Following completion of the work, the Facility Owner will be responsible for correcting or paying for the correction of all tile line repairs that fail due to Construction and/or Deconstruction, provided any such failure was identified by Landowner within twenty-four (24) months after Construction or Deconstruction. The Facility Owner will not be responsible for tile line repairs that the Facility Owner pays the Landowner to perform. Facility Owner shall use Best Efforts to utilize a local drain tile repair company.

7. Rock Removal

The following rock removal procedures only pertain to rocks found in the uppermost 42 inches of soil, which emerged on Landowner property as a result of Construction and/or Deconstruction.

a. Before replacing any Topsoil, Best Efforts will be taken to remove all rocks greater than 3 inches in any dimension from the surface of exposed subsoil which were brought to the site as a result of Construction and/or Deconstruction.

b. As Topsoil is replaced, all rocks greater than 3 inches in any dimension will be removed from the Topsoil which emerged at the site as a result of Construction and/or Deconstruction activities.

c. If trenching, blasting, or boring operations are required through rocky terrain, precautions will be taken to minimize the potential for oversized rocks to

become interspersed with adjacent soil material.

d. Rocks and soil containing rocks removed from the subsoil areas, Topsoil, or from any excavations, will be hauled off the Landowner's premises or disposed of on the Landowner's premises at a location that is mutually acceptable to the Landowner and the Facility Owner.

8. Compaction and Rutting

a. Unless the Landowner opts to do the restoration work, after the Topsoil has been replaced, all farmland areas that were traversed by vehicles and Construction and/or Deconstruction equipment will be ripped at least 18 inches deep, and all pasture and woodland will be ripped at least 12 inches deep to the extent practicable. The existence of tile lines or underground utilities may necessitate less depth. The disturbed area will then be disked. Decompaction shall be conducted according to the guidelines provided in Appendices A and B.

b. To the extent practicable, all ripping and disking will be done at a time when the soil is dry enough for normal tillage operations to occur on land adjacent to the right-of-way.

c. The Facility Owner will restore all rutted land to a condition as close as possible to its original condition.

d. If there is any dispute between the Landowner and the Facility Owner as to what areas need to be ripped/disked or the depth at which compacted areas should be ripped/disked, the Vermillion County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

9. Construction During Wet Weather

Except as provided below, Construction activities are not allowed on farmland where normal farming operations, such as plowing, disking, planting or harvesting, cannot take place due to excessively wet soils. Wet weather conditions are to be determined on a field by field basis and not for the project as a whole.

a. Construction activities on prepared surfaces, surfaces where Topsoil and subsoil have been removed, heavily compacted in preparation, or otherwise stabilized (e.g. through cement mixing) may occur at the discretion of the Facility Owner in wet weather conditions.

b. Construction activities on unprepared surfaces will be done only when work will not result in rutting which results in a mixing of subsoil and Topsoil. Determination as to the potential of subsoil and Topsoil mixing will be in consultation with the underlying Landowner, or, if approved by the Landowner, his/her designated Tenant.

10. Land Leveling

a. Following the completion of Construction and /or Deconstruction of a Commercial Wind Energy Facility, the Facility Owner will utilize Best Efforts to restore the disturbed area to its original pre-construction elevation and contour should uneven settling occur or surface drainage problems develop as a result of said activity.

b. If, within twenty-four (24) months after Construction or Deconstruction, uneven settling occurs or surface drainage problems develop as a result of the Construction or Deconstruction of a Facility, the Facility Owner will provide such land leveling services within 45 days of a Landowner's written notice, weather and soil conditions permitting.

c. If there is any dispute between the Landowner and the Facility Owner as to what areas need additional land leveling beyond that which is done at the time of Construction, the Facility Owner may - but is not required to - implement the recommendations of the Vermillion County SWCD and such implementation will resolve the dispute.

11. Prevention of Soil Erosion

a. The Facility Owner will work with Landowners to prevent excessive erosion on land that has been disturbed by Construction or Deconstruction of a Commercial Wind Energy Facility. Consultation with the local SWCD by the Facility Owner will take place to determine the appropriate methods to be implemented to control erosion. This is not a requirement, however, if the land is bare Cropland that the Landowner intends to leave bare until the next crop is planted.

b. If the Landowner and Facility Owner cannot agree upon a reasonable method to control erosion on the Landowner's right-of-way, the Facility Owner may -(but is not required to) - implement the recommendations of the SWCD and such implementation will resolve the dispute.

