ZONING ORDINANCE
CARROLL COUNTY, INDIANA
Feb. 2, 1971

AMENDMENTS

October 1, 1979:

Article 6, Section 7 (e)	permit requirements for agriculture structures;
Article 9, Section 1.	application for improvement fee;
Article 10, Section 3.	wherein violation of the ordinance is changed to a Class C Infraction;
Article 11,	definition of a compact home

August 16, 1982:

Article 4, Section 14.1.	Manufactured Homes, page 30, Definition page 53A;
Article 4, Section 20.1.	Scenic Areas, page 38A, Definition page 54

November 19, 1984:

Article 3, Section 1.c.	parcelization page 5;
Article 6, Section 1.	appointment of Zoning Administrator, page 43;
Article 7, Section 3.c.1.	variance requests page 47;
Article 8,	ordinance amendment or repeal, page 48;
Article 11,	definition of parcelization, page 54

April 6, 1987:

Article 3, Section 1.A.e. air space control, page 6;
Article 4, Section 8, page 27, repealed;
Article 4, Section 9, page 27, height modification ;

May 18, 1987

Article 3, Section 1.A.c.	repeal of mobile home for relatives, page 5;
Article 4, Section 13.a.	only one mobile home to a lot, page 27;
Article 6, Section 7.e.	repeal of exemption for structures more than 100' from roadway in agriculture district, page 45

November 7, 1988

Article 3, Section 1.a.d.	required side yard in Agriculture Zone reduced to 7' for non-conforming lots, page 6

October 2 and 16, 1989

Article 11, page 53	requirements for home occupation;
Article 3, Section 1.A.	Authority for zoning administrator to issue permits for compact homes Manufactured after Jan. 1, 1981

March 27, 1990

Article 9, Section 1	schedule of fees, page 48

July 6, 1993

Article 3, Section 4.d	required side yard in Lake Resort District reduced to 5' for non-conforming lots, page 13

August 4, 2003

Article 4, Section 19	shall read Planned Development
Article 4, Section 19	delete paragraph a, page 37, as follows: 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 the development

August 4, 2003

Article 4, Section 19 changing paragraph a page 37 to read as follows: Appeals: Any person, firm, corporation, or department board or bureau of the city aggrieved by the decision of the Area Plan Commission regarding a Planned Unit Development, other than a recommendation as to rezoning an area to a PUD District, may appeal that decision to the Carroll Circuit Court or any of the Carroll County Superior Courts in the manner provided by the statute

October 2, 2006

Article 3, Section 1, A-1 shall be amended to read Agriculture, including confined feeding

Article 4, SUPPLEMENTARY DISTRICT REGULATIONS

Section 23 Confined Feeding Operations and Concentrated Animal Feeding Operations, paragraph a through e

Section 23 paragraph f, Pre-Application Permit is required for CFO and CAFO

December 5, 2016

Article 3, Section 1, Item 3. Amended to read: Public parks, playgrounds, recreation areas and public golf courses, country clubls, meeting halls, reception halls and event venues.

Article 6, Section 1 Amended to read:

1. Administration and Enforcement.
    a. The administration and enforcement of this ordinance is the responsibility of the Zoning Administrator appointed by the Area Plan Commission.
    b. The Zoning Administrator shall find the characteristics of a use not specifically listed to be:
        1. consistent with the purpose and description of the zone intended as per Article 3 of this Ordinance;
        2. compatible with or similar to the permitted uses in the zone; and
        3. similar in traffic generation, noise, vibration, dust, odor, glare and heat producing properties.

The law relating to Area Planning and Zoning is found in Indiana Code 36-7-4-100 through 36-7-4-1213

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AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR CARROLL 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, and most desireable 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 Carroll County, Indiana, Area Plan Commission.

Now therefore be it ordained by the Board of Country Commissioners of Carroll 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 Carroll County Zoning Ordinance.