12. Repair of Damaged Soil Conservation Practices

Consultation with the Vermillion County SWCD by the Facility Owner will be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of a Commercial Wind Energy Facility. Those conservation practices will be restored to their preconstruction condition as close as reasonably practicable in accordance with USDA Natural Resources Conservation Service technical standards. All repair costs shall be borne by the Facility Owner.

13. Damages to Private Property

The Facility Owner will reasonably compensate Landowners for damages caused by the Facility Owner. Damage to Cropland will be reimbursed to the Landowner as prescribed in the applicable Underlying Agreement

14. Clearing of Trees Brush

a. If trees are to be removed for the Construction or Deconstruction of a Commercial Wind Energy Facility, the Facility Owner will consult with the Landowner to determine if there are trees of commercial or other value to the Landowner.

b. If there are trees of commercial or other value to the Landowner, the Facility Owner will allow the Landowner the right to retain ownership of the trees to be removed with the disposition of the removed trees to be negotiated prior to the commencement of land clearing.

c. Unless otherwise restricted by federal, state or local regulations, the Facility Owner will follow the Landowner's desires regarding the removal and disposal of trees, brush, and stumps of no value to the Landowner by burning, burial, etc., or complete removal from any affected property.

15. Interference with Irrigation Systems

a. If the Construction or Deconstruction of a Commercial Wind Energy Facility interrupts an operational (or soon to be operational) spray irrigation system, the Facility Owner will establish with the Landowner an acceptable amount of time the irrigation system may be out of service.

b. If, as a result of Construction or Deconstruction of a Facility, an irrigation system interruption results in crop damages, the Landowner will be compensated for all such crop damages per the applicable Underlying Agreement.

c. If it is feasible and mutually acceptable to the Facility Owner and the Landowner, temporary measures will be implemented to allow an irrigation system to continue to operate across land on which a Facility is also being Constructed or Deconstructed.

16. Access Roads

a. To the extent practicable, access roads will be designed to not impede surface drainage and will be built to minimize soil erosion on or near the access roads.

b. Access roads may be left intact through mutual agreement of the Landowner and the Facility Owner unless otherwise restricted by federal, state, or local regulations after the Useful Life.

c. If the access roads are removed, Best Efforts will be expended to assure that the land shall be restored to equivalent condition(s) as existed prior to their Construction, or as otherwise agreed to by the Facility Owner and the Landowner. All access roads that are removed shall be ripped to a depth of 18 inches. All ripping will be done consistent with Items 8.A. through 8.D.

17. Weed Control

a. The Facility Owner will provide for weed control in a manner that prevents the spread of weeds onto Agricultural Land affected by Construction or Deconstruction. Spraying will be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Indiana.

b. The Facility Owner will be responsible for reimbursing all reasonable costs incurred by owners of Agricultural Land affected by Construction or Deconstruction where it has been determined that weeds have spread from land impacted by the Facility. Reimbursement is contingent upon written notice to the Facility Owner and failure to respond within forty-five (45) days after notice is received.

18. Pumping of Water from Open Excavations

a. In the event it becomes necessary to pump water from open excavations, the Facility Owner will pump the water in a manner that will avoid damaging Agricultural Land affected by Construction or Deconstruction. Such damages include, but are not limited to: inundation of crops for more than 24 hours, deposition of sediment in ditches and other water courses, and the deposition of subsoil sediment and gravel in fields and pastures.

b. If it is impossible to avoid water-related damages as described in Item 18.A. above, the Facility Owner will compensate the Landowner for damages to crops as prescribed in the applicable Underlying Agreement.

c. All pumping of water shall comply with existing drainage laws, local ordinances relating to such activities and any other applicable laws, specifically including the Clean Water Act.

19. Advance Notice of Access to Private Property

a. The Facility Owner will provide the Landowner or Tenant with a minimum of 48 hours prior notice before accessing his/her property for the purpose of Construction or Deconstruction of a Commercial Wind Energy Facility.

b. Prior notice shall consist of either: (i) a personal contact, telephone contact or email contact, whereby the Landowner or Tenant is informed of the Facility Owner's intent to access the land; or (ii) the Facility Owner mails or hand delivers to the Landowner or Tenant's home a dated, written notice of the Facility Owner's intent. Such written or hand delivered notice shall include a phone number at which agents of the Facility Owner can be reached. The Landowner or Tenant need not acknowledge receipt of the written notice before the Facility Owner can enter the Landowner's property.

20. Indemnification

The Commercial Wind Energy Facility Owner will indemnify all Landowners, their heirs, successors, legal representatives, and assigns from and against all claims, injuries,

suits, damages, costs, losses, and reasonable expenses resulting from or arising out of Construction and/or Deconstruction, including damage to such Commercial Wind Energy Facility or any of its appurtenances, except where claims, injuries, suits, damages, costs, losses, and expenses are caused by the negligence or intentional acts, or willful omissions of such Landowners, and/or the Landowners heirs, successors, legal representatives, and assigns. In such circumstances, the Landowners, and the Landowners' heirs, successors, legal representatives, and assigns will indemnify the Facility Owner, its heirs, successors, legal representatives, and assigns from and against said claims, injuries, suits, damages, costs, losses, and reasonable expenses including but not limited to attorneys' fees and costs.

Concurrence of the Parties to this AIMA

The _____ an _____, LLC concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction of the wind farm project in Vermillion County within the State of Indiana.

The effective date of this AIMA commences on the date of execution.

**STATE OF INDIANA
BOARD OF COMMISSIONERS**

Tim Yocum

RJ Donovan

Britton Luther

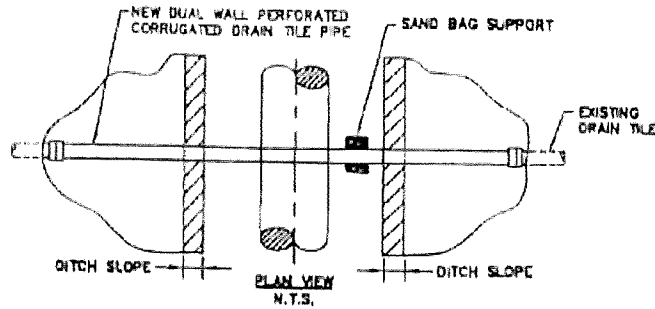
_____, LLC a state name limited liability company

By _____,title

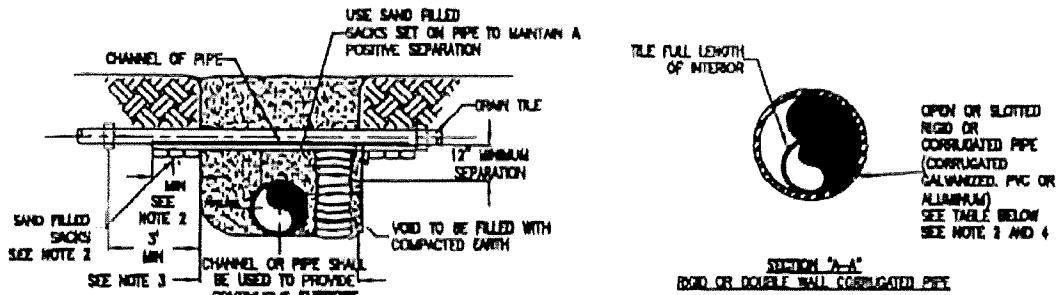
address

FIGURE 2

FIGURE 2.



PLAN VIEW



END VIEWS

MINIMUM SUPPORT TABLE			
TILE SIZE	CHANNEL SIZE	PIPE DIA	PIPE SIZE
3"	4" @ 5.4 #11	4"	STD. WT.
4'-5"	5" @ 8.7 #11	6"	STD. WT.
6'-9"	7" @ 9.8 #11	8"-10"	STD. WT.
10"	10" @ 16.3 #11	12"	STD. WT.