ARTICLE 1

ARTICLE 1. ESTABLISHMENT OF DISTRICTS: ZONING MAPS

Section 1. The county is herby divided into the following districts

A	Agriculture
S-1	Suburban Residential
U-1	Urban Residential
L-1	Lake Resort
B-1	General Business
B-2	Local Business
I-1	Industrial
I-2	Industrial
PUD	Planned Unit Development

Which are shown on the Township Zoning Maps which, together with all explanatory matter thereon, are incorporated into and made 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 the county ordinance, together with the adoption of this ordinance.

If any changes are made in the district boundaries or any other matter portrayed on the Zoning Maps, such as changes together with the following statement: "On (date), 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. No entry shall be signed by the President of the Board of County Commissioners. 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 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 of 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 supercede and replace the Zoning Maps adopted (date of adoption of maps being replaced) as part of Ordinance No. along with the date 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 centerline 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 part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless

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, including confined feeding
2. Single-family dwellings
3. Public parks, playgrounds, recreation areas and public golf courses, country clubs, meeting halls, reception halls and event venues.
4. Public elementary, junior high, and high schools and buildings for town, city, county, state and federal governmental use
5. Churches and cemeteries
6. Community buildings and offices for agriculture and conservation public agencies
7. Governmental and public utility uses when located 100 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. Home occupation

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. Compact homes in accordance with Article 4, Section 13, manufactured after January 1, 1981

13. Uses, buildings, and structures customarily accessible 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. Skeet or trap shooting when located 1320 feet or more from a residential lot or district boundary line

4. 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 landfills, livestock auction barns and yards, commercial riding stables, sawmills, farm service centers, commercial fishing and hunting areas (unlighted), outdoor archery range, and square dance barn

5. Mobile home when located on a lot which adjoins a public thoroughfare and in accordance with Article, Section 12

6. Compact home in accordance with Article 4, Section 13, manufactured prior to January 1, 1981

7. Recreational vehicle parks in accordance with Article 4, Section 14

8. Uses, buildings and structures customarily accessory and clearly incidental to the above uses

c. Minimum Lot Size:

Lot Area -1acre, excluding roadways. The division of land in this agriculture district into tracts one acre (excluding roadways) or more in size, but less than ten acres, up to a maximum of two such divisions in any parcel of land is referred to as “parcelization” and is exempt from the subdivision ordinance. Any tract created by such parcelization shall meet the following criteria:

1. The tract shall have frontage of at least 150 feet on a public roadway

2. The depth shall not exceed twice the frontage on the public roadway

3. The septic system existing or proposed must be approved by the county

sanitarian

4. There shall not be more than one residence on the tract

Lot Width - At least 150 feet at the building setback line

d. Minimum Yard Sizes:

Front yard - 50 feet
Rear yard - 25 feet
Side yards - 25 feet for lots of minimum size or larger, and 7 feet for any lot less than minimum size recorded in the office of the Recorder prior to the adoption of this ordinance, February 2, 1971

e. Maximum Height of Structures:

No permit shall be issued to erect, alter, or add to the height of any structure which falls within any of the categories as follows:

i. Any construction or alteration of more than 200' above ground level at its site, provided that within two miles of any public use airport, the height shall be not more than 125' above ground level at its site

ii.. Any construction or alteration of greater than an imaginary surface extending outward and upward of a slope of 100 (one hundred) feet to 1 (one) foot upward for a horizontal distance of 20,000 feet from the nearest runway or federally approved proposed runway at any public use airport and of a width starting at 250' either side of the extended center line of the runway and widening by 1 (one) foot for each 5 (five) feet distance from the runway or federally approved proposed runway at any public use airport

f. Minimum Off-Street Parking Requirements:

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

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

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

School and institutional auditoriums and churches - 1 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 moveable seats

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

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

Home occupations - 1 space in addition to residence requirements

Other permitted or special exception uses -n 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-Agriculture 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 sign, 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 **S-1 SUBURBAN RESIDENTIAL**

a. Permitted Uses and Structures

1. The uses permitted and as regulated in numbers 1, 2, 3, 4, 5, 6, 8, 10, and 11, A-Agriculture District with the exception of a confined-feed operation and the following uses:

2. Planned Developments, residential, on tracts of land of 5 acres or more 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 5 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 charitable