NOTE:

1. TILE REPAIR AND REPLACEMENT SHALL MAINTAIN ORIGINAL ALIGNMENT GRADIENT AND WATER FLOW TO THE GREATEST EXTENT POSSIBLE. IF THE TILE NEEDS TO BE RELOCATED, THE INSTALLATION ANGLE MAY VARY DUE TO SITE SPECIFIC CONDITIONS AND LANDOWNER RECOMMENDATIONS.
2. 1'-0" MINIMUM LENGTH OF CHANNEL OR RIGID PIPE (OPEN OR SLOTTED CORRUGATED GALVANIZED, PVC OR ALUMINUM CRADLE) SHALL BE SUPPORTED BY UNDISTURBED SOIL, OR IF CROSSING IS NOT AT RIGHT ANGLES TO PIPELINE, EQUIVALENT LENGTH PERPENDICULAR TO TRENCH. SHIM WITH SAND BAGS TO UNDISTURBED SOIL FOR SUPPORT AND DRAINAGE GRADIENT MAINTENANCE (TYPICAL BOTH SIDES).
3. DRAIN TILES WILL BE PERMANENTLY CONNECTED TO EXISTING DRAIN TILES A MINIMUM OF THREE FEET OUTSIDE OF EXCAVATED TRENCH LINE USING INDUSTRY STANDARDS TO ENSURE PROPER SEAL OF REPAIRED DRAIN TILES INCLUDING SLIP COUPLINGS.
4. DIAMETER OF RIGID PIPE SHALL BE OF ADEQUATE SIZE TO ALLOW FOR THE INSTALLATION OF THE TILE FOR THE FULL LENGTH OF THE RIGID PIPE.
5. OTHER METHODS OF SUPPORTING DRAIN TILE MAY BE USED IF ALTERNATE PROPOSED IS EQUIVALENT IN STRENGTH TO THE CHANNEL/PIPE SECTIONS SHOWN AND IF APPROVED BY COMPANY REPRESENTATIVES AND LANDOWNER IN ADVANCE. SITE SPECIFIC ALTERNATE SUPPORT SYSTEM TO BE DEVELOPED BY COMPANY REPRESENTATIVES AND FURNISHED TO CONTRACTOR FOR SPANS IN EXCESS OF 20', TILE GREATER THEN 10" DIAMETER, AND FOR "HEADIER" SYSTEMS.
6. ALL MATERIAL TO BE FURNISHED BY CONTRACTOR.
7. PRIOR TO REPAIRING TILE, CONTRACTOR SHALL PROBE LATERALLY INTO THE EXISTING TILE TO FULL WIDTH OF THE RIGHTS OF WAY TO DETERMINE IF ADDITIONAL DAMAGE HAS OCCURRED. ALL DAMAGED/DISTURBED TILE SHALL BE REPAIRED AS NEAR AS PRACTICABLE TO ITS ORIGINAL OR BETTER CONDITION.

PERMANENT DRAIN TILE REPAIR

Exhibit A.

Guidelines for Conducting Proper and Successful Decompaction

1. Decompaction is required when all three conditions apply.
 - a. the area has been trafficked or traversed by vehicles or construction equipment, and
 - b. the soil penetrometer readings are 300 psi or greater, and
 - c. the soil strength (psi) in the right-of-way area is greater than that of the non-trafficked area.

2. An Environmental and/or Agricultural Inspector (AI), with experience and training in the proper identification of compacted soil and operation methods of deep decompaction tools is required to observe the daily operation of the ripper/subsoiler to ensure the conditions are appropriate for decompaction efforts and that the proper equipment is utilized and that equipment is set-up and operated correctly.

3. To achieve the most effective shatter of the compacted soil the following guidelines have been established:
 - a. Conduct ripping when the soil is dry. Follow the "Soil Plasticity Test Procedures" detailed in Appendix B to determine if soil conditions are adequately dry to conduct decompaction efforts.
 - b. Deep ripping shall be conducted using a ripper or subsoiling tool with a shank length of no less than 18 inches and a shank spacing of approximately the same measurement as the shank length.
 - c. Use a ripper with a knife length of no less than 2 inches more than the desired depth of decompaction.
 - d. To best promote revegetation and restore crop production, a total depth of 30 or more inches of soil (Topsoil plus subsoil) is required.
 - e. The minimum depths of decompaction stated above in 3.D. are required where possible. A safe distance from sub-surface structures (tile drains, pipelines, buried utilities, bedrock, etc.) must be maintained at all times. Where such structures exist, a lesser depth of decompaction will be required to prevent damage to equipment and the structures as well as to maintain a safe work environment. The allowable decompaction depth in these instances will be determined on a site by site basis.
 - f. When the knives are in the soil to the desired depth, the tongue of the ripper should be parallel to the surface of the ground.
 - g. Select a tractor that has enough horsepower to pull the ripper at a speed of 1.5 to 2 mph and whose footprint is of equal or lesser width than the ripper. Tracked equipment is preferred and typically required to achieve this criteria.
 - h. The ripper shanks should not create ruts, channels, or mixing of the sub-soil with Topsoil. A speed of 1.5 to 2 mph is recommended to minimize the risk of rutting and soil mixing. The ideal operating speed can vary with soil characteristics, tractor and ripping tool used. An excessive travel speed will often

increase mixing of soil horizons.

i. When the equipment is set up and operated correctly, the ripper should create a wave across the surface of the ground as it lifts and drops the soil.

j. Make one ripping pass through the compacted area. Using a penetrometer, the AI will measure the PSI between the ripped knife tracks to determine if the single ripping pass was successful. Additional passes should only be used where needed as they may reduce the effectiveness of the ripping by recompacting the soil shattered in the previous pass.

k. If the first pass does not successfully decompact the soil, additional passes will be needed. Should multiple passes of the ripper be needed to achieve decompaction between the knives tracks of the ripping tool, the subsequent passes should be positioned so the knife tracks from the previous pass are split by the second pass. If three or more passes have been made and sufficient decompaction has not yet been achieved the AI may choose to halt further decompaction efforts in that area until conditions improve or better methods are determined.

l. Following ripping, all stone and rock three or more inches in size which has been lifted to the surface shall be collected and removed from agricultural areas.

m. After ripping has been conducted, do not allow unnecessary traffic on the ripped area.

n. In Agricultural Land and Cropland that will not be replanted to vegetation by the Company, recommend to landowners to plant a cover crop (cereal rye, clover, alfalfa, tillage radish, turnips, etc.) following decompaction. Reduced compaction created by the ripper pass will not remain over time without subsequent root penetration. Root penetration into the shattered soil is necessary to establish permanent stabilized channels to conduct air and water into the soil profile. Two good sources for landowner cover crop education are <http://www.mccc.msu.edu/CCinfo/cropbycrop.html> and <http://mcccdev.anr.msu.edu/>. For local expertise, consult with your county's Soil and Water Conservation District /USDA Natural Resource Conservation Service (NRCS) office for cover crop selection and compliance with NRCS planting deadlines.

Exhibit B.

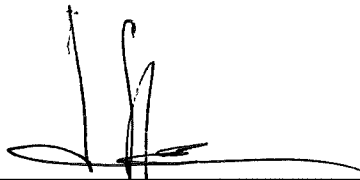
Soil Plasticity Test Procedures

The Agricultural Inspector will test the consistency of the surface soil to a depth of approximately 4 to 8 inches using the Field Plasticity Test procedure developed from the Annual Book of ASTM Standards, Plastic Limit of Soils (ASTM D-4318).


1. Pull a soil plug from the area to be tilled, moved, or trafficked to a depth of 4-8 inches.
2. Roll a portion of the sample between the palms of the hands to form a wire with a diameter of one-eighth inch.
3. The soil consistency is: A. Tillable (able to be worked) if the soil wire breaks into segments not exceeding 3/8 of an inch in length. B. Plastic (not tillable) if the segments are longer than 3/8 of an inch before breaking.
4. This Procedure is to be used to aid in determining when soil conditions are dry enough for construction activities to proceed.
5. Once the soil consistency has been determined to be of adequate dryness, the plasticity test is not required again until the next precipitation event.
- 6.