2. Home occupations

3. Nursery schools

4. Nursing or rest homes

5. Governmental and public utility 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 15 of this ordinance

7. Compact homes in accordance with Article 4, Section 13

8. Hospitals and medical clinics

9. Uses, buildings, and structures customarily accessory and clearly incidental to the above uses

c. Minimum Lot Sizes:

Lot Area - ½ acre

Lot Width - 100 feet

d. Minimum Yard Sizes:

Front Yard - 50 feet

Rear Yard - 25 feet

Side Yards - 10 feet (each side)

e. Maximum Height of Structures:

2 ½ 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 spaces on the basis of the required spaces for each individual use

Hospital and Nursing and Rest Homes - 1 space per 3 beds and 1 space for each 2 employees on the maximum working shift

Mobile Home Park - 1 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 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, 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

Section 3 **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 public 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 3, 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 and as regulated in numbers 1, 2, 3, 4, 5, 6, 7, and 8, and S-1 Suburban Residential District

c. Minimum Lot Sizes:

	Area Per Dwelling Unit (square feet)	Lot Width (feet)
Single family		
With sanitary sewers	6,000	60
Without sanitary sewers	14,000	80
Two-Family		
With sanitary sewers	4,000	70
Without sanitary sewers	9,000	90
Multiple-Family		
With sanitary sewers	2,500	75
Without sanitary sewers	6,000	100

d. Minimum Yard Sizes:

Front yard - 35 feet along major and collector highways
25 feet along all other roads

Rear yard - 20 feet

Side yard - 7 feet (each side)

e. Maximum Height of Structures:

Single family and two-family dwellings 21/2 stories or 35feet, 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 is increased by 2 feet

f. Minimum Off-Street Parking Requirements

Same as in S-1 Suburban Residential District

Two-family dwellings - 1 space for each dwelling unit

Multiple-family dwellings - 1½ spaces for each dwelling unit

g. Limitations on Signs:

Same as in S-1 Suburban Residential District

Section 4 **L-1 LAKE RESORT DISTRICT**

a. Permitted Uses and Structures:

1. Single family dwellings, year round or seasonal

2. Compact homes in accordance with Article 4, Section 13

3. Mobile Homes

4. Planned developments, residential, on tracts of land of 5 acres or more in accordance with Article 4, Section 13

5. Agriculture, with the exception of a confined feeding operation

6. Public parks, playgrounds, and recreation areas; public golf courses; and country clubs

7. Churches and cemeteries

8. Public elementary, junior high, and high schools

9. Governmental and public utility uses

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. Home occupations

2. Clubs and Lodges, non-profit

3. Recreational Vehicle Parks, in accordance with Article 4, Section 14

4. Public and private recreational camps such as Boy Scouts, school-related, and religious groups

5. Businesses catering to marine activities, such as commercial boat docks, boat service areas, marine equipment stores, boat storage yards, and bait and tackle shops

6. Uses, buildings and structures customarily accessory and clearly incidental to the above uses

c. Minimum Lot Sizes

	Area per Dwelling Unit	Lot Width
With sanitary sewers	6,000 sq ft	60 ft
Without sanitary sewers	½ acre	100 ft

d. Minimum Yard Sizes:

With sanitary sewers:

Front and rear yards - 20 feet
Side yards -7 feet each side for any lot less than minimum size recorded in the office of the Recorder prior to the adoption of this ordinance, February 2, 1971

Without sanitary sewers:

Front and rear yards - 40 feet
Side yards -10 feet each side for lots minimum size or larger, and 5 feet each side for lots less than minimum size recorded in the Office of the Recorder prior to the adoption of this ordinance, February 2, 1971

e. Maximum Height of Structures:
2 ½ stories or 35 feet, whichever is lower

f. Minimum off-street parking requirements:

Same as in U-1 Urban Residential District

Other permitted or special exception uses - spaces as determined by the board

g. Limitations on Signs:

Same as in U-1 Urban Residential District

Businesses catering to marine activities - business signs as permitted and regulated in numbers (a), (c), (d), and (f), B-1 General Business District, provided they have constant illumination and all direct rays of light are shielded from residences and the street