This ordinance shall be in full force and in effect on September 28, 2021. Passed by the Board of Commissioners of Vermillion County, Indiana on the 28th day of September 2021.

Board of Commissioners Vermillion County, Indiana

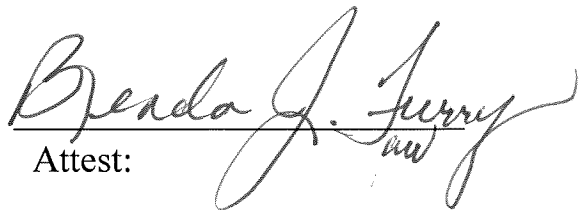


Tim Yocum-President



RJ Dunavan

Britton Luther



Attest:

COMMERCIAL SOLAR ENERGY AMENDMENT TO THE VERMILLION COUNTY ZONING ORDINANCE

Ordinance #2020- 15

Purpose

The purpose of this ordinance is to promote and encourage economic development, ensure protection of the health, safety and welfare of the residents of Vermillion County and avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands during the construction, installation and operation of Solar Energy Systems (SES) in Vermillion County, Indiana. This ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Scope

This ordinance applies to commercial solar energy installations in Vermillion County, Indiana.

Definitions

Concentrated Solar Power System: A solar energy system which uses mirrors to concentrate solar energy to create thermal energy which drives a steam or traditional engine.

Ground Mount: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Non-Participating: Refers to properties or the property owners, whether residence or open land which have not executed a Solar Access Easement or similar agreement with the owner or operator of the Solar Farm, or Solar Energy System.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Solar Collector: An assembly, structure, or design used for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Farm: A commercial facility that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Farms

Solar Farms may be approved as a Special Exception in the following zoning districts: agricultural, industrial I, industrial II, and Vermillion Rise, subject to compliance with the

regulations of this section and any conditions or commitments imposed at the time of the Special Exception approval. Provided, however that any conditions or commitments imposed by the BZA may not conflict with the specifications or regulations set forth herein. A one-time flat fee of five hundred dollars (\$500) for special exception shall be paid at the time of application.

1. Height: Buildings are limited to the height limitations of the subject zoning district. Ground-mounted solar energy systems may not exceed twenty-five (25) feet in height when oriented at maximum tilt. Transmission lines, substations and switchyards are not subject to the twenty-five feet height limit, but are subject to any height limits otherwise imposed upon the zoned area.
2. Setbacks and Lot Coverage: Permanent buildings are subject to the setback regulations of the subject zoning district. The design of the buildings and related structures associated with the Solar Farm shall use materials, colors, textures, screening, and landscaping that, to the greatest extent possible, will blend the facilities to the natural setting and surrounding structures. Ground-mounted solar energy systems must be set back at least one hundred (100) feet from all non-participating property lines; and, at least two hundred (200) feet from all non-participating residences. Exception of variance may be permissible, depending on individual circumstances.
3. Minimum Lot Size: The minimum lot size for any Solar Farm is five (5) acres, notwithstanding other required setbacks.
4. Ground Cover and Buffer Areas: The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover:
 - a. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover, with pollinator friendly seed mixes and native plants.
 - b. The site shall be planted and maintained to be free of all invasive species, as listed by the Indiana Invasive Species Council.
 - c. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in or around electrical boxes, ~~spot control of noxious weeds~~, or as otherwise may be deemed necessary to protect public health and safety.
 - d. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
 - e. An exemption can be granted if current vegetation supports wildlife or serves other useful purposes including co-location with agricultural operations or gravel can be used in lieu of vegetation if soil cannot support suitable vegetation.
5. Security Barrier: Solar energy systems that are part of a solar farm shall be enclosed by a perimeter security fence or other approved barrier with a minimum height of at least

seven (7) feet. The fence may either be around the entire solar farm, or the solar panels. The use of razor wire is prohibited unless otherwise expressly approved by the Board at the time of Special Exception approval or as required.

6. Lighting: Solar Farms may not be artificially illuminated unless required by the Federal Aviation Administration (FAA) or other applicable government agency or authority. Permanent lighting around substation is permitted as required by the National Electric Code. All permanent lighting provided for the operational phase of the Solar Farm shall be shielded away from nonparticipating adjacent properties and positioned downward to the extent possible to minimize light emission onto adjacent properties.
7. Glare: Solar Farms shall be designed, constructed, and sited to minimize glare or reflections on adjacent properties and roadways and not to interfere with traffic, including air traffic, or otherwise create a safety hazard.
8. Approved Solar Components: All electrical components shall conform to applicable state and national codes, and relevant national and international standards.
9. Noise: Upon completion of the solar farm, noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence on a nonparticipating property.
10. Outside Storage: Permanent outside storage of materials and equipment is prohibited unless expressly approved by the Board at the time of Special Exception Approval. It is understood that temporary outside storage is necessary during the construction phase of the project.
11. Underground Utilities: All medium voltage cables between the inverter locations and project substations shall be located and maintained underground. Other solar infrastructures, such as module to module collection cables, CAB cables, transmission lines, substations, junction boxes, and other typical above ground infrastructure may be located and maintained above ground. Any and all cabling and other items mentioned shall meet the National Electric Code.
12. Coordination of Local Emergency Services: The owner-operator of the Solar Farm must coordinate with local emergency services staff to provide materials, education, and training to departments serving the property with emergency services in how to safely respond to on-site emergencies, if necessary.

13. Abandonment and Decommissioning: Solar Farms which do not produce energy for a continuous period of one year or more are presumed to have been abandoned.

- a. The owner-operator shall notify the Vermillion County Planning and Zoning Commission by certified mail, return receipt requested, of the proposed date of discontinued operations and plans for removal. Decommissioning/removal shall be performed in compliance with the approved decommissioning plan. The Board may approve any appropriate amendments or modifications of the decommissioning plan. Any solar farm that has been abandoned must be decommissioned and removed within eighteen (18) months.
- b. Decommissioning shall consist of:
 - i. Physical removal of all solar photovoltaic installations, structures, equipment, security barriers, and transmission lines from the site.
 - ii. Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
 - iii. Energy cables which are buried greater than three (3) feet below the surface are not required to be removed as part of the decommissioning process.
 - iv. Stabilization of re-vegetation of the site is necessary to minimize erosion.
- c. Decommissioning Plan:
 - i. Decommissioning Plan outlining the anticipated means and costs of removing the solar farm must be submitted with the Special Exception application.
 - ii. As part of the Plan the owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning the Solar Farm.
 - iii. Said decommissioning cost estimate must be prepared by a Board approved, Indiana licensed engineer, who is independent from the operations of the owner/operator.
 - iv. Said decommissioning cost estimate shall be updated every five years, and the same filed with the Board, and the decommissioning surety must be increased as appropriate to cover additional anticipated decommissioning costs.
 - v. The owner/operator must provide a financial guarantee to cover the approved decommissioning cost estimate. The financial guarantee must be in the form of a bond, letter of credit, cash, or other surety approved by the Vermillion County Commissioners.
 - vi. Such surety shall be submitted and approved prior to any permits being issued for the Solar Farm.
 - vii. Surety bond shall be in place based upon the following schedule:
 1. Twenty-five percent (25%) is due at the time the permit is issued;
 2. Twenty-five percent (25%) is due upon the completion of construction of the project;