Section 5 **GENERAL BUSINESS DISTRICT**

a. Permitted Uses and Structures

1. Retail businesses and customary accessory service activities

2. Personal, business, financial, and professional services

3. Governmental and public utility uses

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 19 of this ordinance

7. Recreational vehicle parks in accordance with the minimum requirements of Article 4, Section 14

8. Amusement establishments such as bowling alleys, pool halls, dance halls, amusement parks, and other outdoor amusement facilities

9. Automobile service stations; boat sales, rentals, storage and repair; greenhouses, retail; machinery sales; monument sales; motor vehicle sales; plumbing and heating showrooms and shops; restaurants and taverns; second-hand stores and rummage shops, excluding building materials or salvage goods; theaters, indoor; trailer sales and rental, for use with private passenger cars; mobile home sales; and drive-in food establishments

10. Animal hospitals; auction rooms; blue-printing and Photostatting establishments; cartage and express facilities; frozen food lockers; motels; laboratories, medical and dental; launderettes; 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; charitable institutions; and parking lots, open and other than accessory and subject to the provisions of Article 4, Section 17 of this ordinance

12. Building material sales, retail, but not including processing or manufacture of millwork; contractors 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 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 less than 5 feet
Transitional yards - Along a side lot line which coincides with a side or rear lot 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

1. Off-street parking

Same as U-1 Urban Residential District

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

Motels - 1 space for each dwelling unit

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

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

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

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

Motor vehicle sales and wholesale stores - 1 space for each 400 square feet of floor area

Undertaking establishments - 8 spaces for each chapel or parlor, plus one space for each funeral vehicle maintained on the premises

Auto laundries - 1 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, and mail order establishments - 1 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 space for each 2 employees based upon the maximum number of persons employed on the premises, plus pace for each vehicle maintained on the premises

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

Restaurants and taverns - 1 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 space for each 300 square feet of floor area

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

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

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

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

2. Off-Street Loading and Unloading

Use	Gross Floor area	No of Berths
Business or commercial uses	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')

Planned Business Developments: The total of the required berths for each individual use

g. Limitations on Signs. For each use intended to be read from off the premises shall be permitted except 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 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, 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 6 **B-2 LOCAL BUSINESS DISTRICT**

a. Permitted Uses and Structures

1. The uses permitted and as regulated in numbers 1, 2, 3, 4, 5, 6, 8, 9, and 13, B-1 General Business District and the following uses:

2. Garages for storage, repair, and servicing of motor vehicles, providing such work is conducted within a completely enclosed building

3. Clubs and lodges, non-profit; motel

4. Parking lots, open and other than accessory and subject to the provisions of Article 4, Section 17 of this ordinance

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

b. Uses permitted as special exceptions by the Board of Zoning Appeals:

1. Undertaking establishment

2. Veterinary hospital, excluding kennels

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:

Same as in B-1 General Business District

f. Maximum Height of Structures:

Three stories or 45 feet

g. Limitations on Signs:

Business signs as permitted and regulated in numbers (a), (c), (d), (f), and (g), B-1 General Business District, provided they have constant illumination and all direct rays of light are shielded from

residences and the street

Section 7 **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 21 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

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 19

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 - 30 feet, except when abutting a railroad right-of-way
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 and Loading Requirements:

1. Off-Street Parking

Same as in B-1 General Business District

Manufacturing, fabricating, processing, assembly, disassembly, cleaning, servicing, testing or repairing of materials, goods, or products - 1 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 and Unloading

Same as in B-1 General Business District

Use	General Floor Area	No. of berths
Any manufacturing,	5,000 to 40,000 sq. ft.	1
Fabricating, processing,	40,000 to 100,000 sq. ft.	2
cleaning, servicing, testing,	Each additional 100,000 sq. ft.	
repair, or storage of	or fraction thereof	1
materials, goods, or products		

Planned Industrial Developments: 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-1 General Business District

2. For industrial parks - 1 additional sign on each street frontage - other than those regulated in '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 8 **I-2 INDUSTRIAL DISTRICT**

a. Permitted Uses and Structures

1. 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 21 of this ordinance.

2. Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages.

3. Manufacture and assembly of glass, plastic, paper, cloth, jewelry, and leather products.

4. Manufacture of colors, dye, paint, and other coatings (excluding tar products).

5. Machine, welding, tool and dye shops; electroplating operations.

6. Manufacture of pharmaceutical, biological, medical, cosmetic, and candy products.

7. Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical goods, and farm machinery.

8. Manufacture and assembly of marine, office, and household furniture and appliances; communication and automobile equipment; air conditioning, heating and refrigeration equipment.

9. Can and container manufacture and processing and milling of forest products.

10. Canning, bottling, processing and packaging of food and beverages; grain elevators; grain processing and starch manufacture.

11. Dyeing and cleaning works; and services such as freight movers, communication and canteen operations.

12. Upholstering and feather goods manufacture.

13. Trucking terminals.

14. Vehicle and implement repair and painting shops.

15. 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 21.

1. Storage, use, or manufacture of explosive materials.

2. Creosote manufacturing and treatment.

3. Bulk storage of petroleum products.

4. Foundries, smelting operations, metal foraging, 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, refining and manufacturing.

10. Tar, tar paper, and tar products manufacturing and processing; manufacture of matches and fireworks.

11. Production of emulsified asphalt and asphaltic concrete paving .

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	-	1acre
Lot Width	-	150 feet

d. Minimum Yard Sizes:

Front yard	-	40 feet
Rear Yard	-	Same as in I-1 Industrial District.
Side Yards	-	(each side) Same as in 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 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 alot which adjoins a public street or a permanent easement of access, at least 20 feet wide, connecting to a public street.

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 ½) and 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 adjoining two points on the street right-of-way lines 35 feet from the point of their 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 thisordinance 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, flowers, 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 are no closer than five feet to any property line.

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 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 HEIGHT MODIFICATION. Church spires, belfries, and domes, silos, monuments, water 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, provided that no permit shall be issued to erect, alter or add to the height of any structure which falls within any of the categories as follows:

1. Any construction or alteration of more than 200' above ground level at its site, provided that within two miles of any public use airport, the height shall be not more than 125' above ground level at its site.

2. Any construction or alteration of greater than an imaginary surface extending outward and upward of a slope of 100' outward to 1' (one foot) upward for a horizontal distance of 20,000' from the nearest public point of the nearest runway or federally approved proposed runway at any public use airport and of a width starting at 250' either side of the extended center line of the runway and widening by one (1) foot for each five (5) feet distance from the runway up to a maximum of 20,000' from the runway or federally approved proposed runway of a public use airport.

Section 9 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 has been thus established, the front yard requirements set forth in the Schedule of District Regulations shall be complied with.

Section 10 PROJECTIONS INTO YARDS. Every part of a required yard shall be open and unobstructed except for accessory buildings and uses.

Section 11 SIGNS. Signs erected by governmental agencies are exempt from the regulations set forth under Limitations on Signs in the Schedule of District Regulations.

Section 12. 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 b 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 accomodations, 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 other similar items too large to reasonably enclose, shall be stored on the mobile home lot only in a completely enclosed structured.

e. All health and sanitary regulations of the county and the Indiana State Board of Health are complied with.

f. A temporary permit is issued for a mobile home subject to the 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 13. 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 the single-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 14. RECREATIONAL VEHICLE PARKS. In any district in which Recreational Vehicle Parks are permitted the following requirements shall apply:

a. Recreational Vehicle Parks shall have direct access to a public street 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 hazards of objectionable smoke, odor, or noise, or the possibility of

subsidence, sudden flooding or severe erosion.

c. The density of a park shall not exceed 17 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 other streets; 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, laundrymats, 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 al 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 14.1 MANUFACTURED HOMES. The establishment, location and use of manufactured homes as scattered-site residences shall be permitted in any zone permitting installation of a dwelling unit subject to requirements and limitations applying generally to such residential use in the district and provided such homes shall meet the following requirements and limitations:

a. The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building and occupancy permits and other certifications required by the code.

b. The home shall meet the minimum square footage requirements for the appropriate zone.

c. The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One and Two Family Dwelling Code and with manufacturer’s installation specifications.

d. The home shall be covered with an exterior material customarily used on site built

residential dwellings and such material shall extend over the top of the foundation.

e. The home shall have a roof composed of a material customarily used on site built residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

Section 15 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 2 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 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 the persons 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 a minimum width of 40 feet.

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 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 16 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 adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire and other emergency vehicles.

c. Adequate parking, both off-street and on-street, is available within 1,400 feet of the proposed site.

d. Outdoor lighting will be shielded or directed away from adjoining residential property and streets.

e. The sign regulations of Article 3, Schedule of District Regulations for the district in which such temporary use is located shall be observed.

Section 17 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.

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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, the 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 areas 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, dust-proof surfacing and shall be provided with bumper guards or barrier curbs when needed.

3. Any lighting used to illuminate a required off-street parking area shall be shielded from residential properties.

4. All open off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a Residential 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 18 OFF-STREET LOADING The off-street loading provisions of this ordinance all 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 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 14 (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 space is required herein, not 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 19 PLANNED UNIT 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; (b) meet the minimum acreage requirements set forth for Planned Developments in Article 3, Schedule of District Regulations; and (c) are located in an S-1, U-1, L-1, B-1, B-2, I-1, or I-2 District.

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 the following within the planned development area and within thre4e 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. APPEALS Any person, firm, corporation or department board or bureau of the city aggrieved by the decision of the Area Plan Commission regarding a Planned Unit Development, other than a recommendation as to rezoning an area to a PUD District, may appeal that decision to the Carroll County Circuit Court or any of the Carroll County Superior Courts in the manner provided by statute.

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 the development and a favorable recommendation to the Board of County Commissioners for the rezoning of the Planned Development area or areas 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 2 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 of a 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 Area are based upon the extent of flood plains as identified by soils in the Soil Survey of Carroll County, Indiana.

Section 20.1 SCENIC AREA Scenic creek or river areas are shown on zoning maps. An improvement permit for a use or structure otherwise permitted on a lot in a zoning district, but within the scenic area shall not be issued unless and until the Zoning Administrator finds:

a. that the use applied for is of a private landowner's property for temporary, non-commercial, personal camping usage to be totally removed at the end of the May 1 through October 31 season;

b. that it is an improvement invisible within the scenic area from the water's edge at normal level between May 1 and October 15, or which will not detrimentally affect the natural and scenic features of the area; and

c. that there will be no complete removal of natural vegetation or clear-cutting of timber within the scenic area.

Section 21 PERFORMANCE STANDARSDS and GENERAL REQUIREMENTS FOR INDUSTRIAL DISTRICTS

a. The storage or manufacture of materials or products which decompose by 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 applicable 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 provided, however, fire sirens and related apparatus used solely for public purposes shall be exempt from this equirement.

2. Vibration

a. No industrial operation or activity shall cause at any time or at any point along the nearest adjacent lot line earthborn vibrations which are detectible 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 Information Circular 6888.

2. Of such capacity as to obscure an observer's 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 afire 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 injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which 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 22 WASTE DISPOSAL Any person proposing waste treatment or disposal facilities or planning a discharge of waste material into waters of the State of Indiana shall have such facility or discharged approved by the Stream Pollution Control Board.

SECTION 23. CONFINED FEEDING OPERATION All confined feeding operations (as defined by 327 IAC 16) must meet the following standards:

a. All structures shall be set back at least 100 feet from any right-of-way line and/or property line.

b. The outer perimeter of the confined feeding operation, including structures, pens, lagoons, or lots, shall not be located any closer than the following setbacks:

1. 800 feet from any residence, other than the farm operator or residences owned by the confined feeding operation. Residence is defined as the footprint of the residence or any accessory building located within 25 feet of the primary residence.
2. 1500 feet from any Residential Zoning District line, any church, school, public park, or any public building.
3. 3960 feet from the nearest boundary of any incorporated City or Town.

c. Construction of a new residence not located on the same tract of land or residences not owned by the confined feeding operation must also be located a minimum of 800 feet from an existing confined feeding operation.

d. An existing confined operation, which has an Indiana Department of Environmental Management confined feeding permit either obtained or applied for prior to the passage of this ordinance, be allowed to expand on the same parcel within the setbacks in effect at passage of this ordinance (100 feet from a street right-of-way line, 500 feet from a residential district boundary line, and 500 feet from a residential use other than that of the applicant).

e. Any existing residence, platted subdivision, church, school, public park, or public building will be allowed to expand on the same parcel with the applicable setbacks for the zoning district in which it is located.

f. PRE-APPLICATION PERMIT FOR CONFINED FEEDING OPERATIONS/CONFINED ANIMAL FEEDING OPERATIONS:

1. A pre-application permit for any confined feeding operations/confined animal feeding operations will be required. This permit will prevent, for 18 months, any property owner from obtaining a building permit for a structure to be built within the established setbacks for a confined feeding operation.

2. Any property owner and/or resident within 2500 feet of the proposed new construction of any confined feeding operation, will be notified by certified mail. This notification will be the responsibility of the owner of the confined feeding operation/confined animal feeding operation.

ARTICLE 5
Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, and Non-Conforming Uses of Structures and Premises

Section 1 BUILDINGS UNDER CONSTRUCTION.

To avoid undo hardship, nothing in this ordinance all 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 upon which actual building construction has been diligently carried on. Actual construction is 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 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.

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 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 on 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 value 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 the 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, 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 non-conforming 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 Appeals may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

d. Any structure, or structures 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 non-conforming 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 AND CERTIFICATES OF OCCUPANCY.

Section 1. Administration and Enforcement.

a. The administration and enforcement of this ordinances the responsibility of the Zoning Administrator appointed by the Area Plan Commission.
b. The Zoning Administrator shall find the characteristics of a use not specifically listed to be:
    1. consistent with the purpose and description of the zone intended as per Article 3 of this Ordinance;
    2. compatible with or similar to the permitted uses in the zone; and
    3. similar in traffic generation, noise, vibration, dust, odor, glare and heat producing properties.

Section 2 Improvement Location Permit. No building or other structure may be erected, moved , or added to 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 must be made in duplicate and accompanied by a scale drawing, showing the dimensions and shape of the lot to be built upon; the size and location of existing buildings; and the location and dimension 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 on it. The second copy similarly marked, shall be retained by the Z.A. If an application is not approved, the Z.A. shall state the reasons for his action on the application.

If an 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 Z.A 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. Lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, play equipment, and landscaping provided they do not violate the requirements of Section 5, Article 4.

c. Signs with a surface area of less than four square feet.

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 the hearing on the special exception by the Board, a copy of the application shall be forwarded to the Commission for its review as to the effect of the application upon the Development Plan of the county. The Commission may present its recommendations thereto 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 and the Board may approve such variance only upon its determination in writing that:

(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

(c) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

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 a use not permitted in Article 3 of this ordinance in the district involved.

d. In exercising its 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.

A proposed ordinance for the amendment or repeal of the zoning ordinance to rezone an area or to change the regulations must be referred to the Area Plan Commission for consideration and report before any final action is taken by a legislative body. On receiving or initiating such change, the Commission shall, within thirty (30) days, hold a public hearing and publish notice at least ten (10) days before such hearing. The applicant for rezoning shall post a sign provided by the Administrator and place it on the property at least ten (10) days before the hearing, so as to give reasonable notice to neighboring landowners of the proceedings.

ARTICLE 9. FEES AND EXPENSES FOR NOTICE

Section 1. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by a filing fee. Such fees shall be set by the Area Plan Commission, and approved by the County Commissioners.

A schedule of fees shall be kept on file in the office of the Zoning Administrator.

Section 2 The applicant shall bear the expense of any notice required to be published.

ARTICLE 10. ENFORCEMENT

Section 1. Violations of 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 Commission, the Board, 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 Commission or the Board 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 Class C Infraction, and upon conviction, shall be fined not more than five hundred dollars ($500). 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 agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary 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 - Dust, fumes, gas, mist, smoke, or vapor, or any combination thereof.

Air Contaminant Source - Any and all sources of emission of air contaminants, whether privately 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; 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 - Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurius to human, plant or animal life, 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 Area Board of Zoning Appeals of Carroll County.

Building - A structure built for the support, enclosure, shelter, or protection of persons, animals, chattels, or moveable 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 - Carroll County area Plan Commission.

Compact Home - A portable structure, designed for year-round living, 14 or more feet wide and 700 or more square feet, excluding tipouts and expando rooms, with the four outside walls supported by a permanent foundation.

Confined Feeding - The confined feeding of animals for foods, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where all food supplied to the animals by means other than grazing.

Confined Feeding Operation - Shall mean (1) any confined feeding of 300 or more cattle, 500 or more swine or sheep and 30,000 or more fowl; or (2) any animal feeding operation utilizing a waste lagoon or holding pit; or (3) any animal feeding operation where the operator elects to come under the Act; or (4) any animal feeding operation as amended, and any valid regulations thereof as determined by the Stream Pollution Control Board.

Confined Feeding Operator - An individual, a corporation, a group of individuals, joint ventures, a partnership, or any other business entity having charge or control of one or more confined feeding installations.

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 - Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, dulling, demolishing, shoveling, conveying, 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 - 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 - A form of fluid having neither independent shape nor volume, but tending to expand indefinitely.

Governmental and Public Utility Uses - Electric and telephone substations and distributions 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.

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

Home Occupation - An occupation or activity meeting the following standards:

a. The home occupation shall be carried on by a resident of the premises with no more than one (1) employee not a resident on the premises and there shall be no more than one (1) separate home occupation per premises.

b. Exterior indication of the home occupation or variation from the residential character of the premises shall not be permitted.

c. The uses of the dwelling unit for the home occupation shall not be clearly incidental and subordinate to its use for residential purposes by its occupants.

d. In any residential district, the home occupation shall not be conducted in any accessory building and shall not occupy more than 225 percent of the floor area of the principal dwelling unit. In the Ag district, an accessory structure may be used provided that the structure not exceed 50 percent of the gross floor area of the principal residential structure, if new, comply with the principal structure setback requirements. No more than 25 percent of the floor area of the

principal structure in the Ag district may be used and in no case shall both the principal structure and an accessory structure be used for the home occupation.

e. There shall be no direct sales or displays of articles other than those items produced or repaired on the premises of the home occupation.

f. The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time than normally expected in the residence. Any parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Delivery of materials to or from the premises by commercial vehicles shall not exceed once per week and for a period no longer than one hour.

g. There shall be no outdoor storage of materials or goods produced and no display of goods visible from any adjoining property line or road.

h. No use shall create noise, vibration, smoke, dust, electrical interference, smell heat, glare, fire hazard or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residence.

i. No more than one sign shall be allowed. Such sign shall be attached flat to the house and shall be no greater than two (2) feet square in size.

j. A permit for a home occupation is not transferable and a new occupancy permit must be applied for whenever there is a change in the occupation, ownership of the property or tenants in the house.

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 atre 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 a kept for the purpose of sale.

Lot of Record - 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.

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 street right-of-way 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.

Manufactured Home - A dwelling unit fabricated on or after January 1, 1981, in an off-site manufacturing facility for installment or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufacturing Housing Construction and Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council.

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.

Parcelization - The division of land in an agricultural (A) district into tracts of one acre (excluding roadway easements) or more in size, but less than ten acres, up to a maximum of two such divisions in any parcel of land. See Article 3, Section 1 A, c.

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, build 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 grey for use in estimating the light-obscuring capacity of smoke and smoke density.

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

Scenic Area - Shown on Zoning Maps. See Article 4, Section 21.1

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

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 as 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 furnished 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 a permanent location on the ground or attached to something having a permanent location on the ground, except public utility communications 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, grinders, 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 street right-of-way 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 remaining be in full force and effect.

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.

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