3. The remaining fifty percent (50%) is due after the first year of operations.

14. Monitoring and Maintenance: The owner/operator shall be responsible for keeping the facility in a safe and well-maintained condition, including painting, grounds-keeping, structural repairs, maintaining internal access drives, and the integrity of security measures.
15. Proof of Capability and Expertise: The owner-operator must provide reasonable evidence of capability and expertise to construct the solar farm and all required improvements, as determined by review and decision-making bodies at the time of special exception approval.
16. Submittal Requirements: All applications for Special Exception approval shall include the following information in addition to the customary submittal requirements for Special Exception applications:
 - a. Site plan showing property lines and physical features, including roads, setbacks, floodplain or any special flood hazard areas (if applicable), buildings, solar panels, right-of-way, landscaping, and any zoning district designation for the subject property and all adjacent abutting properties.
 - b. Approximate number, location, and spacing of solar panels or arrays.
 - c. Proposed locations of underground or overhead electric lines.
 - d. Interconnection service agreement or evidence of filing required interconnection service applications with the electric utility.
 - e. Operation and maintenance plan of the solar farm, including measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.
 - f. Proof of liability insurance.
 - g. Emergency response plan.
 - h. Decommissioning plan as aforementioned.
17. Avoidance and Mitigation of Damages to Public Infrastructure:
 - a. Roads: Prior to construction, the owner/operator shall identify all roads to be used for the purposes of transporting components and equipment for construction, operation, or maintenance of the solar farm and obtain applicable permits from the Vermillion County Board of Commissioners.
 - b. Existing Road Conditions: The owner/operator must, prior to construction, conduct a pre-construction survey, in coordination with the Vermillion County Highway Department to determine existing road conditions. The owner/operator is responsible for ongoing road maintenance and dust control measures identified by the Vermillion County Highway Department during all phases of construction and installation.
 - c. Drainage System: The owner/operator will work with the landowners and the Vermillion County Surveyor using reasonable practicable methods to identify existing subsurface drainage systems. The owner/operator will repair damage to


drain tiles and other drainage systems that result from the construction, operation, or maintenance of the solar farm within a reasonable period of said damage occurring. The repair may include the option to repair as originally found, re-routing, or installing new tile as to not negatively impede the flow of water outside the fenced project boundary.

18. Prohibited System: Concentrated solar power systems are prohibited.
19. Signage: No permanent signage, other than appropriate warning signs at the entrance of the facility is permitted without additional special exception. Said warning sign shall not be larger than 3' x 2' and shall include a twenty-four hour contact phone number for emergencies and any other necessary emergency contact information. It is understood that additional signage may be required during the construction phase of the project.

This ordinance shall be in full force and in effect on November 24, 2020.

Passed by the Board of Commissioners of Vermillion County, Indiana on the 24th day of November, 2020.

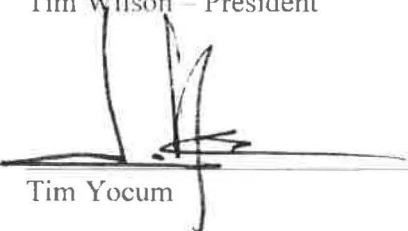
Board of Commissioners Vermillion County, Indiana



Tim Wilson – President



Harry Crossley



Tim Yocum



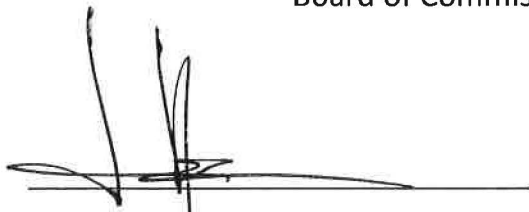
Attest:

Amendment to the Commercial Solar Energy Amendment to the
Vermillion County Zoning Ordinance #2020-15
Ordinance #2022-07

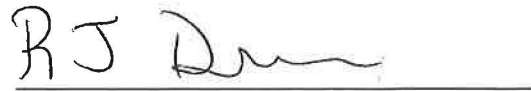
1. Setbacks and Lot Coverage: Permanent buildings are subject to the setback regulations of the subject zoning district. The design of the buildings and related structures associated with the Solar Farm shall use materials, colors, textures, screening, and landscaping that, to the greatest extent possible, will blend the facilities to the natural setting and surrounding structures. **The perimeter fence** for ground-mounted solar energy systems must be set back at least one hundred (100) feet from all non-participating property lines; and, at least three **hundred (300)** feet from all non-participating residences with an approved vegetative buffer. Exception of variance may be permissible, depending on individual circumstances.
2. **The Vermillion County Area Plan Commission requires an installation permit fee, to be paid after completion of a Board of Zoning Appeals Special Exception approval and prior to commencement of installation activities. The fee shall be \$50,000 to cover drawing reviews, site reviews and other items as may be required in the special exception.**

Passed by the Board of Commissioners of Vermillion County, Indiana
on the 18 day of March, 2022.

Board of Commissioners Vermillion County, Indiana



Tim Yocum – President



RJ Dunavan – Vice President



Britton Luther



Attest: