

ADAMS COUNTY ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE 1 - BASIC PROVISIONS

	Page
Chapter 1 - Title -----	3
2 - General Provisions -----	3
3 - Rules of Construction -----	4
4 - Definitions -----	4
5 - Master Plan -----	14

ARTICLE 2 - ZONING REGULATIONS

Chapter 1 - Purpose of Zoning Regulations -----	15
2 - Zones -----	15
3 - Non-conforming Building & Uses -----	16
4 - Supplemental Regulations -----	18
5 - Parking Regulations -----	28
6 - Flood Zone Regulations -----	31
7 - Agricultural Zone Regulations -----	32
8 - Residential Zone Regulations -----	34
9 - Commercial Zone Regulations -----	37
10 - Industrial Zone Regulations -----	40
11 - Height and Area Regulations -----	42
12 - Planned Unit Developments -----	50
13 - Development Plan Regulations - All Zones -----	51
14 - Development - Mobile Home Parks -----	62
15 - Development - Planned Unit Development -----	65
16 - Intensive Livestock Regulations -----	67
17 - Sign Regulations -----	77

ARTICLE 3 - FLOOD HAZARD AREAS

Chapter 1 - Statement of Purpose -----	82
2 - Definitions -----	82
3 - Duties of Administration -----	86
4 - Regulatory Flood Elevation -----	87
5 - Improvement Location Permits -----	87
6 - Preventing Increased Damages -----	89
7 - Protecting Buildings -----	91
8 - Other Development Requirements -----	94
9 - Variances -----	94
10 - Disclaimer of Liability -----	95
11 - Violations -----	95
12 - Abrogation and Greater Restrictions -----	96
13 - Separability -----	96



ARTICLE 4

SUBDIVISION CONTROL

Chapter	1 - Title .....	98
	2 - General Provisions .....	98
	3 - Rules of Construction .....	100
	4 - Definitions .....	101
	5 - Primary Plat .....	106
	6 - Secondary Plat .....	110
	7 - Minimum Design Standards .....	115
	8 - Improvement Regulations .....	120
	9 - Administration .....	127
	10 - Permits and Certificates .....	128
	11 - Post-Approval Procedures .....	131
	12 - Fees .....	132
	Plates I, II, III, IV, V, VI, VII, & VIII	
	Arterial Thoroughfare Map No. 3	

ARTICLE 5

RESERVED FOR FUTURE LEGISLATION

ARTICLE 6

RESERVED FOR FUTURE LEGISLATION

ARTICLE 7

ADMINISTRATION AND ENFORCEMENT

Chapter	1 - Administration .....	174
	2 - Plan Commission .....	174
	3 - Zoning Administrator .....	175
	4 - Board of Zoning Appeals .....	175
	5 - Permits, Certificates and Procedures .....	176
	6 - Fees .....	179
	7 - Enforcement and Penalties .....	179

ARTICLE 8

ADOPTION

Chapter	1 - Effective Date .....	181
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ORDINANCE

No. 2005- 01

SHORT TITLE: AN ORDINANCE ESTABLISHING COMPREHENSIVE LAND USE REGULATIONS FOR ADAMS COUNTY, INDIANA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF I.C. 36-7-4 AND ALL ACTS SUPPLEMENTAL AND AMENDATORY THERETO AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, I.C. 36-7-4 empowers the legislative body of the County to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS, the Board of Commissioners of Adams County, State of Indiana, as the legislative body of the County deems it necessary for the purpose of promoting the public health, safety, comfort, convenience and general welfare of Adams County to enact such an Ordinance, and

WHEREAS, pursuant to the provisions of I.C. 36-7-4 and all acts supplemental and amendatory thereto, the legislative body of Adams County, Indiana, has heretofore created an Advisory Plan Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced, and

WHEREAS, the Adams County Plan Commission has divided the County into Zoning Districts and has prepared regulations pertaining to such districts in accordance with the comprehensive plan heretofore adopted so that adequate light, air, convenience of access, safety from fire, flood and other danger may be secured and that congestion in the public streets may be lessened or avoided, that property values may be preserved and that the general public health, safety, comfort, morals, convenience and general welfare may be promoted, and

WHEREAS, the Adams County Plan Commission has given reasonable consideration to existing conditions, the character of existing structures and uses, the most desirable use for which the land in each district is adapted and the conservation of property values throughout the County, and

WHEREAS, the Adams County Plan Commission has held public hearings concerning re-enactment

and revision of the Adams County Zoning Ordinance and has submitted its recommendation to the Board of Commissioners of the County of Adams, and

WHEREAS, all requirements of I.C. 36-7-4 and all acts supplemental and amendatory thereto with regard to the preparation of a Zoning Ordinance and Zone Map have been met.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS, STATE OF INDIANA, AS FOLLOWS:

ARTICLE I

BASIC PROVISIONS

CHAPTER 1 - TITLE

- 1-1-1 This ordinance shall be known, cited and referred to as "The Adams County, Indiana Land Use Ordinance of 2005".

CHAPTER 2 - GENERAL PROVISIONS

- 1-2-1 Authority - This ordinance is adopted pursuant to Indiana Code 36-7-4 and all acts supplemental and amendatory to it.
- 1-2-2 Compliance - No building, dwelling, structure or land shall hereafter be used and no building, dwelling structure or part thereof shall be erected or moved unless in conformity with the regulations of this ordinance.
- 1-2-3 Severability - If any chapter, section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other chapter, section, clause, provision or portion of this ordinance.
- 1-2-4 Jurisdictional Area - The jurisdictional area of this ordinance shall include lands and waters of the unincorporated area of Adams County, Indiana, and including the unincorporated areas of Ceylon, Linn Grove, Magley, Monmouth, Peterson, Pleasant Mills, Preble, Rivare (Bobo), Salem and Williams, all in the County of Adams in the State of Indiana. All buildings erected, all uses of land or buildings established, all structural alterations or relocation of buildings and all enlargements of or additions to uses occurring after adoption of this ordinance shall be subject to all provisions of this ordinance which are applicable to the zoning districts in which those buildings, uses, land or waters shall be located.
- 1-2-5 Application - This ordinance is not intended to interfere with, abrogate or amend any easements, covenants or other agreements existing prior to its adoption. This ordinance is not intended to repeal, abrogate, annul or in any way interfere with any provisions of laws or ordinances existing prior to adoption; or any rules, regulations or permits adopted or issued pursuant to law before that date relating to the use of buildings or premises.
- 1-2-6 Restrictions Standards Section
- A. Whenever the provisions of this ordinance are more restrictive, or impose higher standards than are required by any statute of the State of Indiana, or any provision of any other Article of this Code, or of any other ordinance of Adams County, Indiana, or by any restrictions or limitations as to particular property established by deed, plat or otherwise running with the land, the provisions of this ordinance shall govern.
  - B. Whenever the provisions of any statute of the State of Indiana, or of any other ordinance of Adams County, Indiana, or any restriction or limitation established by deed, covenant, plat or otherwise

running with the land, is more restrictive, or impose higher standards than are required by this ordinance, the provisions of such statute, ordinance, chapter, deed, covenant, plat, restriction or limitation shall govern.

### CHAPTER 3 - RULES OF CONSTRUCTION

- 1-3-1 Citation - Citations to this ordinance shall be by Article, Chapter, Section and Subsection.
- 1-3-2 For the purposes of this ordinance, certain words and phrases used herein shall be interpreted as follows:
- A. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other entity.
  - B. The masculine includes the feminine.
  - C. The present tense includes the past and future tense, the singular number includes the plural.
  - D. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.
  - E. The words "used" and "occupied" include the words "intended, arranged or designed to be used or occupied".

### CHAPTER 4 - DEFINITIONS

- 1-4-1 Whenever any words and phrases used within this ordinance are not defined, but are defined in the State laws regulating the creation and function of various planing agencies, any such definition therein shall be deemed to apply to such words and phrases used within this ordinance, except when the context requires otherwise or is specifically otherwise prescribed.
- A. Accessory Building or Use - A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises. In no event shall a lot which is not contiguous to the principal use be considered an accessory use.
  - B. Agricultural Labor Camp (Migrant Worker Camp) - Includes one or more dwellings, mobile homes, tents or vehicles, together with the land appertaining thereto, established, operated, or used as living quarters for five or more adult, seasonal or temporary workers engaged in agricultural activities, including related food processing.
  - C. Agricultural Uses - The use of a tract of land, for normal agricultural activities including farming and dairy farming, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, storing or selling the produce, provided that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.



- D. Amortization - The process of discontinuing non-conforming land uses.
- E. Board - The Board of Zoning Appeals of Adams County, Indiana
- F. Building - A structure having a roof supported by columns or walls designed, built or used for the enclosure, shelter or protection of persons, animals, chattels or property. At no time shall this definition be construed to include mobile homes.
- (1). Building - detached - A free standing building having no structural connection with another building.
  - (2). Building - height of - Where the front of the building is contiguous to the street right-of-way line, the vertical distance measured from the adjoining street centerline.
  - (3). Building - main - The building which constitutes the principal use of a lot.
  - (4). Building - non-conforming - a building, lawfully existing at the time this ordinance becomes effective with the regulations set forth in this ordinance applicable to the district in which such building is located.
  - (5). Building - semi-detached - A main building having one wall in common with the adjacent main building.
- G. Building Setback Line - The line, established by this ordinance, which a building shall not extend beyond unless such line is varied according to procedures in the ordinance. This may be applicable to the front, side and/or rear yard.
- H. Cemetery - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- I. Certification of Occupancy - A certificate issued by the Zoning Administration stating that the occupancy and use of land or building referred to therein complies with this ordinance.
- J. Church - A building wherein persons regularly assemble for religious worship which is used only for such purpose and those customarily associated accessory uses.
- K. Clinic or Medical Health Center - An establishment where two or more licensed physicians or dentists engage in active practice. Human patients are examined and studied but not hospitalized overnight.
- L. Commission - The Adams County Plan Commission.
- M. Commissioners - The Board of County Commissioners of Adams County, Indiana.
- N. Condominium - Real estate which may be defined as a "condominium" under IC-32-1-6-1, the Indiana Horizontal Property Law, as the same may be amended from time to time.

- O. County - The County of Adams, State of Indiana.
- P. Court - An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings.
- Q. Covenant (deed restriction) - A private legal restriction on the use of land contained in the deed to the property, normally applied to all lots in any subdivision.
- R. Development Plan - A plot plan, and supporting information, delineating the location and characteristics of structures, vehicular and pedestrian areas, utilities, storm water drainage, signage, landscaping, and other accessory facilities to be constructed, modified or reconstructed on a parcel or parcels of real estate.
- S. District or Zone - See "Zone", No. 70.
- T. Dwelling - A structure or building or portion thereof, used exclusively for residential occupancy; including single family, two family and multiple family dwellings, but not including hotels, motels, lodging or boarding houses or tourist homes.
- (1). Dwelling multiple family - a dwelling or portion thereof used for occupancy by three or more families living independently of each other.
- (2). Dwelling multiple group - A group of two or more multiple dwellings occupying a parcel of land in common ownership and having any yard, court, compound or service in common.
- (3). Dwelling single family - A dwelling used for occupancy by one family.
- (4). Dwelling two family - A dwelling, or portion thereof, used for the occupancy by two families living independently of each other.
- U. Dwelling Unit - A dwelling or a portion of a two family or multiple family or of an apartment used by one family for cooking, living and sleeping purposes.
- V. Easement - An authorization or grant by a property owner to specific person or to the public to use land for specific purposes.
- W. Education Institution - Pre-primary, primary or grade, public, parochial or private school, high school preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high school for preparation of admission to college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization, or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this chapter.
- X. Essential Services - Service lines, distribution systems and all appurtenances constructed or maintained for or by a utility company for the aforementioned uses, either private or governmental.

- Y. Family - An individual, or a group of two (2) or more persons related by blood, marriage or adoption, together with not more than three (3) additional persons not related by blood, marriage or adoption, living together as a non-profit single housekeeping unit. However, domestic servants employed on the premises may be housed on the premises without being counted as a member of the family.
- Z. Flood Plain - The areas adjoining any river or stream which have been, or may be expected hereafter to be, covered by flood water as established from data supplied by the Division of Water of the Indiana Department of Natural Resources.
- AA. Floodway - The channel of a river or stream and those portions of the flood plain adjoining the channels, which are required to efficiently carry the discharge of flood water or flood flow of any river or stream.
- BB. Floor Area Gross - The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior walls. It includes the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use.
- CC. Floor Area Net - The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms etc., in a non-residential building.
- DD. Garage Private - A privately owned detached accessory building or a portion of a main building used as an off-street parking area.
- EE. Garage Public - Any building, other than a private garage, used as a public parking area or which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of motor vehicles.
- FF. Hazardous Wastes - Any solid or liquid waste with inherent dangers, including but not limited to, toxic chemicals, explosives, pathological wastes, radioactive materials, flammable materials likely to cause fires, liquids, semi-liquids, sludges containing less than thirty percent solids, pesticides, pesticide containers, raw animal manure, septic tank pumpings and raw or digested sewer sludge.
- GG. Home Occupation - Any gainful occupation or profession conducted entirely within a dwelling and carried on only by an occupant or an occupant's family residing in that dwelling, which use is clearly incidental and secondary to the use as a dwelling.
- HH. Home Workshop/Business - A gainful occupation or profession conducted entirely within a dwelling, or in an accessory building located on the same lot, parcel or tract of land as the dwelling, and carried on by an occupant or an occupant's family residing in that dwelling and by no more than two (2) employees, associates or partners who are not members of the family, which use is clearly incidental and secondary to the use as a dwelling.
- II. Hospital - "Sanitarium", "sanitorium", "preventorium", provided such institution is operated by or treatment given under direct supervision of a physician licensed to practice by the State of Indiana and where human patients may remain overnight.

- (1). Hospital - animal - A lot, building, structure, enclosure or premises whereon or wherein three or more dogs, cats and other domestic animals are kept or maintained and which is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Indiana.
- JJ. Hotel and Motel - A building, group of buildings or portion thereof in which more than five (5) guest rooms are provided as temporary accommodations for compensation to transient guests.
- KK. Improvement Location Permit - A permit issued by the Zoning Administration of Adams County, Indiana, stating that the proposed erecting, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of this ordinance.
- LL. Incorporation - means the mixing of liquid or solid manure, with the surface soil using standard agricultural practices, such as tillage.
- MM. Injection - means the placement of liquid manure beneath the surface of the soil in the crop root zone using equipment specifically designed for this purpose.
- NN. Junk - Old scrap copper, brass, rags, batteries, paper, rubber debris, iron, steel and other old or scrap ferrous or non ferrous materials or junked, dismantled, abandoned or wrecked motor vehicles or parts of them.
- OO. Junkyard - An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile salvage yard, and the term shall include garbage dumps and sanitary landfills, but shall not include a scrap metal processing facility.
- PP. Jurisdiction - That portion of Adams County, Indiana lying outside of the limits of incorporated towns and cities with the exceptions as provided in I.C. 36-7-4 and all acts amendatory thereto, as is now or may hereafter be in effect.
- QQ. Kennel - A lot, building, structure, enclosure or premises whereon or wherein dogs or cats are maintained, boarded, bred, kept or cared for in return for remuneration, or are kept for the purpose of sale or are groomed, trained or handled for others.
- RR. Lot - A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat in the office of the Adams County Recorder and fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed street right-of-way shall be included.
- (1). Lot corner - A lot abutting two or more streets at their intersection.
- (2). Lot depth of - The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (3). Lot front - That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be determined at the time of application for the improvement location permit by either

the owner, builder, developer or their agent and the zoning administrators.

- (4). Lot interior - A lot with only one frontage on a street.

SS. Lot Lines - Lines bounding a lot as follows:

- (1). Lot line front - The line running along the front of the lot and separating it from the street. In these ordinances, the front lot line is called the "front street line". In a "through lot" both lines abutting the streets are deemed "front street lines".
- (2). Lot lines rear - The lot line generally opposite and parallel to the front street line except in a "through lot". If a rear lot line is less than ten feet long or the lot comes to a point at the rear. Said rear lot line is assumed to be a line at least ten feet long, lying wholly within the lot, parallel to the front street line or if the front street line is curved, parallel to the cord of the arc of said front street line.
- (3). Lot line side - Any lot line other than a front street line or a rear lot line. A side lot line separating the lot from a street is a "side street line".

TT. Manufactured Home - A dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction & Safety Standards Law (1974 U.S.C. 5401 et.seq.) or the Indiana One and Two-Family Dwelling Code (675 IAC 14-1) or the Indiana Uniform Building Code (675 IAC 13-2 and 675 IAC 13-3) in the case of multiple family dwelling units, which was constructed after January 1, 1981, which exceeds nine hundred fifty (950) square feet of occupied floor space and which is placed on a permanent foundation.

UU. Manure Application - means the placement of liquid or solid manure by:

1. Spraying or spreading onto the land surface;
2. Injection below the land surface; or
3. Incorporation into the soil.

VV. Master Plan - The complete plan, or any of its parts, serving as a guide for the development of Adams County, Indiana, prepared by or for the commission and adopted by the commissioners in accordance with the authority conferred by IC 36-7-4 and all Acts amendatory thereto, as is now or may hereafter be in effect.

WW. Mobile Home - A single family dwelling or vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation. A recreational vehicle shall not be construed to mean a mobile home in this ordinance.

XX. Mobile Home Park - An area of land used for the parking of two or more mobile homes which are being used for dwelling purposes.

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

ZZ Motel - (See Hotel and Motels at 2-9-15 herein)

AAA. Motor Vehicle - Shall include automobiles, trucks, recreational vehicles, tractors, trailers, semi-trailers, airplanes, buses, farm implements, motorcycles and motorscooters, whether self-propelled or designed to be pushed, pulled or carried by another motor vehicle.

BBB. Nonconforming Structures - A legally existing building which fails to comply with the regulations set forth in this ordinance applicable to the district in which such building is located.

CCC. Parking Area Off Street - An area other than on a street or alley, designed for use for the temporary storage of a motor vehicle.

DDD. Parking Area Public - An area, other than a street or alley used for the temporary storage of four (4) or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

EEE. Planned Unit Development - A development in which the developer wishes flexibility of district regulations governing lot size, yards, setbacks, and building location or size. A planned unit development may be a subdivision which is being developed as a unit under single ownership or control whose intent is to sell individual lots or estates, whether fronting on private or dedicated streets.

FFF. Recreational Vehicle - A temporary dwelling for travel, recreation and vacation use including, but not limited to travel trailer, pickup coach, motor home, camping trailers and tent.

GGG. Recreational Vehicle Park - An area of land used for the parking of two or more recreational vehicles which are being used for temporary dwelling purposes.

HHH. Refuse Pickup or Transfer Station - Those areas where facilities are located for the temporary storage of refuse. These areas may serve as convenient collection points for refuse if contained in approved containers and removed to a final disposal site on a regular basis.

III. Root Parcel of Land. A Root parcel of land means any parcel of land shown as a unit, or as contiguous units on the last preceding transfer of property prior to December 1, 1996. A publicly dedicated roadway separating parcels of land shall cause said parcels to be considered to be not contiguous.

JJJ. Sanitary Landfill - A method of disposing of refuse or land without creating nuisances and hazards to public health, safety and welfare by utilizing principles of engineering and other practices to confine the refuse to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation (or at more frequent intervals as necessary) and is operated in compliance with all Federal and State environmental regulations and this ordinance.

KKK. Screening - A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.

**LLL.Sign** - Any board, device, structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

- (1) **Sign Construction** - any sign announcing the names or architects, engineers, contractors or other individuals or firms involved with the construction, alteration or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (2) **Sign Entrance** - A sign is used to identify a planned district or platted subdivision with the intention of providing knowledge about the complete project and not a single entity or unit.
- (3) **Sign Free-Standing** - A sign which is completely or principally self-supported by posts or other supports independent of any building.
- (4) **Sign Marquee** - A sign displayed, erected or supported upon an overhanging marquee, canopy, awning or other similar cover or shelter.
- (5) **Sign Off Premise** - Any sign advertising a business, use, activity, product or merchandise not sold, handled or occurring in the property on which the sign is located.
- (6) **Sign On Premise** - Any sign advertising a business, use, activity, product or merchandise that is sold, handled or occurring in the property on which the sign is located.
- (7) **Sign Political** - Any temporary sign pertaining to an election or a referendum or carrying the picture or name of a person seeking election or appointment to a public office.
- (8) **Sign Temporary** - A sign which is not permanently installed, such as an advertising display constructed of cloth, canvas, light fabric, cardboard or other light material.
- (9) **Name Plate** - A sign for residential housing units identifying the occupancy and address of the premise and may include only house numbers.

**MMM.Split** - A split is a deed of conveyance which is first offered for recordation which is less than all of the real estate contained in the last deed of record. A split will necessarily be a subdivision of a root parcel but only if it is first offered for recordation and will create a new tax parcel.

**NNN.Street (Road)** - A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law for the purposes of vehicular traffic.

- (1) **Arterial Thoroughfares** - This type of facility serves mainly to move through traffic, Indiana and U.S. marked routes as well as some county roads and important intra-city streets are considered under this classification. Where a highway is a non-limited access route, these facilities also perform a secondary function of providing direct access to abutting land and this interconnect principal traffic generators.
- (2) **Primary (Major) Routes** - These facilities serve to connect cities with each other as well as

to link smaller towns or settlements with the arterial thoroughfares system. Primary routes provide access to abutting land and generally serve all principal traffic generators.

- (3) Secondary (Connector) Roads - These facilities serve intracity movements of traffic, such as that moving between a subdivision and major street. The principal difference between the connector road and streets or roads of higher classification is the length of trip each principally serves. They are intended to supply the abutting property with the same degree of land service as the local street, while at the same time serving larger volumes of traffic.
- (4) Local (Residential) Streets - The sole function of these streets is to provide access to the immediately adjacent property. Local access streets are intended to carry low volumes of traffic.

OOO. Structure - Anything constructed, erected or placed which requires location on or in the ground, or attached to something having a location on or in the ground. Devices used for the support of wires or appurtenances supplying public utility services shall not be considered as structures under this ordinance. A home satellite dish for television reception shall be considered a structure. Oil wells, derricks and related equipment including storage tanks shall be considered as structures. A transmission line and its towers and associated structures shall be permitted by the obtaining of one (1) permit for the entire construction project in the county. If not enforceable due to conflicts with eminent domain, a map showing the location of lines and towers and other needed information shall be requested.

PPP. Subdivision - Subdivision, means the division of a root parcel of land. All subdivisions shall be classified as; a) exempt subdivisions, b) minor subdivisions or c) major subdivisions. There shall be no further division of a subdivision (includes a split off from a root parcel) unless the further division is exempt under sub parts (b), (c), (d), (e), and (f) hereof.

(1) Exempt subdivision means:

- (a) The division of a root parcel into not more than three parcels. This will allow two splits of a root parcel.
- (b) A court ordered partition of land.
- (c) The division of land by testamentary or intestate succession. (This exemption does not include the division of land by estate personal representatives or by requested court orders where the court order is not merely fulfilling the terms of a testamentary or intestate transfer.
- (d) The sale or exchange of parcels or parts thereof, between adjoining lot owners where the sale or exchange can not create additional building sites (an example might be adjoining landowners exchanging land in order to correct or straighten property lines.
- (e) The division of land for purely agricultural purposes, not involving any new public ways or easements, and not reasonably expected to result in new building sites



whether presently or in the future and includes 20 acres of land per parcel.

- (f) The sale or exchange of a parcel of land by contract, if the contract was executed prior to December 1, 1996.

**NOTE: Any subdivision of land, whether or not the same is exempt, shall require an accurate plat of survey with improvements and the same shall be placed of record upon recording said sold-off deed pursuant to the terms of 4-2-11 as contained herein.**

(2) Subdivision Minor:

- (a) A minor subdivision is the division of a root parcel into five or fewer parcels.

(3) Subdivision Major:

- (a) A major subdivision is the division of a root parcel into more than five parcels.

QQQ. Surface Application - means the placement of manure by spraying or spreading onto the land surface.

RRR. Tourist Home - A building in which one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests, also known as "bed and breakfast inns".

SSS. Trade or Business School - Secretarial school or college, business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as commercial enterprise for teaching instrumental music, dancing, barbering, martial arts or hair dressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institution as defined in this chapter.

TTT. Use - The employment or occupancy of a building, structure or land for a person's service, benefit or enjoyment.

- (1) Use Contingent - A use that is essential or desirable to the public convenience or welfare but is not necessarily a permitted use.
- (2) Use Non-Conforming - A use that is lawful prior to the adoption of this ordinance or by amendments that may later be adopted, but would be prohibited, regulated or restricted under the terms of this ordinance or future amendments.
- (3) Use Permitted - A use that is allowed, as of right, within a certain zone.
- (4) Use Special - A use that is desired in a certain zone and is not a permitted use that will not be detrimental to the surrounding area.

UUU. Variance - A modification of the strict terms of the relevant regulations of this ordinance where such

modification will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

VVV. Yard - A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.

- (1) Yard front - A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.
- (2) Yard rear - A yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which should be the least distance between the rear lot line and the rear of such main building.
- (3) Yard side - A yard between the main building and the side lot line extending from the front yard or front lot line, where no front yard is required, to the rear yard. The depth of the required side yard is measured horizontally at ninety (90) degree angles with the side lot line from the nearest point of the side lot line to the nearest part of the main building.

WWW. Zone - A section of the jurisdictional area of Adams County, Indiana for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open space about buildings as established by this ordinance.

XXX. Zoning Administrator - The officer designated and authorized by the Commission to enforce the zoning requirements.

#### CHAPTER 5 - MASTER PLAN

- 1-5-1 Purpose of Master Plan - The Comprehensive Master Plan of Adams County, Indiana recognizes the county land and resources as precious assets which should be used wisely. The aims of the Master Plan are:
- A. To secure adequate light, air, convenience of access and safety from fire, flood and other danger.
  - B. To lessen or avoid congestion in the public streets.
  - C. To promote public health, safety, comfort, convenience and general public welfare.
- 1-5-2 The Master Plan shall be kept on file in the office of the Commission of the County and shall be available for public inspection during regular business hours.
- 1-5-3 The Master Plan addresses commercial, industrial, transportation, water and sewer needs and plans for the implementation of such improvements.

## ARTICLE 2

### ZONING REGULATIONS

#### CHAPTER 1 - PURPOSES OF ZONING REGULATIONS

- 2-1-1 The zoning regulations and districts as herein set forth are made in accordance with a Comprehensive Master Plan in order 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 welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the unincorporated areas of the County.

#### CHAPTER 2 - ZONES

- 2-2-1 Zone Group Classifications: Whenever the terms "F Zone, A Zone, R Zone, C Zone or I Zone" are used, they shall be deemed to refer to all zones containing the same letters in their names and where the letters shall mean the following:

F- Flood Plain  
A - Agricultural  
R - Residential  
C - Commercial  
I - Industrial

For example, the Commercial Zone (C Zone) shall include the C-1, C-2, and C-3 Zones.

- 2-2-2 For the purposes of this ordinance, the unincorporated area of the County is hereby divided into ten (10) districts or zones designed as follows:

F	Flood Plain Zone
A	Agricultural Zone
R-1	Single-Family Zone
R-2	Multiple-Family Zone
R-3	Mobile Home Park Zone
C-1	Neighborhood Commercial Zone
C-2	Rural Commercial Zone
C-3	General Commercial Zone
I-1	Light Industrial/Heavy Commercial Zone
I-2	Heavy Industrial Zone

The above zones and the boundaries of such zones are hereby established as shown on the maps entitled, "Adams County Zoning Map No. 1, No. 2 and Arterial Thoroughfare Map No.3" dated 12-96, which accompany this ordinance. Said maps and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such maps shall remain on file at the Office of the Commission.

2-2-3 Boundaries: Unless otherwise indicated, the zone boundary lines are land lines, the centerlines of streets, parkways, alleys or railroad rights-of-way, or such lines extended. Other lines within blocks are rear or side lot lines or such lines extended.

Where the physical layout existing on the ground varies from the layout as shown on the zoning map due to the scale, lack of detail or eligibility of the zoning map, the Zoning Administrator shall interpret said map according to the reasonable intent of this ordinance.

### CHAPTER 3 - NON- CONFORMING BUILDINGS AND USES

Within the districts or zones established by this ordinance or by amendments that may later be adopted, there exist: (1) non-conforming structures; (2) non-conforming uses of land; and (3) non-conforming uses of structures or of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments hereto. It is the intent of this chapter to permit these non-conforming uses to continue until they are removed but not to encourage their survival. It is further the intent of this chapter that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same zone. Note: Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.

#### 2-3-1 Continuation of Non-Conforming Structures

- A. Where a lawful structure exists, at the effective date of adoption or amendment of this ordinance, that could not now be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.
- B. A non-conforming structure may be repaired or altered, provided no structural change shall be made.
- C. A structure, non-conforming as to height, yard or lot area requirements, shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement, is made to conform to the height, yard or lot area requirements of the zone in which it is located.
- D. No non-conforming structure shall be moved in whole or in part to any other location on the lot unless every portion of each structure is made to conform to all the regulations of the zone in which it is located.

#### 2-3-2 Continuation of Non-Conforming Uses of Land

Where, at the time of adoption or amendment of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A. No such non-conforming uses 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 such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
- C. No additional structure, which does not conform to the requirements of this ordinance, shall be erected in connection with such non-conforming uses of land.

#### 2-3-3 Continuation of Non-Conforming Uses of Structures or of Structures and Land in Combination

If a lawful use of a structure or use of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not now be allowed in the zone in which it is located under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A non-conforming use of a structure, designed for a conforming use, shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
- B. Any structure or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone, and the non-conforming use may not thereafter be resumed.
- C. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### 2-3-4 Conforming Mobile Home Park

Any mobile home park which exists upon the effective date of adoption or amendment of this ordinance and which is located in a zone which permits a mobile home park, either as a permitted use or as a Special Exemption, shall be regarded as a conforming use and may be continued except that any change in layout, expansion or extension shall be subject to all provisions of this ordinance.

#### 2-3-5 Non-Conforming Variance

- A. The Board may authorize, upon appeals in specific cases, such variance from the terms of this Article as will not be contrary to the public interest, and where owing to special conditions, a literal enforcement of the provisions of this Article will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing.
- B. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, and upon which actual building construction has carried on diligently. Where demolition or removal of an existing building has been substantially begun and/or

preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and which is into the stage where changes or additions are made permanent.

#### 2-3-6 Amortization of Non-Conforming Uses of Buildings

- A. Whenever a non-conforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and the use thereafter shall conform to the provisions of this Article, except when the non-conforming use is dependent on seasonal trade, the discontinued period shall be extended to fourteen (14) months.
- B. No building damaged by fire or other causes, to the extent that its restoration will cost more than double its assessed valuation, shall be repaired or rebuilt except to conform to the provisions of this Article.

#### 2-3-7 Non-Conformance Due to Reclassifications

The provisions of this Chapter (3) shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to reclassification of zones under this ordinance, or any subsequent change in the regulations of this ordinance, and any time periods specified for amortization of non-conforming uses shall be measured from the date of such reclassification or change.

### CHAPTER 4 - SUPPLEMENTAL REGULATIONS

#### 2-4-1 Temporary Buildings, Structures and Mobile Homes

- A. No temporary building or temporary structure shall be erected, reconstructed, enlarged, or moved on to any lot, plot or tract of land other than for agricultural purposes or as a temporary construction field office unless it conforms with this ordinance.
- B. A mobile home may be moved on to a lot, plot or tract of land and be used as a temporary residence for a period of one year during the construction time of a permanent residence on the same lot, plot or tract. Prior to the moving of any mobile home onto any lot, plot or tract, for said purpose, the owner shall obtain a special exception grant from the Board of Zoning Appeals; said grant shall run for a period of one year. Upon expiration, the grant may be extended for one additional year by the Zoning Administrator upon adequate showing by the owner that the construction of the residence has not progressed to a livable stage due to conditions beyond his control. Only one such extension shall be allowed for said grant; after the final expiration of said grant, the mobile home shall be vacated and removed within thirty (30) days of the expiration date.
  - (1). The temporary residence shall comply with all county and state health requirements which would be imposed upon a permanent residence on the same lot, plot or tract.
- C. A mobile home or travel trailer is permitted as a temporary accessory use without regard to

the other provisions of this ordinance except as specified in this subsection, and providing that the following conditions are met:

- (1). Such mobile home or travel trailer shall be permitted only on property having an existing permanent dwelling;
- (2). Such mobile home or travel trailer shall be occupied by a member of the family (father, mother, son or daughter, etc.) Residing in the permanent dwelling; or by an employee of the resident in the permanent dwelling;
- (3). Such mobile home or travel trailer shall not be permitted to encroach on the required yard or setback as specified by the zone in which it is located;
- (4). Such mobile home or travel trailer shall not be moved onto a property unless an improvement location permit has been issued, and it shall not be used for dwelling purposes until a certificate of occupancy has been issued;
- (5). The application for the improvement location permit and the certificate of occupancy shall be accompanied by a letter from the County Board of Health stating that the proposed method of water supply and sanitary waste disposal meets their requirements;
- (6). The zoning administrator has the authority to issue the improvement location permit and certificate of occupancy if the above and all other applicable regulations and requirements are met.

#### 2-4-2 Contingent Uses

The contingent uses hereinafter set forth shall be permitted by the Board, only after public hearing, in any district where such uses are essential or desirable to the public convenience or welfare, or if the refusal of this permit would create an undue hardship on the applicant. No permit for a contingent use shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance, or if the Board determines the proposed use will be detrimental to the surrounding area. In the exercise of its approval, the Board may impose such additional conditions regarding the location, character, and other features of the proposed building, structure, or use as may be reasonably required to further the purposes of this ordinance.

All contingent uses which existed upon the effective date of this ordinance shall be regarded as conforming uses and may be continued, except that major changes in layout, expansions or extension to such uses shall be subject to Board review and approval as required for contingent use.

Permitted contingent uses are identified as follows:

- A. An airport or similarly designed area for the landing and taking off of aircraft; provided that:
  - (1) The proposed location has been approved by the Commission as to compatibility with the Master Plan for the physical development of Adams County.

- (2) The area and the arrangement of all improvements shall be sufficient, for the class of airport proposed, to meet the requirements of the Federal Aviation Agency, the Aeronautic Administration of Indiana, and any other rightfully involved governmental agency.
- (3) Any proposed buildings, hangars, or other structures shall be at least one hundred (100) feet from any street or lot line.
- (4) No application shall be considered unless it is accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of owners of abutting properties; proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zones and less than five hundred (500) feet distant from the boundary lines of the airport; other pertinent data, such as topography and grading plan, drainage, water and sewerage, et cetera.

- B. Cemetery.
- C. Governmental installation not otherwise permitted.
- D. A hospital, nursing home, sanitarium or asylum which does not treat mental, drug or alcoholic patients.
- E. Medical health center or clinic, with parking provided as specified by this ordinance.
- F. Public utility facilities such as radio and television transmitter stations and towers; petroleum and natural gas transmission lines, pumping stations and facilities; electric substations and telephone exchanges where not otherwise permitted by this ordinance; railroad lines; classification yards and terminals; and other similar uses of a public utility or public service nature; including structures and appurtenances for their enclosure, maintenance and operation.
- G. Educational institution.
- H. Fairground.
- I. Non-profit recreational establishments or uses.
- J. Private school.
- K. Golf course.

#### 2-4-3 Special Uses

The special uses hereinafter set forth shall be permitted by the Board, only after public hearing, in zones indicated in Subsection 3 of this section, where such uses are essential or desirable to the public convenience or welfare or if the refusal of this permit would create an undue hardship on the



applicant. No permit for a special use shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance, or if the Board determines the proposed use will be detrimental to the surrounding area. In the exercise of its approval, the Board may impose such additional conditions regarding the location, character and other features of the proposed building, structure or use as may be reasonably required to further the purposes of this ordinance.

A. Considerations for any Special Use:

In considering a petition for any permitted special use, the Board shall give due regard to the following factors as they will apply to the particular situation:

- (1) The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; its site layout, including parking space requirements; and its relation to streets giving access to it so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity, taking into account among other things, vehicular turning movement in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.
- (2) The nature, location, size and site layout of the use so that it will be harmonious to the district in which it is situated.

B. Authorization for Continuance:

- (1) All special uses, except sanitary landfills and incinerators, which existed upon the effective date of this ordinance and which are located in a district which would permit such use in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such uses shall be subject to Board review and approval as required for special exception.
- (2) All special uses hereafter authorized by the Board in accordance with the provisions of this section shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such use shall be subject to Board review and approval as required for special uses.

C. The Board may permit:

- (1) Animal hospitals, veterinary clinics, animal boarding places and kennels. In any A or F zone, a veterinary clinic, animal hospital, animal boarding place, or kennel provided that no part of any building, pen or run shall be within three hundred (300) feet of any adjoining residence.
- (2) Antique shop - In any A zone, an antique shop, provided that any outdoor display of articles for sale shall be at least fifty (50) feet from any street or property line.
- (3) Child care home - In any A, R-1 and R-2 zone, a regulated child care home or nursery school upon a finding by the Board that said use will not constitute a

nuisance because of traffic, number of children being cared for, noise or type of physical activity. A regulated child care home shall be any child care home or facility that because of its size, layout or circumstance requires state regulation and a license to operate the home as required by any applicable state or federal regulation as from time to time amended. Any non-regulated child care home shall not require a special use as provided in this Section 3 of Chapter 4 of this ordinance.

- (4) Sanitary landfills and incinerators - In any A or I-2 zone a dump, sanitary landfill and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke or physical activity, provided that the area and setback requirements as specified by the Boards are complied with, provided that it meets the approval of the County Board of Health and the Indiana Dept. Of Environmental Management or the State agency exercising jurisdiction over the subject matter.
- (5) Hospital, nursing home, sanitarium, asylum or other institution - In any A and R-2 zone, a hospital, nursing home, sanitarium, asylum or other institution which cares for mental, drug or alcoholic patients or is a penal or correctional institution, subject to the conditions that:
  - (a) No part of any building in which inmates or patients are housed is, or is proposed to be, located less than three hundred (300) feet from any bounding lot or street line.
  - (b) Adequate off-street parking space is provided.
  - (c) Protective, man-proof fencing is provided where necessary.
- (6) Limited office uses in residential zones as a transitional use - In any R-2 zone, a dwelling on any lot or parcel of land immediately abutting along its side lot line or lying directly opposite across a street from any commercial or industrial district, may be used for limited office purposes provided that such use is in accordance with the following requirements:
  - (a) Such uses shall be confined to the offices of doctors, dentists, lawyers, accountants, realtors, engineers, and similar professional persons.
  - (b) Such uses shall not change or alter the exterior characteristics of the premises, and no nameplate or other sign exceeding two (2) square feet in area shall be displayed on the premises.
  - (c) Wherever possible, in the opinion of the Board, all entrances, driveways, walks, parking areas and signs incidental to such use shall be located on the side of the building nearest to the commercial or industrial zone.
- (7) Recreational Establishments and Uses in any F,A,C or I Zone.
  - (a) Buildings and structures for clubs, fraternal organizations, lodges, youth organizations, adult organizations, fishing ponds, picnic areas, and private recreational developments all conducted for profit. The use of firearms is permitted if adequate precautions are taken to safeguard the public.
  - (b) Transient amusement enterprise, medicine show or circuit, the chief activity

of which is carried on for gain or profit.

(8) Special Uses Allied with Agriculture

- (a) In any A zone, a trucking operation primarily engaged in commercial transportation of agricultural products other than those raised on the premises, feed mills where grain is processed on a commercial basis, poultry dressing establishments, and animal slaughter houses where animals other than those raised on the premises are processed on a wholesale basis, commercial welding shops, livestock sales, auction barns, commercial dairy for the processing, packaging and distribution of dairy products, and fertilizer blending and sales operations and farm equipment sales.
- (b) In any A, F and R-2 zone, a greenhouse and/or plant nursery provided retail sales are limited to the sale of plants and the commodities used in the direct care of plants.
- (c) In any A zone, an agricultural labor camp (migrant worker camp) may be established or enlarged on a temporary permit basis. Said temporary permit shall be valid for a period of one (1) calendar year, renewable only if the agricultural labor camp is maintained in accordance with the requirements of this ordinance.

(9) Sand, gravel or clay pits; rock or stone quarries; mining; removal of earth or top soil. In any zone, the use of vacant land for the removal of natural material or deposits including, but not limited to, sand, gravel, clay, rock or stone, earth or topsoil; all such uses shall be subject to the following:

- (a) All applications for said uses shall be accompanied by a map or plat showing the area proposed to be included in the extraction or removal of material; and a final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto, the location and elevation of all bounding streets or roads, and the final elevations of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.
- (b) Unless the Board specifies otherwise, the areas exposed by said operation shall not have a final cut slope of steeper than three (3) feet horizontal to one (1) foot vertical distance and shall be left suitable for development purposes in accordance with the final grading plan approved by the Board.
- (c) Unless otherwise permitted by the Board of Zoning Appeals, temporary operating cut slopes steeper than one (1) foot horizontal to one (1) foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, road, way or alley, as existing or as proposed in the Master Plan than fifty (50) feet where a sight screen is provided, or

seventy-five (75) feet in the case where no provision is made for sight screening.

- (d) Explosives shall be used only between sunrise and sunset except in the case of an emergency.
  - (e) All buildings, structures or equipment shall be entirely removed from the property within one (1) year after the expiration of the permit.
  - (f) Dikes or other barriers and drainage structures shall be provided to prevent silting of natural drainage channels or storm drains in the area surrounding said uses.
  - (g) Where required by the Board, final cut slopes shall be treated to prevent erosion; topsoil shall be replaced on such slopes to support vegetation; ground cover shall be planted within twelve (12) months after a cut slope is excavated to its final position; and such ground cover shall be maintained for a period of time sufficient to provide vegetation of a density that will prevent erosion.
  - (h) Where required, suitable plant material shall be placed and maintained to screen slopes from public view. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.
  - (i) Quarries and sand and gravel pits shall be operated so as to keep dust and noise to a minimum, and access roads shall be maintained as dustfree surfaces from the public street to within one hundred (100) feet of the loading point within the quarry or sand and gravel pit when adjacent properties are used or zoned for residential purposes.
  - (j) Vehicles carrying materials from quarries or sand and gravel pits shall be loaded in such manner as to prevent spilling rock, gravel, sand or other materials of a mineral nature while in transit upon roads and highways.
  - (k) Quarry or sand and gravel pit excavations which may penetrate near or into a usable water-bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution or contamination either during quarrying operations or the excavation of a sand and gravel pit or subsequent to the abandonment of said quarry or sand and gravel pit.
- (10) Sawmill - In any F or A zone, a sawmill, for a period of not more than three (3) years subject to renewal, for the cutting of timber grown in the immediate area, provided that no saw or other machinery shall be less than one hundred (100) feet from any lot or street line and that all power saws and machinery will be secured against tampering or locked when not in use.

- (11) Tourist home - In any A and R-2 zone, a tourist home, provided that such use will meet all other applicable government regulations.
- (12) Campgrounds - Campgrounds may be permitted in any C-2, C-3 and I-1 zones. They may also be permitted in the A and R-2 zones, only when the site is at least three hundred (300) feet from an existing adjacent residence. They may be permitted in the F zone providing they receive approval from the Indiana Dept. Of Natural Resources, Div. Of Water prior to the Board's approval. After a public hearing, the decision of the County Board of Zoning Appeals shall determine whether or not the proposed site may be use for the purposes intended.
- (13) In any zone, in addition to all other limitations of provisions permitted in the zoning ordinance, any property which will be used by an adult arcade, adult book store, adult novelty store or adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, sexual encounter center, peep show facility, shall:
  1. Not be located within one thousand (1,000) feet of any property zoned for any residential use.
  2. Not be located within five hundred (500) feet of any property permitted for use as a religious institution, public or private school containing any grade of kindergarten through grade 12.
  3. Not be located within five hundred (500) feet of any city park.

The applicant shall have certified all distance measurements by a land surveyor registered by the State of Indiana who shall certify that there are no residential properties, public or private schools with a grade kindergarten through 12<sup>th</sup> grade, or any City Park within the distances stated above.

In addition to all other procedures listed above, the Petitioner for a Special Use under this Section shall send notices as called for in this Zoning Ordinance to not only the abutting property owners, but the Petitioners shall send notices by certified mail, return receipt requested to all property owners with property within one thousand (1,000) feet of the property requested for a Special Use under this Section. A list of all such property owners shall be given to the Adams County Plan Commission at the time of filing the application. Should the Petitioner fail to comply with the notice requirements herein, before the second regular meeting of the Board of Zoning Appeals following the date the Petition is filed, the Petition shall be withdrawn by the Board of Zoning Appeals.

The distances provided under this Section of the Zoning Ordinance shall be measured by following a straight line, without regard to intervening buildings, structures, or other obstacles, from the nearest point of the property upon which the proposed use is to be located, to the nearest point of the property or land use district boundary line from which the proposed land use is to be separated.

- (14) A mobile home may be moved onto a lot, plot or tract of land and be used as a dwelling in any C-1, C-2, or C-3 Zone. Prior to moving any mobile home onto any lot, the owner or his agent shall first obtain an improvement location permit. The Zoning Administrator may issue the permit subject to the following conditions:
- (a) Each mobile home shall be located on a lot and shall be the only principal structure on the lot.
  - (b) The mobile home shall be at least three hundred (300) feet from an adjoining R-1 or R-2 permitted use.
  - (c) The minimum lot and yard requirement shall be the same as required in Section 2-11-4 of this ordinance.
  - (d) Each mobile home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for and attached to appropriate external systems.
  - (e) Personal goods and articles, other than cars, fuel tanks, boats and similar items too large to reasonably enclose, shall be stored on the lot only in a completely enclosed structure.
  - (f) All health and sanitary regulations of the Adams County and the Indiana State Boards of Health are met.
- (15) Mobile homes, mobile home offices and semi-trailers as permanent storage sheds in any A, I-1 and I-2 zone provided they are erected per the following conditions:
- (a) Be placed onto and securely attached to a permanent underfloor foundation.
  - (b) Have wheels and axles removed.
  - (c) In an A Zone, items of an agricultural nature may only be stored.

#### 2-4-4 Mobile Home Regulations

- A. Mobile homes may be permitted by right in any R-3 Mobile Home Park Zone (see 2-8-10 of this ordinance).
- B. Mobile homes may be permitted by right in any A Agricultural Zone (see 2-7-2C of this ordinance).
- C. Mobile homes may be permitted as a temporary residence or a temporary accessory use (see 2-4-1C of this chapter).
- D. Mobile homes may be permitted as a permanent residence through a special use permit (see 2-4-3c-14 of this chapter).

- E. Mobile homes may be permitted as a permanent storage shed through a special use permit (see 2-4-3c-15 of this chapter).
- F. Mobile homes shall not be permitted in any R-1 Single-Family Zone and any R-2 Multiple-Family Zone. This includes the attempted conversion of a mobile home into a manufactured home (as defined) by removing wheels, axles, hitch and placing onto a permanent foundation.
- G. No conventional "stick-built" additions shall be permitted to mobile homes. Only factory-built additions shall be permitted.
- H. No mobile home shall be permitted as a dwelling which contains less than 840 square feet of living area exclusive of unenclosed porches, terraces and garages.
- I. No mobile home shall be granted a location permit which is more than 10 years old from the date of its manufacture.

2-4-5 Regulations relating to motor vehicles and salvage yards.

A. Inoperable motor vehicles, junkyards including automobile salvage yards and salvage yards containing parts of pieces of automobiles are permitted in I-1 and I-2 zones (see 2-10-3C and 2-10-5A of this ordinance).

B. All uses for storage of inoperable motor vehicles, junk motor vehicles, including automobile salvage yards and salvage yards shall be permitted by a hearing and permission granted by the Adams County Plan Commission subject to the terms and conditions as contained in this Ordinance and specifically to the terms and conditions of development plan regulations as contained in Chapter 2-10-3c(1) of this article.

C. No unlicensed or inoperable motor vehicle shall be allowed to remain for more than ninety days in any zone except as permitted and authorized by a permitted area authorized for such uses in I-1 and I-2 zones.

D. These regulations are not intended to limit or restrict the hobbyist or sports car enthusiast, however, if a hobby use is claimed, the vehicles to be restored or stored shall be specifically identified to the Zoning Administrator and all restoration processes, stored vehicles, vehicles and parts thereof shall be kept wholly within a building. The prohibitions contained herein shall be in addition to all other applicable rules or regulations relating to stored or junk cars set out in any other county ordinance or state statute regulating the subject matter.

2-4-6 Requirement for Reclassification

Lands which may hereafter become unincorporated areas of the County shall be included in the A Zone until changed by amendment to this ordinance.

2-4-7 Requirement for Recording a deed of conveyance containing a split or a subdivision of a root parcel which will result in the creation of a new tax parcel.

Before any deed of conveyance containing a split is offered for record and which at the time of recordation will result in the creation of a new tax parcel, the same shall first be presented to the Adams County Plan Commission Office and if said deed meets the requirements of this ordinance including Article 2 and Article 4 and all other relevant portions of the Land Use Ordinance of Adams County, the same shall be approved for transfer and legibly marked on the face thereof before the same shall be accepted for recordation by the Recorder of Adams County and for transfer by the Auditor of Adams County. There shall be no charge for the approval by the Plan Commission but unless the deed of conveyance as required to be approved herein is so marked, the same shall not be accepted for recording or for transfer.

## CHAPTER 5 - PARKING REGULATIONS

### 2-5-1 Off-Street Parking Areas

The following off-street parking areas shall be provided and satisfactorily maintained by the owner of the property for each building which is hereafter erected, enlarged or altered for use for any of the following purposes:

- A. Each automobile parking area shall be the following minimum: Not less than one hundred eighty (180) square feet (9 x 20) in area.
- B. Single-family dwelling including manufactured or mobile homes: At least two (2) parking areas per dwelling.
- C. Multi-family dwelling: At least two (2) parking areas per dwelling unit.
- D. Auditoriums, churches, theaters, gymnasiums, stadiums or any other place of assembly: At least one (1) parking area for each six (6) seats provided for its patrons based on the maximum seating capacity including fixed and moveable seats. Note: For any church, there shall be allowed the use of joint parking facilities in connection with any buildings or use not normally open, used, or operated during the principal operating hours of a church providing a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved as to form by the County Attorney, shall be filed with an application for a zoning permit.
- E. Dancing, exhibition, labor temple, lodge hall, skating rink or other assembly hall without fixed seats: At least one (1) parking area for each 120 square feet of gross floor area.
- F. Hotel, motel, dormitory, fraternity house, tourist home, or other similar use: At least one (1) parking area for each one (1) sleeping room in addition to whatever areas may be required by any other on-site uses.
- G. Office building, bank, professional office or other similar use: At least one (1) parking area for each 400 square feet of gross floor area.
- H. Medical clinic or other similar use: At least three (3) parking areas for each doctor/dentist plus one (1) for each two (2) regular employees.



- I. Hospital, sanitarium, convalescent home or other similar use: At least one (1) parking area for each three (3) beds.
- J. Eating or drinking establishments or other similar use where customers are seated and served within a building: At least one (1) parking area for each two hundred (200) square feet of gross floor area.
- K. Eating or drinking establishments or other similar use where customers are served outside of a building: At least one (1) parking area for each fifty (50) square feet of gross floor area provided that there shall not be less than six (6) parking areas for each such establishment.
- L. Any retail store except a food market: At least one (1) parking area for each three hundred (300) square feet of gross floor area.
- M. Food market or other similar use less than 2,500 square feet: At least one (1) parking area for each two hundred fifty (250) square feet of gross floor area.
- N. Food market or other similar use of 2,500 square feet or more: At least one (1) parking area for each one hundred (100) square feet of gross floor area.
- O. Launderette, laundromat, self-service laundry, washeteria or other similar use: At least one (1) parking area for each two (2) washing machines or portions thereof.
- P. Barber shop, beauty salons or other similar use: At least three (3) parking areas for each barber or beautician using the shop.
- Q. Bowling Center: At least four (4) parking areas for each bowling alley thereof.
- R. Schools, public and parochial: At least one (1) parking area for each employee plus one (1) parking area for each twenty (20) students.
- S. Recreational vehicle park: At least one (1) parking area on the same parcel of land for each individual recreational vehicle.
- T. Commercial or business office having a gross floor area in excess of 10,000 square feet and occupied solely by the employees of one owner: At least one (1) parking area for each 800 square feet of gross floor area.
- U. Manufacturing, processing, wholesaling, storage or other similar industrial or commercial use not specifically set out in this section: At least one (1) parking area for each two (2) employees plus sufficient areas to park all company-owned or leased vehicles.

#### 2-5-2 Off-Street Parking Miscellaneous

- A. Distance Measurements:  
The distance to any parking area as herein required shall be measured between the nearest point of the off-street parking facility and the nearest point of the building said parking area

or facility is to serve.

B. Mixed Uses:

In the case of any use not listed herein, the number of parking areas required for such use shall be the same as for a similar use which is listed. In the case of mixed uses in the same building or structure, the total requirement for off-street parking facilities shall be the sum of the requirements of the various uses computed separately from the items set out in this section, and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for collective use.

C. Collective Parking Facilities:

Nothing in this section shall be construed to prevent collective provisions of any off-street parking facility for two or more buildings or uses providing, however, that the total number of off-street parking areas shall not be less than the sum of requirements for the various individual uses computed separately in accordance with the items set out in this section.

D. Permanency of Areas Provided:

Any parking or loading areas established prior to the effective date of this ordinance and which is used or intended to be used in connection with any main building, structure or use or any areas designed and intended to comply with the requirements of this ordinance for any such main building or structure erected after such effective date, shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required areas in conformance with the provisions of this ordinance.

E.

All parking areas provided pursuant to this Chapter shall normally be on the same lot with the building; however, the Board may permit the parking areas to be on any lot within three hundred (300) feet of the building, except for the requirements of subsection S of Section 2-5-1. If the Board determines that it is impractical to provide parking on the same lot with the building, the requirements set forth in subsections E, G, H, I, J and L of Section 2-5-1 may be waived by the Board in the case of a building erected or altered as a result of destruction by fire or other natural disaster, or in the case whenever the Board determines that more than seventy-five percent (75%) of the privately owned lands within three hundred (300) feet of the building to be erected, enlarged or altered are improved with such buildings.

### 2-5-3 Off Street Loading

On the same premises with every building, structure or part thereof hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley.

Such space, unless otherwise adequately provided for, shall include a twelve (12) foot by forty-five (45) foot loading space with fourteen (14) foot height clearance for every 20,000 square feet or

fraction thereof in excess of 3,000 square feet of floor area used for above mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3000 square feet of land used for the above mentioned purposes. These requirements may, upon appeal, be increased, modified, or waived by the Board where the conditions or circumstances justify such action provided it has obtained thereon recommendation from the County Highway Supervisor.

#### 2-5-4 Public Parking Areas

Every parcel of land which, after the effective date of this ordinance, is changed to a public parking area, automobile or trailer sales area, filling station or garage, shall be developed as follows:

- A. Such area, where subject to wheeled traffic, shall be improved with bituminous, concrete, crushed stone with an adequate base or other equivalent surfacing and shall have appropriate bumper guards where needed.
- B. Where such area adjoins a lot in an R zone or a residential development, a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than four (4) feet shall be erected and maintained between such area and the property in residential areas and zones. Such enclosures shall be at least five (5) feet from the side of a lot in an R zone or residential development, and all required front and side yards shall be properly maintained as such. Where such area is across the street from an R zone or a residential development, a compact evergreen screen having a height of not less than three (3) feet shall be erected and maintained between such area and the property in the said zone or development and all required front yards shall be maintained as such.
- C. Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R zone or residential development.

### CHAPTER 6 - FLOOD ZONE REGULATIONS

#### 2-6-1 Purpose of Flood Zone (F Zone)

The development of Flood Hazard areas of Adams County, Indiana, could result in the potential loss of life and property, create health and safety hazards and lead to extraordinary public expenditures for flood protection and relief. The development of these areas is not essential to the orderly growth of the community, and such areas are suitable for open space uses that do not require structures or fill.

#### 2-6-2 Basis for Establishment

The flood plain or zone (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for the County of Adams, Indiana", dated October 16, 2003, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file in the office of the Auditor of Adams County, Indiana, and the Zoning Administrator of Adams County, Indiana.

#### 2-6-3 Permitted Uses

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the Flood Zone to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials or equipment.

- A. Agricultural uses such as general farming, pasture, grazing, orchards, plant nurseries, and vineyards.
- B. Forestry, wildlife areas and nature preserves.
- C. Parks and recreational uses, such as golf courses, driving ranges, and play areas.

#### 2-6-4 Non-Permitted Uses

All development applications located in the Flood Plain District or Zone which are not permitted by right (Section 2-6-3) will require the review and approval by the Dept. Of Natural Resources prior to the issuance of a local permit. The applicant shall forward all these applications along with plans and specifications to the Dept. Of Natural Resources for review and comment.

#### 2-6-5 Non-Conforming Uses

Any building, structure or use of land in the Flood Plain District or Zone which is not in conformance with this ordinance constitutes a non-conforming use. All applications to repair, extend or enlarge a non-conforming use shall be forwarded to the Dept. Of Natural Resources for review and comment. All terms and conditions imposed by the Indiana Dept. Of Natural Resources shall be incorporated into the issuance of any local permit.

#### 2-6-6 Variances

Applications for variances to the provisions of this ordinance shall be forwarded to the Indiana Dept. Of Natural Resources for review and comment. All terms and conditions imposed by the Indiana Dept. Of Natural Resources shall be incorporated into the issuance of any local permit.

#### 2-6-7 National Flood Insurance Program (NFIP) Regulations

The Zoning Administrator of Adams County, Indiana, during his review of improvement location permits, shall assure that all National Flood Insurance Program Regulations pertaining to State and Federal permits, subdivision review, mobile home tie-downs standards, utility construction, record keeping (including lowest flood level elevations), and watercourse alteration and maintenance have been met.

#### 2-6-8 Disclaimer

Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Adams County, Indiana, Natural Resources, or the State of Indiana for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### CHAPTER 7 - AGRICULTURAL ZONE REGULATIONS

#### 2-7-1 Purpose of Agricultural Zone (A Zone)

The Agricultural Zone is intended to establish and preserve rural areas from urban encroachment until such areas are adaptable to orderly urban expansion, and to permit the full range of agricultural activities, including limited types of low density residential development and other uses customarily conducted in agricultural areas.

#### 2-7-2 Permitted Uses

- A. Any use permitted in the Flood Zone.
- B. Single-family detached dwellings, provided not more than two (2) dwellings shall be permitted.
- C. Manufactured homes and mobile homes (subject to the requirements of 2-4-4, where applicable).
- D. Park, playground or community centers, owned and operated by a local community association for subdivisions or neighborhoods.
- E. Non-commercial institutions.
- F. Stands for the retail sale of agricultural products or commodities raised on the premises. Off-street parking shall be provided in accordance with Section 2-5-1 of this ordinance.
- G. Home occupations and home workshop/businesses.
- H. Tourist homes.
- I. Nameplate and advertising signs, provided that they shall be erected in accordance with the provisions of Section 2-17-5 of this ordinance.
- J. Riding stable of a private, non-commercial nature on at least one (1) acre of land.
- K. Swimming pools, provided they are enclosed by an animal-proof fence of not less than three (3) feet in height and further provided they are constructed and maintained in agreement with all County and State Board of Health laws.
- L. Accessory buildings and uses customarily incidental to any of the above uses.
- M. Normal farm operations necessary to the planting and harvesting of crops and the conduct of agriculture and agricultural uses as defined in Section 1-4-1 of this ordinance.
- N. Ponds provided they meet the set back of 45 feet from the toe of the mound or the waters edge from the right-of-way of a publicly dedicated roadway. In obtaining an improvement location permit as required by Chapter 5 of this code, the contractor or excavator who is to install the pond shall make application in the name of the owner of the pond and shall be responsible for obtaining the permit and displaying the permit at the job site before commencing any construction. No contractor or excavator shall do any work in installing

or modifying and making improvement to any pond requiring a permit without informing the owner of the necessity thereof and personally obtaining the permit on behalf of the owner. In addition to the foregoing, the contractor on behalf of the owner shall obtain the written approval of the Adams County Surveyor that the proposed pond and location thereof does not disrupt any located drainage within Adams County and that the pond does not create drainage run-off problems which will overload or burden any existing tile and drain.

In granting said approval, the Adams County Surveyor shall require that the pond overflow does not discharge water onto adjoining lands of other property owners and that all run-off water shall be either directed towards a swale or located tile or redirected back into the pond, whichever is applicable in order to safeguard neighboring lands from run-off water created by the construction of the pond. The minimum setback from the toe of the mound or the waters edge, whichever is applicable, the setback from the adjoining property line shall be a minimum of ten (10) feet except that the County Surveyor may require a greater distance where conditions of the pond require a greater distance for adequate drainage and protection of adjoining landowners. Further, in no event shall the waters edge of a pond or the toe of the mound be closer to any existing septic tank or absorption field of the owner's residence or any adjoining neighbor's residence be closer than fifty (50) feet.

The Adams County Surveyor shall consider the requirements of Indiana Drainage Code 36-9-27 and the applicable requirements in granting approval for any pond permit.

O. Intensive livestock operations, subject to provisions of Chapter 16.

2-7-3 Building Size Regulations

No building shall be erected for residential purposes having a floor area of less than 950 square feet per primary dwelling unit exclusive of unenclosed porches, terraces and garages. The square footage minimum for a mobile home shall be 840 square feet exclusive of unenclosed porches, terraces and garages.

2-7-4 Residential Dwelling Density

On a tract, parcel or lot of land there shall be permitted two (2) individual single-family dwellings subject to the further regulations of Chapter 11 of this Article.

2-7-5 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

## CHAPTER 8 - RESIDENTIAL ZONE REGULATIONS

2-8-1 Classification of Residential Zones

The following regulations shall apply in the R-1 Single-Family, R-2 Multi-Family, and the R-3 Mobile Home Zones.

### R-1 Single Family Zone

2-8-2 Purpose of R-1 Single Family Zone: The R-1 Single Family Zone is intended to establish and preserve low density, single-family homes free from other land uses except those which are compatible with and convenient to the residents of such a zone. The R-1 Zone allows for single-family development in areas within the jurisdiction not readily serviceable by water and sewer facilities but desirable for residential development.. Such lot sizes would be of sufficient size to adequately provide on-site water and sewer facilities for each individual single family home.

#### 2-8-3 Permitted Uses in an R-1 Zone

- A. Single-family detached dwellings
- B. Manufactured Homes
- C. Accessory buildings
- D. Swimming pools as specified under the conditions of 2-7-2K
- E. Home occupations
- F. Home workshops/Businesses
- G. Park, playground or community center, owned and operated by a local community association for subdivisions or neighborhoods.
- H. Pond (same as 2-7-2N)
- I. Name plate or advertising signs, provided they shall be provided in accordance with Section 2-17-6 of this ordinance.

#### 2-8-4 Building Size Regulations in an R-1 Zone

No building shall be erected in an R-1 Zone having a floor area of less than 950 square feet, exclusive of unenclosed porches, terraces and garages.

#### 2-8-5 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

### R-2 Multiple-Family Zone

2-8-6 Purpose of R-2 Multiple-Family Zone: The R-2 Multiple-Family Zone is intended to establish and preserve single-family, two-family and multiple-family home neighborhoods, free from other land uses except those which are compatible with and convenient to the residents of such a zone.

#### 2-8-7 Permitted Uses in an R-2 Zone

- A. Any use permitted in R-1 Single-Family Zone
- B. Two-family dwellings
- C. Multiple-family dwellings
- D. Multiple-group dwellings

2-8-8 Building Size Regulations in an R-2 Zone

No building shall be erected in an R-2 Zone having a floor area of less than 840 square feet per dwelling exclusive of unenclosed porches, terraces and garages.

2-8-9 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

R-3 Mobile Home Park Zone

2-8-10 Purpose of R-3 Mobile Home Park Zone: The R-3 Mobile Home Park Zone is intended to provide sites for mobile home parks at appropriate locations, in relationship to the existing and potential development of the surrounding area, while establishing an attractive residential environment. All mobile home parks shall be developed in accordance with the Development Plan requirements in Chapter 14 of this Article 2.

2-8-11 Permitted Uses in an R-3 Zone

- A. Mobile home parks or subdivisions
- B. Accessory buildings
- C. Park, playground or community center, owned and operated by a local community association or mobile home park developer for subdivisions or neighborhoods.
- D. Name plate and advertising signs, provided that they shall be erected in accordance with the provisions of Station 2-17-7 of this ordinance.

CHAPTER 9 - COMMERCIAL ZONE REGULATIONS

2-9-1 Classification of Commercial Zones

The following regulations shall apply in the C-1 Neighborhood Commercial, C-2 Rural Commercial, and C-3 General Commercial Zones.



C-1 Neighborhood Commercial Zone

2-9-2 Purpose of C-1 Commercial Zone: The C-1 Neighborhood Commercial Zone is intended to accommodate those retail and service facilities that are considered to be essential functions of residential neighborhoods.

2-9-3 Permitted Uses in a C-1 Zone

- A. Any conforming use permitted in the R-2 Multiple-Family Zone.
- B. The following uses or uses of similar type, provided that they are conducted wholly within a building, except for off-street loading of delivery vehicles which are incidental thereto as required in Section 2-5-3 and are 10,000 feet or less:
  - (1) Bank
  - (2) Barber shop or beauty parlor
  - (3) Book or stationery store
  - (4) Club, lodge (non-profit) or fraternal association
  - (5) Confectionary store
  - (6) Department, furniture or radio store
  - (7) Drug Store
  - (8) Florist or gift shop
  - (9) Grocery, fruit or vegetable store
  - (10) Hardware or electric appliance store
  - (11) Jewelry store
  - (12) Medical or dental clinic or laboratory
  - (13) Meat market or delicatessen
  - (14) Music store or newsstand
  - (15) Office, business or professional
  - (16) Photographer
  - (17) Restaurant, tea room or cafe (excluding drive-ins)
  - (18) Shoe store or shoe repair shop
  - (19) Sign painting shop
  - (20) Small equipment or appliance repair
  - (21) Tailor, clothing or wearing apparel store
  - (22) Theater other than "drive-in"
  - (23) Tire store
  - (24) Variety store
  - (25) Other retail business and service establishments, not specifically referred to in this ordinance, selling new merchandise exclusively.
- (C). Small retail shopping centers with no more than five (5) stores totaling 50,000 square feet or less with a maximum square feet of any one (1) store being 35,000. Establishments within such center shall be restricted to those listed in 2 above.
- (D). Automobile service station

- (E). Advertising devices shall be permitted provided that they are erected in accordance with the provisions of Section 2-17-8 of this ordinance.
- (F). Uses customarily incidental to any of the above uses and accessory buildings shall be permitted when located on the same lot.
- (G). Off-street parking areas in accordance with Section 2-5-1 of this ordinance.

C-2 Rural Commercial Zone

2-9-4 Purpose of C-2 Rural Commercial Zone: The C-2 Rural Commercial Zone is intended to accommodate those retail and service facilities that are considered to be essential functions of rural or agricultural areas.

2-9-5 Permitted Uses in a C-2 Zone

- (A). Any use permitted in a C-1 Zone provided that C-1 uses shall be subject to the same regulations as specifically set forth in the C-2 Zone.
- (B). The following uses or uses of a similar type pertinent to farm commodities, provided where they are within one hundred fifty (150) feet of an R zone, they shall be conducted wholly within the building or within an area screened on all sides by a masonry wall, compact evergreen planting or uniformly painted wood fence (not less than six (6) feet in height) which shall be maintained between such use and adjoining R Zone or use.
  - (1) Agricultural implements, motor vehicle or trailer sales or repair.
  - (2) Building material sales yard, including the sale of lumber (where no millwork is provided), rock, sand and gravel but excluding concrete and asphaltic concrete mixing.
  - (3) Farm equipment storage yard or equipment rental establishment.
  - (4) Feed sales.
  - (5) Wholesale florist, greenhouse.
  - (6) Poultry or rabbit killing incidental to retail sales on the premises.
  - (7) Underground bulk storage and fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 50,000-gallon capacity.
- (C). The following uses or uses of a similar type not pertinent to farm commodities, provided they meet the requirements indicated in Section 2-9-7B of this Chapter shall be permitted:
  - (1) Auction hall, amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery, and the like if the nearest point of the structure is not less than 200 feet from any R Zone.
  - (2) Drive-in business where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided the area is screened by a masonry wall, compact evergreen planting or uniformly painted wood fence not less than six (6) feet in height which is erected and maintained between such uses and any adjoining R Zone or residential development.

- (3) Drive-in movie.
- (4) Driving tees or ranges.
- (5) Funeral parlor.
- (6) Laundry or dry cleaning establishment, including auto-laundry.
- (7) Hotel or motel.
- (8) Printing shop.
- (9) Pet shop.
- (10) Greenhouses and nurseries.

C-3 General Commercial Zone

2-9-6 Purpose of C-3 General Commercial Zone: The C-3 General Commercial Zone is intended to accommodate those retail and service facilities that are convenient and attractive for a wide range of retail uses and businesses and which provide a setting conducive to and safe for pedestrian traffic.

2-9-7 Permitted Uses in a C-3 Zone

- A. Any use permitted in the C-2 Zone provided that C-2 uses shall be subject to the same regulations, except those regarding maximum height, as specifically set forth in the C-2 Zone.
- B. The following uses or uses of similar type provided that where they are within one hundred fifty (150) feet of a more restrictive zone (F,A or R zone) they shall be conducted wholly within a building; except for off-street loading of delivery vehicles which are incidental thereto as required in Section 2-5-3 of this ordinance.
  - (1) Art or antique shop.
  - (2) Carpenter, cabinet, plumbing or sheet metal fabricating shops but excluding manufacture.
  - (3) Pawnshop.
  - (4) Rescue or temporary revival mission.
  - (5) Second-hand store.
  - (6) Trade or business school or private school operated as commercial enterprise.
  - (7) Home furniture upholstering shop.

- (8) Wholesale merchandise storage.
- C. The following uses or uses of a similar type provided that, where they are within 150 feet of a lot in a more restricted zone, they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence, not less than six (6) feet in height except in required set back areas the height shall be 4 feet.
- (1) Building material sales yard, including the sale of lumber, rock, sand and gravel but excluding concrete and asphaltic concrete mixing.
  - (2) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
  - (3) Draying, freighting or trucking yard or terminal.
  - (4) Feed or fuel yard.

#### CHAPTER 10 - INDUSTRIAL ZONE REGULATIONS

##### 2-10-1 Classification of Industrial Zones

The following regulations shall apply in the I-1 Light Industrial/Heavy Commercial and the I-2 Heavy Industrial Zones.

##### I-1 Light Industrial/Heavy Commercial Zone

2-10-2 Purpose of I-1 Light Industrial/Heavy Commercial Zone: The I-1 Light Industrial/Heavy Commercial Zone is intended to provide areas for light industrial and heavy commercial uses without creating adverse effects on the surrounding land use.

##### 2-10-3 Permitted Uses in an I-1 Zone

- A. Any use permitted in a C-2 Zone, provided all the uses therein shall be subject to the same regulations as specifically set forth in the I-1 Zone.
- B. The following uses or uses of similar type:
  - (1) Animal hospitals or kennels.
  - (2) Motor vehicle assembly.
  - (3) Painting, upholstering, rebuilding, reconditioning, repair or overhauling of motor vehicles and tire retreading or recapping shops.
  - (4) Blacksmith shops and machine shops.
  - (5) The manufacture of pottery or figurines or any other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

- (6) Chick hatcheries.
  - (7) Draying, freighting or trucking yard or terminal.
  - (8) Warehousing/Wholesaling.
- C. The following uses or uses of a similar type, provided they shall be screened from view on the side or sides which abuts a thoroughfare or an R or C zone. Said screening shall consist of either a dense screen planting, a solid wall, a uniformly painted board fence, an earthen mound or a combination of the aforementioned. The screening shall not be less an 8 feet above an abutting thoroughfare measured vertically from the center of the road and not less than 8 feet above the general topography if abutting an R or C Zone.
- (1) Auto wrecking/salvage yard - development plan required.
  - (2) Bleaching or dyeing - development plan required.
  - (3) Stone cutting - development plan required.
  - (4) Junkyard - development plan required.
- D. Advertising devices shall be permitted provided that they are erected in accordance with the provisions of Section 2-17-8 of this ordinance.

#### I-2 Heavy Industrial Zone

2-10-4 Purpose of I-2 Heavy Industrial Zone: The I-2 Heavy Industrial zone is intended to provide areas for industrial and related uses of such a nature that do not create serious problems of compatibility with other land uses and to make provision for certain commercial uses which are most appropriately located as neighbors of industrial uses or which provide necessary services to the people in these areas.

#### 2-10-5 Permitted Uses in a I-2 Zone

- A. The following uses or uses of a similar type, provided where they are within one hundred fifty (150) feet of a residential zone or area or commercial zone, they shall be contained wholly within a building or screened on all sides as provided for in Section 2-10-3C; except for the off-street parking and loading of delivery vehicles which are incidental thereto as required in Sections 2-5-1 thru 2-5-3 of this ordinance.
- (1) Any use allowed in an I-1 Zone, Sections 2-10-3B thru 2-10-3D only of this ordinance.
  - (2) Acetylene gas manufacture or storage.
  - (3) Agriculture.
  - (4) Alcohol manufacture.
  - (5) Ammonia or bleaching powder manufacture.
  - (6) Asphalt manufacturing or refining.

- (7) Boiler works, locomotive or railroad car manufacturing.
- (8) Breweries or liquor distilleries.
- (9) Brick, tile, terra cotta or cinder block manufacturing.
- (10) Central station light or power plant.
- (11) Coal distillation including manufacture or derivation of the by-products.
- (12) Coke oven.
- (13) Concrete mixing plant.
- (14) Furniture manufacture.
- (15) Gas manufacture from coal or petroleum or the storage thereof.
- (16) Incinerator, industrially affiliated.
- (17) Iron or steel foundry, steel furnace or rolling mill, except smelting.
- (18) Meat products manufacture.
- (19) Oilcloth or linoleum manufacture.
- (20) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
- (21) Planing mill.
- (22) Plastic manufacture.
- (23) Power forge.
- (24) Railroad yards including turntables and repair facilities.
- (25) Rubber or gutta-percha manufacture or treatment.
- (26) Salvage yard.
- (27) Soap manufacture.
- (28) Tanning, curing or storage of raw hides.
- (29) Tar distillation or tar products manufacture.
- (30) Above-ground storage of fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 50,000-gallon capacity.

## CHAPTER 11 - HEIGHT AND AREA REGULATIONS

### 2-11-1 General Height Provision

- A. Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.
- B. All areas governed by the Federal Aviation Administration (FAA) due to the area's proximity near an airport or airstrip shall be regulated by the appropriate FAA height regulations.

### 2-11-2 General Area Provisions

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, combined existing structure plus additions, conforms with the area regulations of the zone in which it is located.

- A. No lot area shall be so reduced, diminished and maintained that the yards, other open space, or total lot area shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.

- B. Lots of record at the time of the enactment of this ordinance which have less than the minimum area requirements for residential use may nevertheless be used for any use permitted therein, except that for dwellings, the lot must have a width of at least ninety (90) feet, and an area of at least 11,880 square feet.
- C. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.
- D. Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one residential building and its accessory building on one lot except a farm tenant dwelling may be erected on the same tract as the main farm dwelling. Row dwellings or group housing may be considered as one main residential building.
- E. At street intersections of an angle less than sixty (60) degrees, shrubs or structures over three and one-half (3 1/2) feet high will not be placed between the intersections of the street lines and ten (10) feet from the building line.
- F. At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in which each street frontage is located, and one of such front yards may serve as a required rear yard to permit accessory structures.
- G. Required lot area shall be excluded of proposed road right-of-way.

2-11-3 Height Regulations

- A. Except as otherwise specifically provided in this Chapter, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the height limits established for the district where such building is located, as follows:

ZONE	STORIES	MAXIMUM HEIGHT
R-1, R-2, R-3	2	30
A, C-1, C-2	2.5	50
C-3, I-1, I-2	3	75

- B. Height Exceptions
  - (1) In the zones limiting height to two (2) stories not to exceed thirty (30) feet, any permitted structure may be increased in height to three (3) stories not to exceed fifty (50) feet, provided the required side yards are increased an additional one (1) foot for each three (3) feet such structure exceeds thirty (30) feet.
  - (2) On through lots one hundred fifty (150) feet or less in depth, the height of a building

may be measured from the adjoining curb level on either street.

- (3) On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.
- (4) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, barns, silos, gas containers, material hoppers, or similar structures may be erected above the height limits herein prescribed; but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, business or industrial use.

2-11-4 Lot Area Regulations in Residential Permitted Zone

A. Except as otherwise specifically provided in this Chapter, no residential building or structure shall be erected, altered, enlarged or reconstructed to exceed the lot area limits established for the zone where such residential building is located, as follows:

<u>Zone</u>	<u>Min. Width of Front Build. Line</u>	<u>Min. Net Lot Area (S.F.)</u>	<u>Required Yard Area for Each Dwelling:</u>	
			<u>#of Units</u>	<u>S.F. of Yard</u>
(Buildings served by individual septic systems)				
A	120'	65,340 (1.5A)	1	60,000
		130,680 (3.0A)	2	120,000
R-1	120'	65,340 (1.5A)	1	60,000
		130,680 (3.0A)	2	120,000
R-2	120'	65,340 (1.5A)	1	60,000
		130,680 (3.0A)	2	120,000

Add 1-1/2 acre for each additional unit over 2

For each additional unit above two (2), add 20 feet to the minimum width of front building line.

R-3	120'	65,340	1	N/A
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<u>Zone</u>	<u>Min. Width of Front Build. Line</u> (Buildings served by public or other approved community sewer system)	<u>Min. Net Lot Area (S.F.)</u>	<u>Required Yard Area for Each Dwelling:</u>	
			<u>#of Units</u>	<u>S.F. of Yard</u>
A	100'	43,560 (1.0A)	1	16,000
R-1	100'	43,560 (1A)	1	16,000
R-2	120'	43,560	1	16,000
		65,340	2	26,000

For each additional unit above add ½ acre for each unit over two (2).

2-11-5 Yard Regulations

Except as otherwise specifically provided in this Chapter, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the yard limits established for the zone where such building is located, as follows:

A. Front Yard Limits

Each lot shall have a front yard with a minimum depth measured from, and parallel to, the edge of the nearest road right-of-way as shown on the Adams County Highway Map maintained by the Adams County Plan Commission in conjunction with the Adams County Highway Department. Said map shall classify roads in Adams County as either arterial, primary, secondary or local roads. Said designations may be changed from time to time depending upon development in the area and construction or reconstruction of the road.

<u>Zone</u>	<u>Thoroughfare Type</u>	<u>Setback from Edge of nearest Road right-of-way</u>
All Zones	Arterial	100'
	Primary	90'
	Secondary	70'
	Section and Half Section	50'
*	Local (Residential Streets)	40'

- (1) Where a lot is situated between two (2) lots, each of which has an existing main building thereon, the front yards of which are less than the minimum required front yards established herein, the front yard limit of such lot shall be the average of the front yards of said existing buildings.
- (2) Where a lot abuts only one (1) lot having an existing main building thereon, the

front yard of which is less than the minimum required front yard established herein, the front yard limit of such lot shall be the average of the front yard of the existing building and the required front yard.

- (3) In the case of a corner lot, the side yard width to the side street line shall be equal to at least one half (1/2) of the front yard depth limit for the district in which the lot is located. In no case shall the side yard width to the side street line be less than twenty (20) feet.

B. Side Yard Limits

There shall be two side yards for each lot. The minimum width for each yard, along with the aggregate width for both yards, shall be as follows:

<u>Zone</u>	<u>Condition</u>	<u>Min. Width of One Side Yard</u>	<u>Aggregate Width of Both Yards</u>
A	N/A	10'	20'
R-1	N/A	10% of lot width w/min. of 10'	25% of lot width
R-2	N/A	10'	20% of lot width
R-3	N/A	15'	30'
C-1, C-2, C-3, I-1, I-2	N/A	0' but if a yard is provided, limit is 4'. However if residential dwelling is constructed, side yard shall be the same as R-1 above.	0' but if a yard is provided, limit is 8', provided however if residential dwelling is constructed side yard shall be the same as R-1 above.
	First floor of C or I Zone building is used for recreational purposes	6'	20' of lot width
	C or I zone abuts an R Zone	6' plus 4' for each C or I zone building story above first story	Twice the limit for one yard

C. Rear Yard Limits

There shall be a rear yard for each lot, the minimum depth of which shall be as follows:

<u>Zone</u>	<u>Minimum Depth</u>
A, R-1, R-2	25% of lot depth
R-3	20'
C-1, C-2, C-3 I-1, I-2	0' but if a yard is provided, limit is 4', however, if residence dwelling is constructed, rear yard will be 25% of lot depth.
C or I Zone abuts an R Zone	20% of lot depth, not less than 20'

D. Yard Limits Within a Mobile Home Park

- (1) Front Yard - Minimum front yard from hitch to lot line shall be six (6) feet; in the case of a removed hitch, the minimum front yard from trailer to lot line shall be ten (10) feet.
- (2) Side Yard - Minimum side yard shall be fifteen (15) feet. Minimum distance between mobile homes shall be thirty (30) feet; minimum distance between any additions to or projections of a mobile home and the next adjacent mobile home shall be twenty (20) feet. In any event, the aggregate total of side yards shall not be less than thirty (30) feet.
- (3) Rear Yard - Minimum rear yard shall be twenty (20) feet.

E. Lot Area and Yard Exceptions and Modifications

- (1) Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in Section 7-4-3A.4.
- (2) Where a lot is situated between two (2) lots, each of which has a main building which projects beyond the ordinance established front yard line and was so maintained when this ordinance became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall be not less than ten (10) feet.
- (3) Where a lot adjoins only one (1) lot having a main building which projects beyond the ordinance established front yard line and has been so maintained since this ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line,

provided, however, the front yard of such lot shall be not less than ten (10) feet.

- (4) For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached dwellings, row dwellings, and group dwellings.
- (5) The front and side yards may be waived for dwellings, motels and lodging houses erected above the ground floor of a building when said ground floor is designed and used exclusively for business and/or industrial purposes.
- (6) An accessory building, not exceeding twenty (20) feet in height may occupy not more than thirty percent (30%) of the area of a required rear yard, providing it is no less than five (5) feet from any side or rear lot line.
- (7) Where a through lot has a depth of two hundred (200) feet or more, and an area of 20,000 square feet or more, said lot may be assumed to be two (2) lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.

#### F. Yard Projections

- (1) A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty (20) feet in length, and is entirely open on at least the front and rear sides, except for the necessary supporting columns and customary architectural features; provided, however, said porte cochere does not extend to within six (6) feet of a side lot line.
- (2) A cornice, eave bolt course, sill, canopy or other similar architectural feature (not including bay window or other vertical protection) may extend or project into a required front, side or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than three (3) feet.
- (3) A fire escape may extend or project into any required front, side or rear yard not more than four (4) feet.
- (4) An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard, and such balcony may extend into a required front yard not more than thirty (30) inches.
- (5) An open, unenclosed porch, platform or land place not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required side yard not more than four (4) feet and into any required front or rear yard not more than eight (8) feet.
- (6) A fence, lattice-work screen or wall in connection with residential use, not more than six (6) feet in height, but not to extend into the required front yard, or a hedge or thick growth of shrubs, maintained so as not to exceed four (4) feet in height may

be located in any required front or side yard.

- (7) A landscape feature such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, provided it does not violate the provisions of Section 2-11-5.

## CHAPTER 11.5 - RECREATIONAL SPACE REQUIREMENTS

### 2-11.5-1 General Recreational Space Requirements

A recreational space requirement is required for all R-1 and R-2 zones and any agricultural or other zone where residential housing is being planned or proposed.

### 2-11.5-2 Criteria for guidance

The following standards are to be utilized in the evaluation of all required recreation space in a commission approved development plan and in the approval of subdivisions requiring recreational space.

A. The commission approved recreation space shall be approved in all zones as defined in Section 2-11.5-5 herein. The purpose of providing this base shall be to meet the immediate and future recreational needs of the developments residence and a neighborhood setting. Recreation space may be provided in a centrally located site, in distinctly separate sites, as connecting links between separated activity areas, or adjacent to other existing or proposed recreation spaces. The commission shall determine if the proposed recreation space is suitable for the intended use. Consideration shall be given to the location of the proposed recreation space and it shall be reasonably close to and adjacent to residential areas or centrally located between phased developments. Wasteland or land undesirable for development shall not be substituted for recreational space unless its location and suitability is consistent with recreational use.

### 2-11.5-3 Covenants

All developments with recreational space must contain acceptable covenants which, in the opinion of the commission, insure adequate maintenance of those recreation spaces.

### 2-11.5-4 Amount of recreational space required

Recreational space shall be required when in the opinion of the commission it would be desirable for the proposed development considering the surrounding area and the density of families benefitting from open space and recreational uses. Therefore, a recreational space requirement may be required by the commission for minor subdivisions if in the opinion of the commission all the above criteria are present and it would be desirable for the proposed development and surrounding area to have recreational space included as part of the plan. Unless extenuating circumstances exist, recreational space will generally not be required in case of minor subdivisions.

### 2-11.5-5 Recreational space and major subdivisions

Recreational space shall be required in all major subdivisions of more than ten lots and may be required in major subdivisions of ten or fewer lots if in the opinion of the commission it is determined that such recreational space is desirable and necessary to the orderly development of the area. In major subdivisions of over ten lots the minimum amount of recreational space which shall be required shall be a minimum of ten percent of the total area developed with a minimum of 32,670 square feet.

2-11.5-6 Physical improvements

The term recreational space shall be interpreted to mean void of non-recreational structures, street rights-of-way, open parking areas and driveways for dwellings. The space qualified for recreational space shall be made reasonably level and suitable for organized or unorganized play and recreation by children and adults. The developer may but is not required to provide specific playground equipment and physical improvements.

2-11.5-7 Use of recreational space

Space intended for limited recreational activity or other uses, such as golf course, to which all residents of the development may not be permitted free access because of the payment of a fee or charge, shall not qualify in meeting the recreational space requirement herein.

CHAPTER 12 - PLANNED UNIT DEVELOPMENTS

2-12-1 Purpose

A Planned Unit Zone is intended to encourage innovative developments in certain zones that will not distract from the original zone intent.

Developers of land in a Planned Unit Zone will be offered flexibility in design and development. As a means to this flexibility, regulations governing lot size, yards and building location may be varied, subsequent to approval by the Plan Commission through the development plan process, Chapter 15 of this Article.

A. Permitted Zones

Planned Unit Developments may be located only on lots, parcels or tracts of land of four (4) acres or more in R-2, C-1, C-2, C-3, I-1 and I-2 Zones. Planned Unit Zones are identified by a "P" designation following the permitted zone.

B. Corresponding Zones

<u>Regular Zones</u>	<u>Corresponding Planned Unit Zone</u>
R-2	R-2P
C-1	C-1P
C-2	C-2P
C-3	C-3P
I-1	I-1P
I-2	I-2P

2-12-2 Planned Residential Zone

- A. Purpose  
The intent of a Planned Residential Zone (R-2P) is to encourage innovative multiple-family residential communities and allow the developer of such communities the maximum amount of flexibility in design and development.
- B. Permitted Uses  
The uses permitted in the zone shall be the same as those permitted within the R-2 Zone as found in Section 2-8-6 of this ordinance.

2-12-3 Planned Commercial Zone

- A. Purpose  
The intent of a Planned Commercial Zone (C-1P, C-2P or C-3P) is to provide for and encourage the grouping of businesses into centers and complexes, incorporating modern concepts of service and design.
- B. Permitted Uses  
The uses permitted in each zone shall be the same as those permitted within the corresponding C-1, C-2 or C-3 Zone as found in Chapter 9 of this Article. (2-9-3-5-7)

2-12-4 Planned Industrial Zone

- A. Purpose  
The intent of a Planned Industrial Zone (I-1P or I-2P) is to provide a means for industrial land uses, regardless of overall size or acreage, to develop in accordance with a set plan and in consideration of the surrounding land use, especially within transitional areas.
- B. Permitted Uses.  
The uses permitted in each zone shall be the same as those permitted within the corresponding I-1 or I-2 Zone as found in Chapter 10 of this Article. (2-10-3-5)

CHAPTER 13 - DEVELOPMENT PLAN REGULATIONS - ALL ZONES

2-13-1 Purpose of Development Plan

A Development Plan is intended to provide all pertinent information about a proposed development so the Plan Commission may make a knowledgeable decision whether or not the proposed development meets all the requirements of this ordinance and the goals and objectives of the County Master Plan.

2-13-2 Required Developments for Development Plan

- A. The development plan procedure, hereafter set forth, shall be required for the following developments:
  - (1) All minor and major subdivisions of land.

- (2) All mobile home parks. Additional requirements are provided for in Section 2-14 of this article.
- (3) All planned unit developments. Additional requirements are provided for in Section 2-15 of this article.
- (4) All intensive livestock operations. Requirements are provided in Sec. 2-16-1 of this article.
- (5) All multiple-family dwelling developments on lots, parcels or tracts of land over two (2) acres.
- (6) All multiple-group dwelling development.
- (7) All C-1 principal use developments on lots, parcels or tracts of land over two (2) acres. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
- (8) All C-2 and C-3 principal use developments. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
- (9) All I-1 and I-2 principal use developments. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
- (15) All uses contained in 2-10-3 (c).

**B. Subdivision Plat**

A subdivision plat shall be required along with a development plan as long as a subdivision of land, as defined, is occurring as a result of this development. Both development plan and subdivision plat processes may be done concurrently with any duplicated requirements being counted for both processes.

**2-13-3 Pre-Application Review**

A pre-application review between zoning administrator and developer is recommended at least fifteen (15) days prior to official application for primary approval of a development plan. The purpose of this pre-application review is as follows:

- A. To inform the applicant of the standards and requirements of all applicable ordinances, including the Comprehensive Plan,
- B. To review the various procedures and submission requirements,
- C. To review with the applicant any inherent limiting characteristics of the specific site or surrounding areas.
- D. To reduce the time period between initial application and Plan Commission approval.



## 2-13-4 Application For Primary Approval of Development Plans

- A. The application for primary approval of a development plan shall be submitted in duplicate to the Commission on a form approved by the Commission, shall be signed by the owner(s) of record and shall contain a statement specifying the intentions of the owner respecting the proposed land use of the development, deed restrictions, drainage, sewage disposal, water facilities, and the intended date of the development. At the time of the submission of the application, the applicant shall pay to the Commission the filing fee established by rule of the Commission.
- B. A tracing and two copies of the proposed development plan shall be submitted to the Commission at the time the application for primary approval is filed. The proposed development plan shall represent the entire tract which the applicant intends to develop and over which he has an ownership or financial interest and/or control, or that portion of the entire tract for which further public hearing is required by the Commission following the initial primary approval of the development plan for the overall site.
- C. Contents of Development Plan for Primary Approval  
The development plan for which an application for primary approval is submitted shall contain the supporting data and site plan and supporting maps described below. This information is to be submitted for all of the site included in the application. Applications can be reviewed only for those areas for which all required submission data have been presented.
- (1) Supporting Data
    - (a) A development schedule indicating the approximate date when construction of the development (or stages of the development) can be expected to begin and be completed,
    - (b) Information on the number and type of structures, parcel size, proposed lot coverage of buildings and structures, together with gross residential densities, type of dwelling units and net density per type of dwelling unit when mixed use, where applicable,
    - (c) Statements identifying the intended means of assuring permanency, continuance and maintenance of all open/recreation spaces to be dedicated for use by residents of the development and/or the general public, where applicable, and
    - (d) Proposed restrictive covenants, if applicable.
  - (2) Site Plan and Supporting Maps
    - (a) Date, scale (graphic and written), north point, name and address of designer and/or engineer, name and address of the developer, and proposed name of the development,

- (b) A generalized legal description of the total site as well as dimensions of the boundaries of the tract, including generalized bearings and distances, measured from a section corner,
- (c) The existing site conditions including contours, (at a predetermined interval), watercourses, and drainageways, flood plain elevations, wooded areas, soil types (including interpretation of character), and other unique natural features,
- (d) The location, minimum size and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open spaces, parks, recreational areas, school sites and similar public and semi-public uses, where applicable,
- (e) The existing and proposed vehicular circulation system, including right-of-way widths and driving surface widths of streets, off-street parking areas, service areas, loading areas, street names, intersection radii, street dedications, and points of access to public rights-of-way, where applicable,
- (f) The existing and proposed pedestrian circulation system, including links with nearby land uses, where applicable,
- (g) Proposed lot and/or tract lines, lot numbers, lot dimensions, easements and building lines. Those areas to be subdivided pursuant to the terms of the Adams County Subdivision Control Ordinance shall conform to same and be clearly delineated on the development plan,
- (h) The proposed treatment of the perimeter of the site, including materials and techniques to be used such as screens, fences, walls and landscaping, and
- (i) The following generalized feasibility information:
  - (i) Street width and type of surfacing material,
  - (ii) Sanitary sewer pipe location, septic tank, manhole locations and invert at point of connections to existing facilities,
  - (iii) Water line and fire hydrant locations to point of connection to existing facilities;
  - (iv) Storm sewer improvement locations including pipe, manhole and catch basin locations; detention basin location, capacity and appropriate elevations; storm drainage flow lines,
  - (v) Street lighting fixtures locations, when applicable.

2-13-5 Hearing Procedure for Primary Approval, Action by Commission

- A. Within thirty (30) days after the date of receipt of the plan application for primary approval, the proposed development plan and the filing fee, the Zoning Administrator shall announce the date and time of the public hearing for primary approval of the development plan to be held before the Commission. The Zoning Administrator shall also provide notice of such

hearing, as follows:

- (1) By publication in accordance with I.C. 5-3-1,
  - (2) To the applicant, in writing, by means of regular United States mail, postage prepaid, addressed to the applicant at the address listed in the application for approval,
  - (3) To all public agencies and governmental units having a probable interest in the proposed plat, furnishing a copy thereof and requesting their written comments with regard thereto,
  - (4) To such other interested parties and in such manner as the Commission may designate by rule.
- B. The public hearing for primary approval of the proposed development plan shall be conducted in accordance with such procedures as the Commission may adopt by rule.
- C. After public hearing upon the proposed development plan, the Commission shall determine if it complies with and satisfies the standards prescribed for primary approval under this ordinance. Within a reasonable time after such hearing, the Commission shall either grant, with or without conditions, or deny primary approval of the proposed development plan and enter written findings and decision in accordance with such action, signed by any one of the following: the President, the Vice President, the Secretary or the Zoning Administrator of the Commission; provided however, that if primary approval is denied, the written findings entered by the Commission shall set forth the reasons for such denial.
- D. Notice of the Commission's decision upon the application for primary approval shall be provided by furnishing a copy of its written findings and decision to the applicant and to such remonstrators or other interested parties, if any, as the Commission may designate by rule. Such notice shall be furnished by the Zoning Administrator within five (5) days after the Commission's decision in the manner prescribed by the Commission, by rule duly adopted.
- E. Primary approval of a development plan by the Commission shall be valid for one (1) year from the date of approval, unless the applicant, prior to the expiration of such one (1) year period, shall have applied for and received the Commission's approval for an extension of time to obtain secondary approval. If, by the expiration of such initial one (1) year period of time, or during any period of extension approved by the Commission, the applicant does not obtain secondary approval of all or part of the area included in the development plan for which primary approval had been granted, then the primary approval granted for the development plan shall lapse and be considered as null and void. In the event the Commission grants secondary approval for only a portion of the development plan, the applicant thereafter will not be obligated to adhere to any time limitations for requesting secondary approval of the remainder of the development plan.

## 2-13-6 Application for Secondary Approval of Development Plans

- A. The applicant shall have the responsibility to notify the Zoning Administrator of the Commission in writing of his intent to seek secondary approval, of either all or a portion of the development plan. In the event the applicant intends to seek secondary approval of only a portion of the development plan, the applicant shall specifically describe and designate such areas so as to reasonably identify the same. The applicant shall also at that time file with the Commission staff the development plan in the form and with the contents prescribed hereinafter. The Zoning Administrator shall then cause to be scheduled a meeting of the Plan Commission for the purpose of reviewing the development plan and determining whether secondary approval shall be granted, and provide notice to the applicant of the date and time of such meeting. No other notice of such meeting need be given, except as required by law. The Zoning Administrator shall then review all submissions made by the applicant to insure the requirements for secondary approval stated in this ordinance have been satisfied.
- B. The Commission will consider secondary approval of a development plan only after the applicant has accomplished the following:
- (1) Filed with the Commission a complete set of plans and specifications for the development of all streets, sewers, water supply and other utilities and facilities proposed to be installed in conjunction with the development plan, in accordance with the requirements of this ordinance,
  - (2) Delivered to or filed with the Commission all necessary approvals and acceptances from all applicable agencies and authorities,
  - (3) Paid in full to the Commission all costs incurred for the furnishing of notice required under this ordinance and/or by rule, of the granting of primary approval of the development plan by the Commission,
  - (4) Filed with the Commission the development plan in the form and with the contents prescribed hereinafter.
- D. Contents of Development Plan for Secondary Approval  
The development plan for which secondary approval is sought shall be submitted to the Commission in the form of an original reproducible plan sheet, drawn in ink and shall be complete and accurate layout of the project and shall contain any and all additions, corrections and deletions required by the Commission. Such development plan shall also include the following information:
- (1) Supporting Data
    - (a) Legal description of the parcel of real estate for which secondary approval is sought,
    - (b) Restrictive covenants including provisions for open space maintenance,

when applicable,

- (c) Traverse closure,
- (d) Construction performance schedule and accompanying development plan indicating delineations of specific areas. If applicable, those areas required to have open space shall include the time of the development of recreational or other facilities within the open space. The development plan shall also indicate the location of any construction access roads and their relationship to the staging of development,
- (e) Letters of comment from the Adams County Surveyor's Office, Health Department and other public agencies having approval over the wastewater disposal system and fresh water supply system.
- (f) Letters from the utilities serving the area, setting forth their ability to serve the development, and
- (g) Such additional information as may be required by the Commission.

(2) Site Plan and Supporting Maps

- (a) Date, scale (graphic and written), north point, name and address of the designer and/or engineer, name and address of the developer of the tract, and name of development,
- (b) Dimensions of the boundaries of the tract including bearings and distances and the exact location of all existing and recorded streets intersecting the boundary of the tract,
- (c) Section or reserve lines or other legal points of reference and distances to same,
- (d) Building lines, lot lines, easement locations and dimensions,
- (e) Lot numbers and individual addresses for each lot,
- (f) Plans, profiles, cross sections and names, location and geometrics for streets and entrances onto public rights-of-way, including acceleration-deceleration and passing lanes, and dedication documents when applicable,
- (g) Plans and cross sections for pedestrian walkways,
- (h) Easements such as pedestrian, utility, drainage, etc.,
- (i) Sanitary and storm sewer plans and profiles, and water line plans,

- (j) Parking areas, including plans, cross sections, and landscaping details,
- (k) The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and right-of-way widths,
- (l) Lighting plan, including areas to be lighted, the type of fixtures to be used, and the lighting intensity level for all areas to be lighted, when required,
- (m) Landscape plans, including the location of all landscape materials and elements, which requirement is waived in those areas used for single-family residential purposes,
- (n) Such other data which may be required by the Commission.

#### 2-13-7 Action by Plan Commission for Secondary Approval of Development Plans

- A. Within a reasonable time following the applicant's satisfaction of all requirements for secondary approval stated under Section 2-13-6 of this Chapter, the Plan Commission shall either grant, with or without conditions or deny secondary approval of the development plan. If secondary approval is denied, the Plan Commission shall within five (5) days thereafter, furnish the applicant with a written list of the reasons for such denial.
- B. Notwithstanding the requirements of the ordinance for submission to the Plan Commission, the Plan Commission may, upon written request by the applicant, supported by evidence that all submissions have been timely filed, grant secondary approval of a development plan although one or more of such approvals may not have been delivered to or received by the Plan Commission. The Plan Commission may grant such secondary approval only when the applicant provides a written statement made under oath and approved by the Plan Commission or the Commission staff, for recordation as a protective covenant or supplement thereto, stating that the applicant will cause to be provided at his cost all things necessary to attain or accomplish the delivery of the required approval(s) which shall not then have been delivered to or received by the Commission. If the applicant does not then deliver such approval(s) in a timely fashion, the Commission is hereby empowered to refuse to issue either Improvement Location Permits or Certificate of Occupancy Permits. Once the applicant has thereafter secured and delivered to the Commission the required approval(s), the Zoning Administrator shall then execute a recordable document, which shall be recorded by the applicant at his expense, rescinding the aforesaid recorded written statement.

#### 2-13-8 Issuance of Permits

- A. Prior to the issuance of an Improvement Location Permit for any use in a zone wherein a development plan is required, the following matters shall be accomplished:
  - (1) The Commission shall have granted primary and secondary approval of the development plan in accordance with this ordinance and the Adams County Comprehensive Master Plan; and

- (2) The applicant shall have duly recorded in the Office of the Recorder of Adams County, Indiana, the utility easements, rights-of-way, plats, deed restrictions, or any other legal instruments required, and in the form approved, by the Commission.
  
- B. The requirement for such approval of a development plan, prior to the issuance of an Improvement Location Permit, shall also specifically apply to any residential condominium development which is subject to the requirements of I.C. 32-1-6, the Indiana Horizontal Property Act, as the same may be amended from time to time, regardless of whether the zoning district in which the subject real estate is located required approval of the development plan for the intended use under this Ordinance. Such a condominium development shall be subject to all requirements set forth in Section 2-13-6 of this Chapter.

#### 2-13-9 Amendments to Approved Development Plan

- A. **General Requirements**

After the Commission has granted either primary or secondary approval of a development plan, any amendments thereto shall be submitted by the applicant to the Zoning Administrator by way of an amended application for the type of approval sought, on a form prescribed by the Commission. Any such application shall also be accompanied by the pertinent submissions required under this ordinance for the proposed amendments involved, together with the requisite filing fee if a public hearing is required hereunder to be held upon the amended application.
  
- B. **Execution of Amended Application**

Any application submitted for amendment of a development plan following the granting by the Commission of primary approval, but prior to the granting of secondary approval, need contain only the signature(s) of the original applicant(s), or the successor(s) in interest thereto. After secondary approval of a development plan has been granted, any applications for proposed amendments thereto shall contain the signatures of all owners of record, as shown in the Real Estate Master File maintained by the Auditor of Adams County, Indiana, at the time such application is filed, of the real estate included in that portion of the development plan for which secondary approval had previously been granted and for which amendment is being sought.
  
- C. **Requirement for Public Hearing**

If in the opinion of the Zoning Administrator, the amendment to the development plan proposed in such application is substantial, in terms of the scope of the overall project and/or the possible impact upon the community and land uses, both existing and planned, which surround the area included in the development plan, then the Zoning Administrator may either require the matter to be heard by the Commission, at a public hearing, or defer such decision to the Plan Commission for a determination of such public hearing. In the event such determination is to be made by the Plan Commission, notice of the date and time of the meeting of the Plan Commission at which such determination is to be made shall be given by the Zoning Administrator to the applicant. No other notice need be given, except as required by law. Any action by the Plan Commission in determining whether a public hearing must be held before the Commission upon the amendments proposed by the applicant shall be a final decision, which may not be appealed to the Commission except by

a dissenting Plan Commission member as provided by rule.

D. Commission Action

Notwithstanding the foregoing provisions, nothing in this Section 9 shall preclude the Commission from requiring, as a condition for the granting of primary approval of an overall development plan, that subsequent public hearings be conducted before the Commission, as to any portions of the overall development plan or any later amendments, alterations or modifications proposed with regard thereto. The Commission may, however, waive any procedural or submission requirements otherwise provided under this zoning ordinance, it may deem necessary when reviewing a change to an approved development plan.

E. Conduct of Subsequent Public Hearing

If the Commission requests, or is required under the provisions of this ordinance, to conduct a second or subsequent public hearing for approval of a development plan or an amendment thereto, then such hearing shall be conducted and notice furnished in accordance with the provisions of the zoning ordinance and the pertinent rules duly adopted by the Commission.

2-13-10

Development Plan Design Standards

The following minimum design standards shall apply to all site improvements on real estate for which a development plan is required. Individual zoning districts may also supplement the following standards with more detailed standards pertinent to individual districts.

A. Environmental Design

- (1) It is the intention of the Plan Commission to encourage the preservation of natural site amenities and to minimize the disturbance to the natural environment.
- (2) Existing trees and other natural features shall be preserved whenever possible. The location of these features must be considered when planning common open space, location of buildings, underground services, walks, paved areas, and finished grade levels. The Commission may inquire into the means whereby natural features will be protected during construction.

B. Building Separation

In reviewing the location of all structures within the development plan boundaries, the Commission shall determine that said structures are located to allow adequate light, air, ease of entry and access by emergency vehicles. For those districts without specified yard requirements, the Commission shall be guided by the following:

- (1) That the open areas provided around the building be sufficient to provide the occupants of the structure with adequate light and air from all outside walls which contain windows or doors,
- (2) That sufficient space is provided for access and entry to buildings from all streets, parking lots and other buildings,



- (3) That in the event lots for one-family or two-family dwellings are to be sold prior to construction and the applicant cannot indicate structures on the development plan, said structures shall be subject to the yard provisions of the Zoning and Subdivision Ordinances for the R-1, R-2, and R-3 Districts or other Commission-approved minimums, unless specifically waived.

C. Vehicular Circulation Facilities

All present and future dedicated right-of-way widths and street improvements shall meet the requirements of the Adams County Subdivision Control Ordinance as now or hereafter amended.

D. Pedestrian Circulation Facilities

Pedestrian walkways shall be constructed in a location and to specifications approved by the Commission. Such walkways shall provide for pedestrian circulation throughout the development and shall be separated from vehicular traffic. Where distance separation cannot be achieved, physical separation may be required in cases which the commission deems necessary.

E. Sanitary Sewage Disposal and Water Supply Systems

All water supply and sanitary sewage disposal systems, whether private or public in nature, shall be subject to compliance with local, and where appropriate, State Agency requirements. Plans must be submitted to and approved by the appropriate agencies.

F. Recreation Space Requirements

- (1) Recreational space requirements and the criteria for approval in the development plan and/or platting of applicable subdivisions are contained in Chapter 11.5 herein. The following standards are to be utilized in the evaluation of all required recreation space in a Commission-approved development plan:

- (a) Commission-approved recreation space shall be provided in all residential zones as defined in Chapter 11.5. The purpose of providing this space shall be to meet the immediate and future recreational needs of the development's residents in a neighborhood setting. Recreation space may be provided in a centrally located site, in distinctly separated sites, as connecting links between separated activity areas, or adjacent to other existing or proposed recreation spaces. The Commission shall determine if the proposed recreation space is suitable for the intended use. This requirement may be waived when, in the opinion of the Commission, the applicant has satisfactorily demonstrated that he has provided alternative methods for meeting the recreational needs of his development's residents.

- (b) All developments with recreation space must contain acceptable covenants which, in the opinion of the Commission, insure adequate maintenance of those recreation spaces.

- (2) Physical Improvements

The term recreation space shall be interpreted to mean void of non-recreational structures, street rights-of-way, open parking areas and driveways for dwellings.

(3) Use of Recreation Space

Space intended for limited recreational or other uses, such as a golf course, to which all residents of the development may not be permitted free access because of the payment of a fee or a charge, shall have a maximum of three-fourths of said space utilized in meeting the recreation space requirements of the total development.

G. Paving

All access drives and off-street parking facilities shall either be paved with concrete or with other approved surfacing material to adequately provide a durable and dust-free surface.

H. Parking Standards

- (1) Parking areas may be required to be arranged so as to prevent through traffic to other parking areas,
- (2) Parking areas shall be screened from adjacent non-related structures, roads and traffic arteries with plantings, earth berms, walls or changes in grade, when deemed necessary by the Commission,
- (3) All parking areas shall be marked so as to provide for orderly and safe parking, storage and movement,
- (4) When it is in the interest of safety and better vehicle and pedestrian circulation, the Plan Commission may require the use of landscape elements to provide physical separation of use areas,
- (5) All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining real estate,
- (6) All parking areas and off-street loading areas shall be graded and drained to remove all surface water without erosion and flooding.

I. Street Lighting

Street lighting shall be provided in all residential development. Alternative street lighting proposals will be considered by the Commission if found to be appropriate in scale and intensity. Where pedestrian facilities are separated from streets to the extent that they are not adequately lighted from the street light facilities, separate lighting facilities shall be provided on such pedestrian facilities.

CHAPTER 14 - DEVELOPMENT PLAN REGULATIONS - MOBILE HOME PARKS

- 2-14-1 Prior to issuance of an Improvement Location Permit in an R-3 Mobile Home Park Zone, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which improvements are to be

located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).

2-14-2 In determining the action to be taken on a proposed R-3 development plan, the Commission shall be guided by the design standards set forth in Section 2-13-10 of this ordinance and supplemented below:

- A. The wheels shall be removed from each mobile home occupying a lot in the park.
- B. Each mobile home shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage.
- C. Each mobile home occupying a lot in the subdivision shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for and attached to appropriate external systems.
- D. The developer shall provide a substantial and attractive fence of at least six (6) feet in height or a dense evergreen screen planting of at least six (6) feet in height after one full growing season, when adjoining property is zoned or used for residential purposes. When said park is adjacent to an arterial thoroughfare, the park yard fronting on the thoroughfare shall be landscaped and maintained.
- E. Provision must be made, in every mobile home park, for a road in front of every lot. The road surface shall be of the all-weather type with a traffic surface of not less than twenty (20) feet in width, properly crowned and graded. When off-street parking is not utilized, a parking surface of eight (8) feet in width shall be provided along each side of said traffic surface. When such roads come in contact with any public roads or highway, reinforced concrete sewer pipe with cemented joints or continuous iron or steel pipe shall be installed to provide drainage. The cost of such pipe shall be defrayed by the owner or operator of the park, and the installation shall be approved by the County Highway Supervisor and the County Surveyor. All roads within the park must be accessible for traffic at all times and shall be maintained in first class condition. Roads in any mobile home park may be accepted into the county road system; however, if they are not acceptable, the operator shall provide for their maintenance.
- F. All R-3 Mobile Home Park Zones shall have open space, unless waived by the Commission, at a rate of two hundred (200) square feet per mobile home lot. The Commission may require recreational space the same as set out in 2-11.5-5 of this ordinance.
- G. In addition to the parking regulations in Section 2-5-1B, the mobile home park developer shall provide two (2) parking areas per each lot.
- H. Sidewalks of thirty-six (36) inch minimum width shall be provided by the developer; said sidewalks shall serve each lot and mobile home.
- I. Street lighting shall be provided by the developer. The light value on all occupied streets shall be a minimum of 1/10 foot candle.

J. Water supply shall be from a municipal water service or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow or surface drainage. The source and supply of the water for human consumption must meet all the requirements of the Adams County and State Boards of Health. The use of open wells, springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this ordinance.

K. Mobile home parks must be kept in clean and sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter and trash. Receptacles must be emptied once a week, and the contents of same must be disposed of immediately by other approved means of regular collection by a garbage disposal service.

Liquid wastes from mobile homes shall be collected by a sewage system which has a trapped outlet available to each lot or unit plot and which shall discharge into an approved sewage disposal system. The use of buckets as a depository for waste is unlawful.

L. Primary treatment of all sewage shall be through a sewage disposal process which meets all County and State health requirements. If septic tanks are used, a percolation test will be required meeting the specifications of the County and State Sanitation Code. If a sewage disposal plant or lagoon is used, the system must be approved by the Adams County and State Boards of Health. Every mobile home park shall provide one (1) or more service buildings based upon the requirements set forth in the Indiana General Assembly Acts of 1955, Chapter 321, Sections 16 to 21 and amendments thereto. Supervision and maintenance of the mobile home park shall comply with the Indiana General Assembly Acts of 1955, Chapter 321, Section 11 and amendments thereto.

M. All mobile homes occupying any lot in Adams County must be kept in such operating condition that they may be removed or placed in transit within twenty-four (24) hours upon legal service of the sheriff or other law enforcement officer.

2-14-3 Every owner, agent, lessee, person, firm, or corporation that operates or manages any area, tract, subdivision, or any part thereof for the use as a mobile home park shall file with the Commission, at the time of opening the park for occupancy, a Mobile Home Park Registration. The form shall be furnished by the Commission. Before renting or leasing any unit plot, the owner or operator, or agent of the owner or operator, shall submit one original Mobile Home Park Registration form to the Commission and a copy of the form to each of the following:

- A. The mobile home park operator,
- B. The Indiana State Board of Health,
- C. The school superintendent of the school district in which the park is located,
- D. The Adams County Sheriff,
- E. The Adams County Board of Health.

## CHAPTER 15 - DEVELOPMENT PLAN REGULATIONS - PLANNED UNIT DEVELOPMENTS

### 2-15-1 Planned Residential Zone

- A. Prior to issuance of an Improvement Location Permit in an R-2P Zone, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which the improvements are to be located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).
- B. In determining the action to be taken on a proposed Planned Residential Zone development plan, the Commission shall be guided by the design standards set forth in Section 2-13-10 of this ordinance and supplemented below:
  - (1) The maximum permitted density per acre for the R-2P Planned Residential Zone is eight (8) dwelling units per gross acre.
  - (2) All regulations will be equal to those in the corresponding R-2 Zone unless specifically waived by the Commission at the time of development plan approval. In the event the Commission waives any regulations, it must find that the general intent, spirit and purpose of the zone are met.
  - (3) All R-2P Planned Residential Zones shall have open space, as determined by the Commission.

### 2-15-2 Planned Commercial Zone

- A. Prior to issuance of an Improvement Location Permit in a Planned Commercial District, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which the improvements are to be located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).
  - (1) The Commission during its review process will consider the following items:
    - (a) Jointly used parking facilities will be encouraged by the Commission, thereby reducing the number of individual entrances and exits to thoroughfares.
    - (b) The applicant shall submit a set of sign standards to be reviewed by the Commission. Said standards will be approved as part of the secondary development plan, and joint use of signs will be encouraged where deemed necessary by the Commission.
- B. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards and policies established in Section 2-13-10 and supplemented below:

- (1) All regulations shall be equal to those in the regular C zones unless specifically waived by the Commission at the time of development plan approval; and in the event the Commission waives any regulations, they must find that the general intent, spirit and purpose of the zone are met.
- (2) The Commission shall require ten percent (10%) of the net site area to be landscaped; landscaping elements include but are not limited to planting beds, islands, embankments and other aesthetic areas.

### 2-15-3 Planned Industrial Zone

A. Prior to issuance of an Improvement Location Permit in a Planned Industrial District, the Commission shall grant primary and secondary development plan approval for the total site. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).

- (1) The Commission during its review process will consider the following items:
  - (a) Jointly used parking facilities will be encouraged by the Commission, thereby reducing the number of individual entrances and exits to thoroughfares.
  - (b) The applicant shall submit a set of sign standards to be reviewed by the Commission. Said standards will be approved as part of the secondary development plan, and joint use of signs will be encouraged where deemed necessary by the Commission.

B. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards and policies established in Section 2-13-10 and supplemented below:

- (1) All regulations shall be equal to those in the regular districts unless specifically waived by the Commission at the time of development plan approval; in the event the Commission waives any requirements, they must find that the general intent, spirit and purpose of the zone are met.

CHAPTER 16 PROCEDURES AND REQUIREMENTS FOR OBTAINING  
AN INTENSIVE LIVESTOCK OPERATIONS PERMIT

2-16-1 REQUIREMENTS FOR PERMIT

- A. Every person, firm or corporation shall obtain an Intensive Livestock Permit before operating an intensive livestock operation subject to the following: this requirement shall apply jointly to the owner of the livestock as well as the operator and/or owner of the facility only where the facility is not regulated by the State of Indiana regulations and this requirement shall not apply to a facility that is controlled by regulations of the State of Indiana.
- B. The provisions of this chapter shall apply to both the operation owner and the livestock owner, if different, provided however, that only one (1) permit shall be required for each location provided however that the operation owner and livestock owner shall be jointly and severally liable for the compliance of this ordinance. The application for a permit, the hearing process and the issuance of the permit shall be jointly in the name of both entities or solely in the name of the operation owner if it is also the livestock owner. Where the operation owner and livestock owner are different entities, the livestock owner as well as the operation owner both be present and participate in the hearing process for the issuance of the permit.
- C. Every applicant for an Intensive Livestock Permit shall consult with the Adams County Soil & Water Conservation District and obtain its certification of compliance with the terms and conditions of this Chapter 16.
- D. In the event there is a change in ownership or change of identity of either of the parties, the existing permit may be transferrable upon execution of a transfer document approved by the Plan Commission in which any new party to the permit acknowledges his responsibility and obligations under the terms of the permit and under the terms of this ordinance. Said transfer may be made without the necessity of a hearing, as required, and a new permit. Any transfer of ownership of either the operation owner or the livestock owner without the knowledge of or approval of the Plan Commission shall be deemed to impose acceptance of the responsibilities and liabilities under the terms of the permit and the terms of this ordinance.

FOLLOWS:

CHAPTER 2-16-2 IS HEREBY AMENDED TO READ AS FOLLOWS:

2-16-2 LIMITATION OF LIABILITY

- A. In the event there is a dual issuance of permit to the livestock owner and operations owner as provided by section one above, the livestock owner shall not be liable for damages or sanctions resulting from the operations of the operator where the owner of the livestock did not materially participate in or cause any violation of this ordinance.
- B. An Intensive Livestock Operation will be defined for the purpose of this chapter and of this Ordinance as any existing or proposed livestock operation or an extension of an existing livestock operation with the number of animals located thereon exceeding the per acre limits as follows: (acres shall be defined for the purposes of this section as undeveloped, tillable land).
- (1) Twenty-five (25) nursery pigs, or
  - (2) Six (6) sows, or
  - (3) Ten (10) finishing hogs, or
  - (4) Three (3) beef cattle, or
  - (5) Six (6) heifers, or
  - (6) Three (3) dairy cattle, or
  - (7) Ten (10) veal calves, or
  - (8) Two hundred fifty (250) laying hens, or
  - (9) Four hundred (400) pullets, or
  - (10) Five Hundred (500) broilers, or
  - (11) Two Hundred (200) ducks, geese and/or turkeys, or any combination thereof,  
or
  - (12) Five (5) horses, or
  - (13) Twenty (20) sheep or goats or any combination thereof



(14) Limits for other livestock not enumerated herein shall be determined by the Plan Commission by comparing body weight and animal wastes with those that are enumerated.

- C. An intensive livestock operation is further defined for the purpose of this section and of this ordinance as any existing or proposed livestock operation or an expansion of an existing livestock operation regardless of acreage on which there are livestock unit numbers exceeding four hundred (400) hogs, or two hundred (200) cattle, or ten thousand (10,000) poultry. Where a livestock operation involves less than four hundred (400) hogs, two hundred (200) cattle, ten thousand (10,000) poultry, but there is more than one species of animal, the total number of animals in each category shall be divided by four hundred (400) in the case of hogs, two hundred (200) in the case of cattle, and ten thousand (10,000) in the case of poultry, and the resulting percentages shall be added together. If the total of such percentages equals or exceeds one hundred, then the operation is an intensive livestock operation as defined herein, and as such, shall be subject to the provisions of this ordinance.

### 2-16-3 INTENSIVE LIVESTOCK OPERATION REGULATIONS.

- A. The following regulations as to waste treatment and disposal shall apply to all intensive livestock operations:
- (1) All facilities located at one site are to be considered as components of one (1)

intensive livestock operation.

- (2) All proposed waste storage facilities shall be designed to provide a minimum storage for a period of one hundred eighty (180) days of all animal waste, contaminated runoff and wastewater generated by the intensive livestock operation, based on the waste production and rainfall values as determined by Purdue University Cooperative Extension Service. Additional storage shall be required if terms of paragraph B of this section (see Application Lands) should be applicable.
- (3) All rainwater from roofs and other uncontaminated water shall be diverted away from the waste storage facilities.
- (4) Wastewater generated by the intensive livestock operation, such as excess drinking water, clean-up water, milking parlor wastewater, milking house wash water, etc., shall not be discharged directly to a stream or field tile; and consequently, must be discharged into the animal waste storage pit or treated in an alternate manner approved by the Plan Commission and the Adams County Board of Health. Excess drinking water and milk house wash water may be treated with a septic tank and absorption system approved by the Plan Commission and the Adams County Board of Health.
- (5) Application equipment must have the capacity of spreading a one hundred eighty (180) day accumulation of waste in eighteen (18) days. The time required for spreading a load of waste will vary, depending on the type of equipment used and the distance the waste must be hauled. In calculating the time required for emptying holding pits, a maximum of two (2) loads per hour or eighteen (18) loads per day shall be used. Additional time should be provided if the application land is a distance away from the intensive livestock operation.
- (6) All operators and owners of intensive livestock operations shall see to the proper disposal of all dead animals. Disposal shall occur within 24 hours of the death of an animal and shall occur by burial, incineration, composting, or any other manner as may be approved by the Adams County Plan Commission.

B. Application Lands.

- (1) Application Lands. Sufficient applicant owned land or leased land must be available for the spreading of waste from intensive livestock operations. If applicant relies on leased land for 50% or more of his required applicated lands, then the owner and/or operator of the intensive livestock operation must provide two hundred seventy (270) days of storage to contain the waste throughout the growing season.
- (2) Exception to application land. In cases where new technology or techniques have developed so as to haul the manure from the intensive facility off-site for processing or other disposal and the manure is not applied to lands in this county, then in that event the requirement for application land is reduced to handle only that quantity or portion of manure that is actually spread upon the lands in Adams County. Storage at facilities using alternative methods of manure disposal shall remain in the same

unless the applicant can demonstrate that he has a manure hauling contract that will be able to remove manure from the property on a periodic basis and in that event storage equal to twice the capacity of the removal period shall be required. Where the applicant is not able to demonstrate a contractual obligation to remove manure on a periodic basis, then the storage requirements contained in this section shall remain the same.

C. Application rates. The following land area acreage application shall be followed:

(1) 1 acre of application land shall be available for each livestock per acre unit as set out in section 2-16-2(A).

(2) Fifty percent (50%) of the application land must be within two (2) miles of the intensive livestock operation buildings and must either be owned by the owner of the intensive livestock operation or;

(3) If the owner of the livestock operation does not own a sufficient amount of application ground in order to comply with the application land and rates, the owner of the intensive livestock operation must present and submit to the Plan Commission a lease granting permission to apply waste, which lease must be prescribed and approved by the Plan Commission. (The Adams County office of Building and Planning will maintain copies of blank leases for use by the general public).

D. Application set-backs. Manure shall not be land applied closer than the following:

<u>Distance applied from</u> (Zones)	<u>Surface applied</u>	<u>Injected into soil</u>	<u>Incorporated into soil</u>
Residence	600 feet	200 feet	300 feet
Water well	200 feet	200 feet	200 feet
Public building, church or school	1,000 feet	300 feet	600 feet
Build up area of 5 or more homes*	1,000 feet	300 feet	600 feet
Road or highway	50 feet	50 feet	50 feet
Ditch or stream	100 feet	50 feet	50 feet

\* A build up area shall be construed to mean five (5) or more homes on tracts of one (1) acre or less all of which abut or are contiguous.

(5) Application Requirements in Flood Plain. All applications of manure in a flood plain shall be either by injection or if surface applied, then the surface applied application shall be incorporated immediately into the soil no later than the end of each working day.

(6) Requirements for Injection. In all cases of injection of manure upon land, the injection of the same shall be at a minimum depth of three (3) inches and manure shall not be allowed to seep upon the surface of the soil.

- (7) General requirements for Incorporation. In the case of incorporation of manure in all zones set out in paragraph D above, the manure shall be disked or plowed into the soil so as to completely cover the manure to prevent any runoff. In application by incorporation in other than a flood plain, said incorporation shall be accomplished, weather permitting, within a minimum period of forty-eight (48) hours after application. However, application in a flood plain shall be accomplished no later than the end of each working day.

#### 2-16-4 DESIGN CRITERIA FOR FACILITIES.

- A. General Requirements for Design - Each and every requirement contained in the intensive livestock operation regulations as set forth in Section 2-16-3 of this chapter are hereby incorporated herein in this section as if the same were set out herein in full and each facility shall be constructed, operated and maintained in accordance with the requirements and regulations as set forth therein.

#### B. Waste Treatment and Disposal -

- (1) All proposed waste storage facilities shall be designed to provide a minimum storage for a period as provided in Section 3 of this chapter of all animal waste, contaminated runoff, and wastewater generated by the intensive livestock operation, based on the waste production and rainfall values as determined by Purdue University Cooperative Extension Service, or the manure management policy issued by the Indiana Department of Environmental Management.
- (2) All rainwater from roofs and other uncontaminated water shall be diverted away from the waste storage facilities.
- (3) Wastewater generated by the intensive livestock operation (such as excess drinking water, clean up water, milking parlor water, milking house wash water, etc.) shall not be discharged directly into a stream or field tile. Instead such waste water shall be discharged into an animal waste storage pit or treated in an approved alternate manner. Excess drinking water and milkhouse wash water may be treated with an approved septic tank and absorption system as may be approved by the Adams County Health Department. Any approvals required under this subsection shall be given by the Adams County Board of Health and/or the Indiana Department of Environmental Management (or such other state agency which may regulate disposal and treatment of animal waste).

#### C. Earthen Pit Design -

Earthen pits shall be designed to prevent percolation of the waste into the underlying groundwater and to provide levees which are stable and can be satisfactorily maintained. A pit shall be located in impervious soil, unless it is lined with bentonite clay to prevent seepage or some other liner approved by the commission. Earthen pits should meet the following criteria:

- (1) Minimum 3:1 inside and outside slopes

- (2) Seven (7) to ten (10) foot top width
- (3) No emergency overflow pipe or spillway or as designed by S.C.S.
- (4) All rainwater from roofs and other uncontaminated water shall be diverted away from the waste storage facilities.
- (5) A minimum of two (2) feet of freeboard shall be maintained at all times.

D. Separation Distances and Setbacks - The minimum requirements as to separation distances of the pit and/or total confinement area of an intensive livestock operation must be as follows:

For covered pit and total confinement installation:

- (1) One hundred (100) feet from any water well. An earthen lagoon shall not be placed closer than two hundred (200) feet to any water well is or will be used for human consumption or production of milk.
- (2) Six hundred (600) feet from a residence.
- (3) One thousand (1,000) feet from any public building (church, school, etc.)
- (4) One thousand three hundred (1,300) feet from any built up area of five (5) or more homes as the same is herein defined.
- (5) If an open feeding floor and pit combination is proposed, two hundred (200) feet shall be added to the distances as required in subsections 2,3 and 4 immediately set forth herein.
- (6) If open earthen pits or other open pits are used, five hundred (500) feet shall be added to the distances set out in subsections 2,3 and 4 immediately set forth herein.

E. Separation distances and setbacks for new residential, business, public or recreational facilities. All new residential, business or public buildings and recreational facilities shall be subject to the same separation distances from existing intensive livestock operations as are set forth above except that the same shall not apply with regard to a residence occupied by the operator or owner of the intensive livestock operation.

#### 2-16-5 APPLICATION.

A. Necessity for application. Before any new, or expansion of an existing livestock operation is commenced or constructed approval of the Plan Commission shall be obtained. Before any approval of the Plan Commission is given, each proposed intensive livestock operation shall be reviewed on the basis of information furnished on the application form provided by the Commission as required herein and the facts obtained from an on-site inspection or study if required by the Commission. If facts show the proposal to be in compliance, approval shall be granted by the Commission.

- B. Existing intensive livestock operations. For all existing intensive livestock operations not operating under a valid permit, the owner or operator thereof shall make application and obtain a permit before continuing such operation.
- C. Transfer of permit. A permitted intensive livestock operation shall remain personal with the holder of the permit and shall be transferred only in accordance with this subsection. A transfer of a permit without any increase in the number of animals may be granted by the Plan Commission Director without a public hearing if the transfer or if the permit is in good standing and the transferee demonstrates an ability to continue to operate the permit in accordance with this chapter. A transfer of a permit seeking to increase the number of animals shall be granted by the Commission only after a public hearing and notice. A transfer may be granted on review of the Commission of all relevant documents in the transferor's file and a review of the application of the transferee and the Commission may obtain such other relevant information as it deems necessary and such transfer may be granted if compliance of this ordinance and this chapter shall have been demonstrated.
- D. Revocation of Permit. Any intensive livestock operation permit may be revoked at any time after ninety (90) days from the time notice is given by the Commission or the Adams County Health Department to the owner and/or operator of any intensive livestock operation, advising such owner and/or operator that the waste treatment and handling facilities and/or any other facility of the operation have not been constructed or have not been maintained and operated as proposed and approved when submitted to the Commission; and the intensive livestock operation must there upon forthwith cease. Revocation may be withdrawn only after construction and operation is deemed to be in compliance with this ordinance.
- E. Right to hearing. The owner and/or operator of an intensive livestock operation that receives notice of proposed revocation may request a hearing within ten (10) days from the receipt of notice of revocation and upon request of hearing a hearing shall be held on the proposed revocation and the permittee shall be entitled to a hearing before the commission with the right to be represented by counsel and to be heard.

#### 2-16-6 VARIANCE.

- A. An exception to this chapter may be sought by a party requesting to locate a residence or other facility closer to an existing intensive livestock operation than permitted by the above setbacks and requirements. If or when such variance is granted by the Board of Zoning Appeals, the party obtaining the variance shall be required to attach to the deed or other appropriate document to be placed of record a covenant protecting the livestock enterprise being encroached upon. Said covenant shall read as follows or shall contain words of similar meaning as follows:

"In accepting this deed, grantees do hereby acknowledge that the surrounding land is agricultural in usage; and grantees, and their successors in interest, are precluded from complaining and/or attempting to enjoin the farm operation because of nuisances which might result from said operation."

- B. If an intensified livestock applicant finds he cannot reasonably meet the established requirements, he may request a variance or special exception from the Board of Zoning Appeals. After hearing, the Board of Zoning Appeals shall determine if the request is in

harmony or conflict with the purpose and intent of this ordinance and/or is detrimental to the owners of surrounding, adjacent property. In the granting of any special exception or variance, the Board may impose such conditions as deemed necessary in furtherance of the purposes and intent of this ordinance.

#### 2-16-7 SUBMISSION REQUIREMENTS FOR PERMIT.

A. Site plan and other submissions. The applicant for an intensive livestock operation shall submit the following to the commission.

- (1) An application in a form prescribed by the commission in duplicate.
- (2) A site plan drawn to scale which will be contained on at least an 8½ X 11 or larger paper.
  - (a) It is suggested that the services of an engineer or other professional be utilized in presenting a scale drawing to the commission which contains the required information by this chapter in sufficient detail and with sufficient professionalism as to enable the commission to clearly see and to be informed of the proposed facilities and its compliance with the requirements of this chapter.
  - (b) While a professional drawing is suggested it is not a requirement.

B. Site plan required hereunder shall contain the following:

- (1) The location of any proposed building and all existing buildings on the tract (as of land involved).
- (2) All existing residences within 1 mile of any proposed building or the site of an intensive livestock operation.
- (3) Boundaries of the farm and area involved and the location of all land application areas.
- (4) The location of all streams, highways, lakes, recreational facilities, public buildings, towns and cities within one mile of the proposed intensive livestock operation site.
- (5) Specifications relative to waste treatment disposal showing the method, equipment and detention time of any holding pit, the number of animal units expected, and the pit design. Design specifications shall be prepared by the United States Soil Conservation Service or by an Indiana registered professional engineer.
- (10) The Adams County Soil & Water Conservation District shall certify that the size of the proposed facility will accommodate the number of animals desired by the applicant to be housed therein as determined by the most current standard as developed by Purdue University applicable to the facility being constructed. In general, the building shall not be significantly over-sized for the number of animals

that the applicant desires to be permitted.

- C. A map showing the general topography of the area with contour lines and elevations showing that surface drainage will drain away from the site of the operation or any building site. Topography maps and elevations will be satisfactory if prepared by the United States Soil Conservation Service, or by an Indiana registered surveyor or professional engineer. Official topography maps may be used if site elevations can be accurately determined. An intensive livestock application will be submitted to the commission on a form signed by the owner(s) of record. At the time of submission of the application, the applicant shall pay to the commission the filing fee established by rule of the commission.
- D. All required permits, if any, as may be required by the Indiana Department of Environmental Management or other state or federal agencies whose approval is required as a pre-requisite to the granting of the permit herein.
- E. Hearing. Within thirty (30) days after the date of receipt of the plan application and the applicable filing fee, the zoning administrator shall announce the date and time of the public hearing to be held before the commission. The zoning administrator shall determine the date and time of the public hearing to be held before the commission and shall give notice of the hearing to those persons and in the manner as provided by the commission for hearings for special exception and variances held before the board of zoning appeals. Provided however, that in the event that the applicant is required to obtain state approval for his facility, the Commission will not hold a public hearing until after the state approval is first obtained by the applicant.
- F. Determination by commission. Commission, after hearing held, shall either approve or deny the application. On motion of an interested party, the commission shall provide written findings and reasons for its determination. In the case of a denial of an application, the commission shall provide written reasons for its denial.
  - (1) There shall be no requirement of a primary and secondary approval of an application. A ruling on an application may be made conditional upon satisfactory performance of additional requirements or upon approval by any other state agency whose approval is required or for such further reasons as the commission deems necessary to insure compliance with this chapter.
  - (2) In lieu of a conditional ruling by the commission, the commission may defer its ruling until compliance with all requirements have been met and may or may not require a second hearing to insure compliance with this chapter.
  - (3) In the event there are substantial deficiencies in the application and there are substantive requirements to be met, the commission may, but is not required to hold a second hearing to determine compliance.
- G. Transfer of permit. A transfer of permit made necessary by change of ownership or operator shall be made by the commission without notice and hearing provided that the transfer does not involve the substantial change in the operation of the intensive livestock



operation. In the event the commission determines that there will be a substantial change or increase in the operation (substantial change meaning an increase of 20% more animals) then the commission shall require a formal application to be acted upon with hearing and notice as provided for an initial application.

- H. Expansion. An intensive livestock operation may not be expanded or changed in any substantial manner without the prior approval of the commission. A substantial expansion or change shall be defined as any increase or change which will result in the care and keeping of 20% more animals than originally authorized. A minor expansion shall not require hearing and notice but a major or substantial expansion will require public hearing with notice the same as applicable to an original application.

#### 2-16-8 MISCELLANEOUS.

- A. Preparation and presentment of application. Each applicant shall prepare the required application and all supporting documentation in a clear, succinct and professional manner so as to aid the commission in making its determination.
- (1) Each applicant is expected to carry the burden of proof in both the preparation and presentment of the application before the commission. The Plan Commission Director will not be responsible for the preparation or presentment of any application as that is the responsibility solely assumed by the applicant. However, the Plan Commission Director may assist any applicant in a preliminary conference but will not be responsible for providing drawings or documentation.
  - (2) It is recommended, although not required, that applicants seek the assistance of counsel or other professionals who may assist them in the preparation and presentment of their application.
- B. Issuance of permit or decision by the commission.
- (1) Issuance of permit. In the event the commission acts favorably upon an application, a permit for the intensive livestock operation shall be issued to the applicant which shall be done within ten (10) days after rendition of the final decision by the commission. The satisfaction of contingent items required for approval shall extend the time for the issuance of the permit, which permit shall be issued ten (10) days after final completion of all contingent and required items necessary for approval.
  - (2) In the event of denial by the commission the commission shall issue its ruling thereon with reasons issued in writing as to the refusal within ten (10) days from the final decision by the commission.
- C. Recording of hearings. All hearings held before the commission under this chapter shall be tape recorded by the commission. A transcription of the tape recorded testimony shall be at the expense of the applicant if a transcript is desired. In the event that an appeal is taken from a decision of the commission the cost of the transcript shall be borne by the applicant or person initiating the appeal.

- D. Appeal. Any person aggrieved by a decision of this commission shall be entitled to an appeal as provided by law for appeals for decisions of the Plan Commission generally and all rules applicable thereto shall govern any appeals taken under this chapter.
- E. Access to property/inspections. The Executive Director may inspect any building, structure, or property at any reasonable time for the purpose of administering and enforcing the provisions of this Section. Inspection of the building(s), structure(s), or property shall be for the purpose of verifying number of livestock; setback distances; location of building(s), structure(s), and waste storage facilities; and location of waste application lands.
- F. Expiration of inactive permit. In the event a new or existing permit is not utilized for a continuous period of two (2) years, then the intensive livestock permit shall expire. In the case of a new permit if construction of facilities is not substantially complete and intensive operations begun within said two (2) year period, the permit shall expire unless an extension of up to one (1) additional year is requested and granted by the Plan Commission Director.

ADAMS COUNTY ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE 1 - BASIC PROVISIONS

	Page
Chapter 1 - Title -----	3
2 - General Provisions -----	3
3 - Rules of Construction -----	4
4 - Definitions -----	4
5 - Master Plan -----	14

ARTICLE 2 - ZONING REGULATIONS

Chapter 1 - Purpose of Zoning Regulations -----	15
2 - Zones -----	15
3 - Non-conforming Building & Uses -----	16
4 - Supplemental Regulations -----	18
5 - Parking Regulations -----	28
6 - Flood Zone Regulations -----	31
7 - Agricultural Zone Regulations -----	32
8 - Residential Zone Regulations -----	34
9 - Commercial Zone Regulations -----	37
10 - Industrial Zone Regulations -----	40
11 - Height and Area Regulations -----	42
12 - Planned Unit Developments -----	50
13 - Development Plan Regulations - All Zones -----	51
14 - Development - Mobile Home Parks -----	62
15 - Development - Planned Unit Development -----	65
16 - Intensive Livestock Regulations -----	67
17 - Sign Regulations -----	77

ARTICLE 3 - FLOOD HAZARD AREAS

Chapter 1 - Statement of Purpose -----	82
2 - Definitions -----	82
3 - Duties of Administration -----	86
4 - Regulatory Flood Elevation -----	87
5 - Improvement Location Permits -----	87
6 - Preventing Increased Damages -----	89
7 - Protecting Buildings -----	91
8 - Other Development Requirements -----	94
9 - Variances -----	94
10 - Disclaimer of Liability -----	95
11 - Violations -----	95
12 - Abrogation and Greater Restrictions -----	96
13 - Separability -----	96



ARTICLE 4

SUBDIVISION CONTROL

Chapter	1 - Title .....	98
	2 - General Provisions .....	98
	3 - Rules of Construction .....	100
	4 - Definitions .....	101
	5 - Primary Plat .....	106
	6 - Secondary Plat .....	110
	7 - Minimum Design Standards .....	115
	8 - Improvement Regulations .....	120
	9 - Administration .....	127
	10 - Permits and Certificates .....	128
	11 - Post-Approval Procedures .....	131
	12 - Fees .....	132
	Plates I, II, III, IV, V, VI, VII, & VIII	
	Arterial Thoroughfare Map No. 3	

ARTICLE 5

RESERVED FOR FUTURE LEGISLATION

ARTICLE 6

RESERVED FOR FUTURE LEGISLATION

ARTICLE 7

ADMINISTRATION AND ENFORCEMENT

Chapter	1 - Administration .....	174
	2 - Plan Commission .....	174
	3 - Zoning Administrator .....	175
	4 - Board of Zoning Appeals .....	175
	5 - Permits, Certificates and Procedures .....	176
	6 - Fees .....	179
	7 - Enforcement and Penalties .....	179

ARTICLE 8

ADOPTION

Chapter	1 - Effective Date .....	181
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ORDINANCE

No. 2005- 01

SHORT TITLE: AN ORDINANCE ESTABLISHING COMPREHENSIVE LAND USE REGULATIONS FOR ADAMS COUNTY, INDIANA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF I.C. 36-7-4 AND ALL ACTS SUPPLEMENTAL AND AMENDATORY THERETO AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, I.C. 36-7-4 empowers the legislative body of the County to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS, the Board of Commissioners of Adams County, State of Indiana, as the legislative body of the County deems it necessary for the purpose of promoting the public health, safety, comfort, convenience and general welfare of Adams County to enact such an Ordinance, and

WHEREAS, pursuant to the provisions of I.C. 36-7-4 and all acts supplemental and amendatory thereto, the legislative body of Adams County, Indiana, has heretofore created an Advisory Plan Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced, and

WHEREAS, the Adams County Plan Commission has divided the County into Zoning Districts and has prepared regulations pertaining to such districts in accordance with the comprehensive plan heretofore adopted so that adequate light, air, convenience of access, safety from fire, flood and other danger may be secured and that congestion in the public streets may be lessened or avoided, that property values may be preserved and that the general public health, safety, comfort, morals, convenience and general welfare may be promoted, and

WHEREAS, the Adams County Plan Commission has given reasonable consideration to existing conditions, the character of existing structures and uses, the most desirable use for which the land in each district is adapted and the conservation of property values throughout the County, and

WHEREAS, the Adams County Plan Commission has held public hearings concerning re-enactment

and revision of the Adams County Zoning Ordinance and has submitted its recommendation to the Board of Commissioners of the County of Adams, and

WHEREAS, all requirements of I.C. 36-7-4 and all acts supplemental and amendatory thereto with regard to the preparation of a Zoning Ordinance and Zone Map have been met.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS, STATE OF INDIANA, AS FOLLOWS:



ARTICLE I

BASIC PROVISIONS

CHAPTER 1 - TITLE

- 1-1-1 This ordinance shall be known, cited and referred to as "The Adams County, Indiana Land Use Ordinance of 2005".

CHAPTER 2 - GENERAL PROVISIONS

- 1-2-1 Authority - This ordinance is adopted pursuant to Indiana Code 36-7-4 and all acts supplemental and amendatory to it.
- 1-2-2 Compliance - No building, dwelling, structure or land shall hereafter be used and no building, dwelling structure or part thereof shall be erected or moved unless in conformity with the regulations of this ordinance.
- 1-2-3 Severability - If any chapter, section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other chapter, section, clause, provision or portion of this ordinance.
- 1-2-4 Jurisdictional Area - The jurisdictional area of this ordinance shall include lands and waters of the unincorporated area of Adams County, Indiana, and including the unincorporated areas of Ceylon, Linn Grove, Magley, Monmouth, Peterson, Pleasant Mills, Preble, Rivare (Bobo), Salem and Williams, all in the County of Adams in the State of Indiana. All buildings erected, all uses of land or buildings established, all structural alterations or relocation of buildings and all enlargements of or additions to uses occurring after adoption of this ordinance shall be subject to all provisions of this ordinance which are applicable to the zoning districts in which those buildings, uses, land or waters shall be located.
- 1-2-5 Application - This ordinance is not intended to interfere with, abrogate or amend any easements, covenants or other agreements existing prior to its adoption. This ordinance is not intended to repeal, abrogate, annul or in any way interfere with any provisions of laws or ordinances existing prior to adoption; or any rules, regulations or permits adopted or issued pursuant to law before that date relating to the use of buildings or premises.
- 1-2-6 Restrictions Standards Section
- A. Whenever the provisions of this ordinance are more restrictive, or impose higher standards than are required by any statute of the State of Indiana, or any provision of any other Article of this Code, or of any other ordinance of Adams County, Indiana, or by any restrictions or limitations as to particular property established by deed, plat or otherwise running with the land, the provisions of this ordinance shall govern.
- B. Whenever the provisions of any statute of the State of Indiana, or of any other ordinance of Adams County, Indiana, or any restriction or limitation established by deed, covenant, plat or otherwise

running with the land, is more restrictive, or impose higher standards than are required by this ordinance, the provisions of such statute, ordinance, chapter, deed, covenant, plat, restriction or limitation shall govern.

### CHAPTER 3 - RULES OF CONSTRUCTION

- 1-3-1 Citation - Citations to this ordinance shall be by Article, Chapter, Section and Subsection.
- 1-3-2 For the purposes of this ordinance, certain words and phrases used herein shall be interpreted as follows:
- A. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other entity.
  - B. The masculine includes the feminine.
  - C. The present tense includes the past and future tense, the singular number includes the plural.
  - D. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.
  - E. The words "used" and "occupied" include the words "intended, arranged or designed to be used or occupied".

### CHAPTER 4 - DEFINITIONS

- 1-4-1 Whenever any words and phrases used within this ordinance are not defined, but are defined in the State laws regulating the creation and function of various planing agencies, any such definition therein shall be deemed to apply to such words and phrases used within this ordinance, except when the context requires otherwise or is specifically otherwise prescribed.
- A. Accessory Building or Use - A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises. In no event shall a lot which is not contiguous to the principal use be considered an accessory use.
  - B. Agricultural Labor Camp (Migrant Worker Camp) - Includes one or more dwellings, mobile homes, tents or vehicles, together with the land appertaining thereto, established, operated, or used as living quarters for five or more adult, seasonal or temporary workers engaged in agricultural activities, including related food processing.
  - C. Agricultural Uses - The use of a tract of land, for normal agricultural activities including farming and dairy farming, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, storing or selling the produce, provided that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

- D. Amortization - The process of discontinuing non-conforming land uses.
- E. Board - The Board of Zoning Appeals of Adams County, Indiana
- F. Building - A structure having a roof supported by columns or walls designed, built or used for the enclosure, shelter or protection of persons, animals, chattels or property. At no time shall this definition be construed to include mobile homes.
  - (1). Building - detached - A free standing building having no structural connection with another building.
  - (2). Building - height of - Where the front of the building is contiguous to the street right-of-way line, the vertical distance measured from the adjoining street centerline.
  - (3). Building - main - The building which constitutes the principal use of a lot.
  - (4). Building - non-conforming - a building, lawfully existing at the time this ordinance becomes effective with the regulations set forth in this ordinance applicable to the district in which such building is located.
  - (5). Building - semi-detached - A main building having one wall in common with the adjacent main building.
- G. Building Setback Line - The line, established by this ordinance, which a building shall not extend beyond unless such line is varied according to procedures in the ordinance. This may be applicable to the front, side and/or rear yard.
- H. Cemetery - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- I. Certification of Occupancy - A certificate issued by the Zoning Administration stating that the occupancy and use of land or building referred to therein complies with this ordinance.
- J. Church - A building wherein persons regularly assemble for religious worship which is used only for such purpose and those customarily associated accessory uses.
- K. Clinic or Medical Health Center - An establishment where two or more licensed physicians or dentists engage in active practice. Human patients are examined and studied but not hospitalized overnight.
- L. Commission - The Adams County Plan Commission.
- M. Commissioners - The Board of County Commissioners of Adams County, Indiana.
- N. Condominium - Real estate which may be defined as a "condominium" under IC-32-1-6-1, the Indiana Horizontal Property Law, as the same may be amended from time to time.

- O. County - The County of Adams, State of Indiana.
- P. Court - An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings.
- Q. Covenant (deed restriction) - A private legal restriction on the use of land contained in the deed to the property, normally applied to all lots in any subdivision.
- R. Development Plan - A plot plan, and supporting information, delineating the location and characteristics of structures, vehicular and pedestrian areas, utilities, storm water drainage, signage, landscaping, and other accessory facilities to be constructed, modified or reconstructed on a parcel or parcels of real estate.
- S. District or Zone - See "Zone", No. 70.
- T. Dwelling - A structure or building or portion thereof, used exclusively for residential occupancy; including single family, two family and multiple family dwellings, but not including hotels, motels, lodging or boarding houses or tourist homes.
- (1). Dwelling multiple family - a dwelling or portion thereof used for occupancy by three or more families living independently of each other.
- (2). Dwelling multiple group - A group of two or more multiple dwellings occupying a parcel of land in common ownership and having any yard, court, compound or service in common.
- (3). Dwelling single family - A dwelling used for occupancy by one family.
- (4). Dwelling two family - A dwelling, or portion thereof, used for the occupancy by two families living independently of each other.
- U. Dwelling Unit - A dwelling or a portion of a two family or multiple family or of an apartment used by one family for cooking, living and sleeping purposes.
- V. Easement - An authorization or grant by a property owner to specific person or to the public to use land for specific purposes.
- W. Education Institution - Pre-primary, primary or grade, public, parochial or private school, high school preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high school for preparation of admission to college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization, or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this chapter.
- X. Essential Services - Service lines, distribution systems and all appurtenances constructed or maintained for or by a utility company for the aforementioned uses, either private or governmental.

- Y. Family - An individual, or a group of two (2) or more persons related by blood, marriage or adoption, together with not more than three (3) additional persons not related by blood, marriage or adoption, living together as a non-profit single housekeeping unit. However, domestic servants employed on the premises may be housed on the premises without being counted as a member of the family.
- Z. Flood Plain - The areas adjoining any river or stream which have been, or may be expected hereafter to be, covered by flood water as established from data supplied by the Division of Water of the Indiana Department of Natural Resources.
- AA. Floodway - The channel of a river or stream and those portions of the flood plain adjoining the channels, which are required to efficiently carry the discharge of flood water or flood flow of any river or stream.
- BB. Floor Area Gross - The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior walls. It includes the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use.
- CC. Floor Area Net - The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms etc., in a non-residential building.
- DD. Garage Private - A privately owned detached accessory building or a portion of a main building used as an off-street parking area.
- EE. Garage Public - Any building, other than a private garage, used as a public parking area or which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of motor vehicles.
- FF. Hazardous Wastes - Any solid or liquid waste with inherent dangers, including but not limited to, toxic chemicals, explosives, pathological wastes, radioactive materials, flammable materials likely to cause fires, liquids, semi-liquids, sludges containing less than thirty percent solids, pesticides, pesticide containers, raw animal manure, septic tank pumpings and raw or digested sewer sludge.
- GG. Home Occupation - Any gainful occupation or profession conducted entirely within a dwelling and carried on only by an occupant or an occupant's family residing in that dwelling, which use is clearly incidental and secondary to the use as a dwelling.
- HH. Home Workshop/Business - A gainful occupation or profession conducted entirely within a dwelling, or in an accessory building located on the same lot, parcel or tract of land as the dwelling, and carried on by an occupant or an occupant's family residing in that dwelling and by no more than two (2) employees, associates or partners who are not members of the family, which use is clearly incidental and secondary to the use as a dwelling.
- II. Hospital - "Sanitarium", "sanitorium", "preventorium", provided such institution is operated by or treatment given under direct supervision of a physician licensed to practice by the State of Indiana and where human patients may remain overnight.

- (1). Hospital - animal - A lot, building, structure, enclosure or premises whereon or wherein three or more dogs, cats and other domestic animals are kept or maintained and which is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Indiana.
- JJ. Hotel and Motel - A building, group of buildings or portion thereof in which more than five (5) guest rooms are provided as temporary accommodations for compensation to transient guests.
- KK. Improvement Location Permit - A permit issued by the Zoning Administration of Adams County, Indiana, stating that the proposed erecting, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of this ordinance.
- LL. Incorporation - means the mixing of liquid or solid manure, with the surface soil using standard agricultural practices, such as tillage.
- MM. Injection - means the placement of liquid manure beneath the surface of the soil in the crop root zone using equipment specifically designed for this purpose.
- NN. Junk - Old scrap copper, brass, rags, batteries, paper, rubber debris, iron, steel and other old or scrap ferrous or non ferrous materials or junked, dismantled, abandoned or wrecked motor vehicles or parts of them.
- OO. Junkyard - An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile salvage yard, and the term shall include garbage dumps and sanitary landfills, but shall not include a scrap metal processing facility.
- PP. Jurisdiction - That portion of Adams County, Indiana lying outside of the limits of incorporated towns and cities with the exceptions as provided in I.C. 36-7-4 and all acts amendatory thereto, as is now or may hereafter be in effect.
- QQ. Kennel - A lot, building, structure, enclosure or premises whereon or wherein dogs or cats are maintained, boarded, bred, kept or cared for in return for remuneration, or are kept for the purpose of sale or are groomed, trained or handled for others.
- RR. Lot - A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat in the office of the Adams County Recorder and fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed street right-of-way shall be included.
- (1). Lot corner - A lot abutting two or more streets at their intersection.
- (2). Lot depth of - The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (3). Lot front - That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be determined at the time of application for the improvement location permit by either

the owner, builder, developer or their agent and the zoning administrators.

- (4). Lot interior - A lot with only one frontage on a street.

SS. Lot Lines - Lines bounding a lot as follows:

- (1). Lot line front - The line running along the front of the lot and separating it from the street. In these ordinances, the front lot line is called the "front street line". In a "through lot" both lines abutting the streets are deemed "front street lines".
- (2). Lot lines rear - The lot line generally opposite and parallel to the front street line except in a "through lot". If a rear lot line is less than ten feet long or the lot comes to a point at the rear. Said rear lot line is assumed to be a line at least ten feet long, lying wholly within the lot, parallel to the front street line or if the front street line is curved, parallel to the cord of the arc of said front street line.
- (3). Lot line side - Any lot line other than a front street line or a rear lot line. A side lot line separating the lot from a street is a "side street line".

TT. Manufactured Home - A dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction & Safety Standards Law (1974 U.S.C. 5401 et.seq.) or the Indiana One and Two-Family Dwelling Code (675 IAC 14-1) or the Indiana Uniform Building Code (675 IAC 13-2 and 675 IAC 13-3) in the case of multiple family dwelling units, which was constructed after January 1, 1981, which exceeds nine hundred fifty (950) square feet of occupied floor space and which is placed on a permanent foundation.

UU. Manure Application - means the placement of liquid or solid manure by:

1. Spraying or spreading onto the land surface;
2. Injection below the land surface; or
3. Incorporation into the soil.

VV. Master Plan - The complete plan, or any of its parts, serving as a guide for the development of Adams County, Indiana, prepared by or for the commission and adopted by the commissioners in accordance with the authority conferred by IC 36-7-4 and all Acts amendatory thereto, as is now or may hereafter be in effect.

WW. Mobile Home - A single family dwelling or vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation. A recreational vehicle shall not be construed to mean a mobile home in this ordinance.

XX. Mobile Home Park - An area of land used for the parking of two or more mobile homes which are being used for dwelling purposes.

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

ZZ Motel - (See Hotel and Motels at 2-9-15 herein)

AAA. Motor Vehicle - Shall include automobiles, trucks, recreational vehicles, tractors, trailers, semi-trailers, airplanes, buses, farm implements, motorcycles and motorscooters, whether self-propelled or designed to be pushed, pulled or carried by another motor vehicle.

BBB. Nonconforming Structures - A legally existing building which fails to comply with the regulations set forth in this ordinance applicable to the district in which such building is located.

CCC. Parking Area Off Street - An area other than on a street or alley, designed for use for the temporary storage of a motor vehicle.

DDD. Parking Area Public - An area, other than a street or alley used for the temporary storage of four (4) or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

EEE. Planned Unit Development - A development in which the developer wishes flexibility of district regulations governing lot size, yards, setbacks, and building location or size. A planned unit development may be a subdivision which is being developed as a unit under single ownership or control whose intent is to sell individual lots or estates, whether fronting on private or dedicated streets.

FFF. Recreational Vehicle - A temporary dwelling for travel, recreation and vacation use including, but not limited to travel trailer, pickup coach, motor home, camping trailers and tent.

GGG. Recreational Vehicle Park - An area of land used for the parking of two or more recreational vehicles which are being used for temporary dwelling purposes.

HHH. Refuse Pickup or Transfer Station - Those areas where facilities are located for the temporary storage of refuse. These areas may serve as convenient collection points for refuse if contained in approved containers and removed to a final disposal site on a regular basis.

III. Root Parcel of Land. A Root parcel of land means any parcel of land shown as a unit, or as contiguous units on the last preceding transfer of property prior to December 1, 1996. A publicly dedicated roadway separating parcels of land shall cause said parcels to be considered to be not contiguous.

JJJ. Sanitary Landfill - A method of disposing of refuse or land without creating nuisances and hazards to public health, safety and welfare by utilizing principles of engineering and other practices to confine the refuse to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation (or at more frequent intervals as necessary) and is operated in compliance with all Federal and State environmental regulations and this ordinance.

KKK. Screening - A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.



**LLL.Sign** - Any board, device, structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

- (1) **Sign Construction** - any sign announcing the names or architects, engineers, contractors or other individuals or firms involved with the construction, alteration or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (2) **Sign Entrance** - A sign is used to identify a planned district or platted subdivision with the intention of providing knowledge about the complete project and not a single entity or unit.
- (3) **Sign Free-Standing** - A sign which is completely or principally self-supported by posts or other supports independent of any building.
- (4) **Sign Marquee** - A sign displayed, erected or supported upon an overhanging marquee, canopy, awning or other similar cover or shelter.
- (5) **Sign Off Premise** - Any sign advertising a business, use, activity, product or merchandise not sold, handled or occurring in the property on which the sign is located.
- (6) **Sign On Premise** - Any sign advertising a business, use, activity, product or merchandise that is sold, handled or occurring in the property on which the sign is located.
- (7) **Sign Political** - Any temporary sign pertaining to an election or a referendum or carrying the picture or name of a person seeking election or appointment to a public office.
- (8) **Sign Temporary** - A sign which is not permanently installed, such as an advertising display constructed of cloth, canvas, light fabric, cardboard or other light material.
- (9) **Name Plate** - A sign for residential housing units identifying the occupancy and address of the premise and may include only house numbers.

**MMM.Split** - A split is a deed of conveyance which is first offered for recordation which is less than all of the real estate contained in the last deed of record. A split will necessarily be a subdivision of a root parcel but only if it is first offered for recordation and will create a new tax parcel.

**NNN.Street (Road)** - A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law for the purposes of vehicular traffic.

- (1) **Arterial Thoroughfares** - This type of facility serves mainly to move through traffic, Indiana and U.S. marked routes as well as some county roads and important intra-city streets are considered under this classification. Where a highway is a non-limited access route, these facilities also perform a secondary function of providing direct access to abutting land and this interconnect principal traffic generators.
- (2) **Primary (Major) Routes** - These facilities serve to connect cities with each other as well as

to link smaller towns or settlements with the arterial thoroughfares system. Primary routes provide access to abutting land and generally serve all principal traffic generators.

- (3) Secondary (Connector) Roads - These facilities serve intracity movements of traffic, such as that moving between a subdivision and major street. The principal difference between the connector road and streets or roads or higher classification is the length of trip each principally serves. They are intended to supply the abutting property with the same degree of land service as the local street, while at the same time serving larger volumes of traffic.
- (4) Local (Residential) Streets - The sole function of these streets is to provide access to the immediately adjacent property. Local access streets are intended to carry low volumes of traffic.

OOO. Structure - Anything constructed, erected or placed which requires location on or in the ground, or attached to something having a location on or in the ground. Devices used for the support of wires or appurtenances supplying public utility services shall not be considered as structures under this ordinance. A home satellite dish for television reception shall be considered a structure. Oil wells, derricks and related equipment including storage tanks shall be considered as structures. A transmission line and its towers and associated structures shall be permitted by the obtaining of one (1) permit for the entire construction project in the county. If not enforceable due to conflicts with eminent domain, a map showing the location of lines and towers and other needed information shall be requested.

PPP. Subdivision - Subdivision, means the division of a root parcel of land. All subdivisions shall be classified as; a) exempt subdivisions, b) minor subdivisions or c) major subdivisions. There shall be no further division of a subdivision (includes a split off from a root parcel) unless the further division is exempt under sub parts (b), (c), (d), (e), and (f) hereof.

(1) Exempt subdivision means:

- (a) The division of a root parcel into not more than three parcels. This will allow two splits of a root parcel.
- (b) A court ordered partition of land.
- (c) The division of land by testamentary or intestate succession. (This exemption does not include the division of land by estate personal representatives or by requested court orders where the court order is not merely fulfilling the terms of a testamentary or intestate transfer.
- (d) The sale or exchange of parcels or parts thereof, between adjoining lot owners where the sale or exchange can not create additional building sites (an example might be adjoining landowners exchanging land in order to correct or straighten property lines.
- (e) The division of land for purely agricultural purposes, not involving any new public ways or easements, and not reasonably expected to result in new building sites

whether presently or in the future and includes 20 acres of land per parcel.

- (f) The sale or exchange of a parcel of land by contract, if the contract was executed prior to December 1, 1996.

**NOTE: Any subdivision of land, whether or not the same is exempt, shall require an accurate plat of survey with improvements and the same shall be placed of record upon recording said sold-off deed pursuant to the terms of 4-2-11 as contained herein.**

(2) Subdivision Minor:

- (a) A minor subdivision is the division of a root parcel into five or fewer parcels.

(3) Subdivision Major:

- (a) A major subdivision is the division of a root parcel into more than five parcels.

QQQ. Surface Application - means the placement of manure by spraying or spreading onto the land surface.

RRR. Tourist Home - A building in which one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests, also known as "bed and breakfast inns".

SSS. Trade or Business School - Secretarial school or college, business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as commercial enterprise for teaching instrumental music, dancing, barbering, martial arts or hair dressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institution as defined in this chapter.

TTT. Use - The employment or occupancy of a building, structure or land for a person's service, benefit or enjoyment.

- (1) Use Contingent - A use that is essential or desirable to the public convenience or welfare but is not necessarily a permitted use.
- (2) Use Non-Conforming - A use that is lawful prior to the adoption of this ordinance or by amendments that may later be adopted, but would be prohibited, regulated or restricted under the terms of this ordinance or future amendments.
- (3) Use Permitted - A use that is allowed, as of right, within a certain zone.
- (4) Use Special - A use that is desired in a certain zone and is not a permitted use that will not be detrimental to the surrounding area.

UUU. Variance - A modification of the strict terms of the relevant regulations of this ordinance where such

modification will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

VVV. Yard - A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.

- (1) Yard front - A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.
- (2) Yard rear - A yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which should be the least distance between the rear lot line and the rear of such main building.
- (3) Yard side - A yard between the main building and the side lot line extending from the front yard or front lot line, where no front yard is required, to the rear yard. The depth of the required side yard is measured horizontally at ninety (90) degree angles with the side lot line from the nearest point of the side lot line to the nearest part of the main building.

WWW. Zone - A section of the jurisdictional area of Adams County, Indiana for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open space about buildings as established by this ordinance.

XXX. Zoning Administrator - The officer designated and authorized by the Commission to enforce the zoning requirements.

#### CHAPTER 5 - MASTER PLAN

- 1-5-1 Purpose of Master Plan - The Comprehensive Master Plan of Adams County, Indiana recognizes the county land and resources as precious assets which should be used wisely. The aims of the Master Plan are:
- A. To secure adequate light, air, convenience of access and safety from fire, flood and other danger.
  - B. To lessen or avoid congestion in the public streets.
  - C. To promote public health, safety, comfort, convenience and general public welfare.
- 1-5-2 The Master Plan shall be kept on file in the office of the Commission of the County and shall be available for public inspection during regular business hours.
- 1-5-3 The Master Plan addresses commercial, industrial, transportation, water and sewer needs and plans for the implementation of such improvements.

## ARTICLE 2

### ZONING REGULATIONS

#### CHAPTER 1 - PURPOSES OF ZONING REGULATIONS

- 2-1-1 The zoning regulations and districts as herein set forth are made in accordance with a Comprehensive Master Plan in order 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 welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the unincorporated areas of the County.

#### CHAPTER 2 - ZONES

- 2-2-1 Zone Group Classifications: Whenever the terms "F Zone, A Zone, R Zone, C Zone or I Zone" are used, they shall be deemed to refer to all zones containing the same letters in their names and where the letters shall mean the following:

F- Flood Plain  
A - Agricultural  
R - Residential  
C - Commercial  
I - Industrial

For example, the Commercial Zone (C Zone) shall include the C-1, C-2, and C-3 Zones.

- 2-2-2 For the purposes of this ordinance, the unincorporated area of the County is hereby divided into ten (10) districts or zones designed as follows:

F	Flood Plain Zone
A	Agricultural Zone
R-1	Single-Family Zone
R-2	Multiple-Family Zone
R-3	Mobile Home Park Zone
C-1	Neighborhood Commercial Zone
C-2	Rural Commercial Zone
C-3	General Commercial Zone
I-1	Light Industrial/Heavy Commercial Zone
I-2	Heavy Industrial Zone

The above zones and the boundaries of such zones are hereby established as shown on the maps entitled, "Adams County Zoning Map No. 1, No. 2 and Arterial Thoroughfare Map No.3" dated 12-96, which accompany this ordinance. Said maps and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such maps shall remain on file at the Office of the Commission.

2-2-3 Boundaries: Unless otherwise indicated, the zone boundary lines are land lines, the centerlines of streets, parkways, alleys or railroad rights-of-way, or such lines extended. Other lines within blocks are rear or side lot lines or such lines extended.

Where the physical layout existing on the ground varies from the layout as shown on the zoning map due to the scale, lack of detail or eligibility of the zoning map, the Zoning Administrator shall interpret said map according to the reasonable intent of this ordinance.

### CHAPTER 3 - NON- CONFORMING BUILDINGS AND USES

Within the districts or zones established by this ordinance or by amendments that may later be adopted, there exist: (1) non-conforming structures; (2) non-conforming uses of land; and (3) non-conforming uses of structures or of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments hereto. It is the intent of this chapter to permit these non-conforming uses to continue until they are removed but not to encourage their survival. It is further the intent of this chapter that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same zone. Note: Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.

#### 2-3-1 Continuation of Non-Conforming Structures

- A. Where a lawful structure exists, at the effective date of adoption or amendment of this ordinance, that could not now be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.
- B. A non-conforming structure may be repaired or altered, provided no structural change shall be made.
- C. A structure, non-conforming as to height, yard or lot area requirements, shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement, is made to conform to the height, yard or lot area requirements of the zone in which it is located.
- D. No non-conforming structure shall be moved in whole or in part to any other location on the lot unless every portion of each structure is made to conform to all the regulations of the zone in which it is located.

#### 2-3-2 Continuation of Non-Conforming Uses of Land

Where, at the time of adoption or amendment of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A. No such non-conforming uses 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 such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
- C. No additional structure, which does not conform to the requirements of this ordinance, shall be erected in connection with such non-conforming uses of land.

#### 2-3-3 Continuation of Non-Conforming Uses of Structures or of Structures and Land in Combination

If a lawful use of a structure or use of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not now be allowed in the zone in which it is located under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A non-conforming use of a structure, designed for a conforming use, shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
- B. Any structure or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone, and the non-conforming use may not thereafter be resumed.
- C. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### 2-3-4 Conforming Mobile Home Park

Any mobile home park which exists upon the effective date of adoption or amendment of this ordinance and which is located in a zone which permits a mobile home park, either as a permitted use or as a Special Exemption, shall be regarded as a conforming use and may be continued except that any change in layout, expansion or extension shall be subject to all provisions of this ordinance.

#### 2-3-5 Non-Conforming Variance

- A. The Board may authorize, upon appeals in specific cases, such variance from the terms of this Article as will not be contrary to the public interest, and where owing to special conditions, a literal enforcement of the provisions of this Article will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing.
- B. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, and upon which actual building construction has carried on diligently. Where demolition or removal of an existing building has been substantially begun and/or

preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and which is into the stage where changes or additions are made permanent.

#### 2-3-6 Amortization of Non-Conforming Uses of Buildings

- A. Whenever a non-conforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and the use thereafter shall conform to the provisions of this Article, except when the non-conforming use is dependent on seasonal trade, the discontinued period shall be extended to fourteen (14) months.
- B. No building damaged by fire or other causes, to the extent that its restoration will cost more than double its assessed valuation, shall be repaired or rebuilt except to conform to the provisions of this Article.

#### 2-3-7 Non-Conformance Due to Reclassifications

The provisions of this Chapter (3) shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to reclassification of zones under this ordinance, or any subsequent change in the regulations of this ordinance, and any time periods specified for amortization of non-conforming uses shall be measured from the date of such reclassification or change.

### CHAPTER 4 - SUPPLEMENTAL REGULATIONS

#### 2-4-1 Temporary Buildings, Structures and Mobile Homes

- A. No temporary building or temporary structure shall be erected, reconstructed, enlarged, or moved on to any lot, plot or tract of land other than for agricultural purposes or as a temporary construction field office unless it conforms with this ordinance.
- B. A mobile home may be moved on to a lot, plot or tract of land and be used as a temporary residence for a period of one year during the construction time of a permanent residence on the same lot, plot or tract. Prior to the moving of any mobile home onto any lot, plot or tract, for said purpose, the owner shall obtain a special exception grant from the Board of Zoning Appeals; said grant shall run for a period of one year. Upon expiration, the grant may be extended for one additional year by the Zoning Administrator upon adequate showing by the owner that the construction of the residence has not progressed to a livable stage due to conditions beyond his control. Only one such extension shall be allowed for said grant; after the final expiration of said grant, the mobile home shall be vacated and removed within thirty (30) days of the expiration date.
  - (1). The temporary residence shall comply with all county and state health requirements which would be imposed upon a permanent residence on the same lot, plot or tract.
- C. A mobile home or travel trailer is permitted as a temporary accessory use without regard to



the other provisions of this ordinance except as specified in this subsection, and providing that the following conditions are met:

- (1). Such mobile home or travel trailer shall be permitted only on property having an existing permanent dwelling;
- (2). Such mobile home or travel trailer shall be occupied by a member of the family (father, mother, son or daughter, etc.) Residing in the permanent dwelling; or by an employee of the resident in the permanent dwelling;
- (3). Such mobile home or travel trailer shall not be permitted to encroach on the required yard or setback as specified by the zone in which it is located;
- (4). Such mobile home or travel trailer shall not be moved onto a property unless an improvement location permit has been issued, and it shall not be used for dwelling purposes until a certificate of occupancy has been issued;
- (5). The application for the improvement location permit and the certificate of occupancy shall be accompanied by a letter from the County Board of Health stating that the proposed method of water supply and sanitary waste disposal meets their requirements;
- (6). The zoning administrator has the authority to issue the improvement location permit and certificate of occupancy if the above and all other applicable regulations and requirements are met.

#### 2-4-2 Contingent Uses

The contingent uses hereinafter set forth shall be permitted by the Board, only after public hearing, in any district where such uses are essential or desirable to the public convenience or welfare, or if the refusal of this permit would create an undue hardship on the applicant. No permit for a contingent use shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance, or if the Board determines the proposed use will be detrimental to the surrounding area. In the exercise of its approval, the Board may impose such additional conditions regarding the location, character, and other features of the proposed building, structure, or use as may be reasonably required to further the purposes of this ordinance.

All contingent uses which existed upon the effective date of this ordinance shall be regarded as conforming uses and may be continued, except that major changes in layout, expansions or extension to such uses shall be subject to Board review and approval as required for contingent use.

Permitted contingent uses are identified as follows:

- A. An airport or similarly designed area for the landing and taking off of aircraft; provided that:
  - (1) The proposed location has been approved by the Commission as to compatibility with the Master Plan for the physical development of Adams County.

- (2) The area and the arrangement of all improvements shall be sufficient, for the class of airport proposed, to meet the requirements of the Federal Aviation Agency, the Aeronautic Administration of Indiana, and any other rightfully involved governmental agency.
- (3) Any proposed buildings, hangars, or other structures shall be at least one hundred (100) feet from any street or lot line.
- (4) No application shall be considered unless it is accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of owners of abutting properties; proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zones and less than five hundred (500) feet distant from the boundary lines of the airport; other pertinent data, such as topography and grading plan, drainage, water and sewerage, et cetera.

- B. Cemetery.
- C. Governmental installation not otherwise permitted.
- D. A hospital, nursing home, sanitarium or asylum which does not treat mental, drug or alcoholic patients.
- E. Medical health center or clinic, with parking provided as specified by this ordinance.
- F. Public utility facilities such as radio and television transmitter stations and towers; petroleum and natural gas transmission lines, pumping stations and facilities; electric substations and telephone exchanges where not otherwise permitted by this ordinance; railroad lines; classification yards and terminals; and other similar uses of a public utility or public service nature; including structures and appurtenances for their enclosure, maintenance and operation.
- G. Educational institution.
- H. Fairground.
- I. Non-profit recreational establishments or uses.
- J. Private school.
- K. Golf course.

#### 2-4-3 Special Uses

The special uses hereinafter set forth shall be permitted by the Board, only after public hearing, in zones indicated in Subsection 3 of this section, where such uses are essential or desirable to the public convenience or welfare or if the refusal of this permit would create an undue hardship on the

applicant. No permit for a special use shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance, or if the Board determines the proposed use will be detrimental to the surrounding area. In the exercise of its approval, the Board may impose such additional conditions regarding the location, character and other features of the proposed building, structure or use as may be reasonably required to further the purposes of this ordinance.

A. Considerations for any Special Use:

In considering a petition for any permitted special use, the Board shall give due regard to the following factors as they will apply to the particular situation:

- (1) The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; its site layout, including parking space requirements; and its relation to streets giving access to it so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity, taking into account among other things, vehicular turning movement in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.
- (2) The nature, location, size and site layout of the use so that it will be harmonious to the district in which it is situated.

B. Authorization for Continuance:

- (1) All special uses, except sanitary landfills and incinerators, which existed upon the effective date of this ordinance and which are located in a district which would permit such use in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such uses shall be subject to Board review and approval as required for special exception.
- (2) All special uses hereafter authorized by the Board in accordance with the provisions of this section shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such use shall be subject to Board review and approval as required for special uses.

C. The Board may permit:

- (1) Animal hospitals, veterinary clinics, animal boarding places and kennels. In any A or F zone, a veterinary clinic, animal hospital, animal boarding place, or kennel provided that no part of any building, pen or run shall be within three hundred (300) feet of any adjoining residence.
- (2) Antique shop - In any A zone, an antique shop, provided that any outdoor display of articles for sale shall be at least fifty (50) feet from any street or property line.
- (3) Child care home - In any A, R-1 and R-2 zone, a regulated child care home or nursery school upon a finding by the Board that said use will not constitute a

nuisance because of traffic, number of children being cared for, noise or type of physical activity. A regulated child care home shall be any child care home or facility that because of its size, layout or circumstance requires state regulation and a license to operate the home as required by any applicable state or federal regulation as from time to time amended. Any non-regulated child care home shall not require a special use as provided in this Section 3 of Chapter 4 of this ordinance.

- (4) Sanitary landfills and incinerators - In any A or I-2 zone a dump, sanitary landfill and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke or physical activity, provided that the area and setback requirements as specified by the Boards are complied with, provided that it meets the approval of the County Board of Health and the Indiana Dept. Of Environmental Management or the State agency exercising jurisdiction over the subject matter.
- (5) Hospital, nursing home, sanitarium, asylum or other institution - In any A and R-2 zone, a hospital, nursing home, sanitarium, asylum or other institution which cares for mental, drug or alcoholic patients or is a penal or correctional institution, subject to the conditions that:
  - (a) No part of any building in which inmates or patients are housed is, or is proposed to be, located less than three hundred (300) feet from any bounding lot or street line.
  - (b) Adequate off-street parking space is provided.
  - (c) Protective, man-proof fencing is provided where necessary.
- (6) Limited office uses in residential zones as a transitional use - In any R-2 zone, a dwelling on any lot or parcel of land immediately abutting along its side lot line or lying directly opposite across a street from any commercial or industrial district, may be used for limited office purposes provided that such use is in accordance with the following requirements:
  - (a) Such uses shall be confined to the offices of doctors, dentists, lawyers, accountants, realtors, engineers, and similar professional persons.
  - (b) Such uses shall not change or alter the exterior characteristics of the premises, and no nameplate or other sign exceeding two (2) square feet in area shall be displayed on the premises.
  - (c) Wherever possible, in the opinion of the Board, all entrances, driveways, walks, parking areas and signs incidental to such use shall be located on the side of the building nearest to the commercial or industrial zone.
- (7) Recreational Establishments and Uses in any F,A,C or I Zone.
  - (a) Buildings and structures for clubs, fraternal organizations, lodges, youth organizations, adult organizations, fishing ponds, picnic areas, and private recreational developments all conducted for profit. The use of firearms is permitted if adequate precautions are taken to safeguard the public.
  - (b) Transient amusement enterprise, medicine show or circuit, the chief activity

of which is carried on for gain or profit.

(8) Special Uses Allied with Agriculture

- (a) In any A zone, a trucking operation primarily engaged in commercial transportation of agricultural products other than those raised on the premises, feed mills where grain is processed on a commercial basis, poultry dressing establishments, and animal slaughter houses where animals other than those raised on the premises are processed on a wholesale basis, commercial welding shops, livestock sales, auction barns, commercial dairy for the processing, packaging and distribution of dairy products, and fertilizer blending and sales operations and farm equipment sales.
- (b) In any A, F and R-2 zone, a greenhouse and/or plant nursery provided retail sales are limited to the sale of plants and the commodities used in the direct care of plants.
- (c) In any A zone, an agricultural labor camp (migrant worker camp) may be established or enlarged on a temporary permit basis. Said temporary permit shall be valid for a period of one (1) calendar year, renewable only if the agricultural labor camp is maintained in accordance with the requirements of this ordinance.

(9) Sand, gravel or clay pits; rock or stone quarries; mining; removal of earth or top soil. In any zone, the use of vacant land for the removal of natural material or deposits including, but not limited to, sand, gravel, clay, rock or stone, earth or topsoil; all such uses shall be subject to the following:

- (a) All applications for said uses shall be accompanied by a map or plat showing the area proposed to be included in the extraction or removal of material; and a final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto, the location and elevation of all bounding streets or roads, and the final elevations of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.
- (b) Unless the Board specifies otherwise, the areas exposed by said operation shall not have a final cut slope of steeper than three (3) feet horizontal to one (1) foot vertical distance and shall be left suitable for development purposes in accordance with the final grading plan approved by the Board.
- (c) Unless otherwise permitted by the Board of Zoning Appeals, temporary operating cut slopes steeper than one (1) foot horizontal to one (1) foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, road, way or alley, as existing or as proposed in the Master Plan than fifty (50) feet where a sight screen is provided, or

seventy-five (75) feet in the case where no provision is made for sight screening.

- (d) Explosives shall be used only between sunrise and sunset except in the case of an emergency.
  - (e) All buildings, structures or equipment shall be entirely removed from the property within one (1) year after the expiration of the permit.
  - (f) Dikes or other barriers and drainage structures shall be provided to prevent silting of natural drainage channels or storm drains in the area surrounding said uses.
  - (g) Where required by the Board, final cut slopes shall be treated to prevent erosion; topsoil shall be replaced on such slopes to support vegetation; ground cover shall be planted within twelve (12) months after a cut slope is excavated to its final position; and such ground cover shall be maintained for a period of time sufficient to provide vegetation of a density that will prevent erosion.
  - (h) Where required, suitable plant material shall be placed and maintained to screen slopes from public view. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.
  - (i) Quarries and sand and gravel pits shall be operated so as to keep dust and noise to a minimum, and access roads shall be maintained as dustfree surfaces from the public street to within one hundred (100) feet of the loading point within the quarry or sand and gravel pit when adjacent properties are used or zoned for residential purposes.
  - (j) Vehicles carrying materials from quarries or sand and gravel pits shall be loaded in such manner as to prevent spilling rock, gravel, sand or other materials of a mineral nature while in transit upon roads and highways.
  - (k) Quarry or sand and gravel pit excavations which may penetrate near or into a usable water-bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution or contamination either during quarrying operations or the excavation of a sand and gravel pit or subsequent to the abandonment of said quarry or sand and gravel pit.
- (10) Sawmill - In any F or A zone, a sawmill, for a period of not more than three (3) years subject to renewal, for the cutting of timber grown in the immediate area, provided that no saw or other machinery shall be less than one hundred (100) feet from any lot or street line and that all power saws and machinery will be secured against tampering or locked when not in use.

- (11) Tourist home - In any A and R-2 zone, a tourist home, provided that such use will meet all other applicable government regulations.
- (12) Campgrounds - Campgrounds may be permitted in any C-2, C-3 and I-1 zones. They may also be permitted in the A and R-2 zones, only when the site is at least three hundred (300) feet from an existing adjacent residence. They may be permitted in the F zone providing they receive approval from the Indiana Dept. Of Natural Resources, Div. Of Water prior to the Board's approval. After a public hearing, the decision of the County Board of Zoning Appeals shall determine whether or not the proposed site may be use for the purposes intended.
- (13) In any zone, in addition to all other limitations of provisions permitted in the zoning ordinance, any property which will be used by an adult arcade, adult book store, adult novelty store or adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, sexual encounter center, peep show facility, shall:
  1. Not be located within one thousand (1,000) feet of any property zoned for any residential use.
  2. Not be located within five hundred (500) feet of any property permitted for use as a religious institution, public or private school containing any grade of kindergarten through grade 12.
  3. Not be located within five hundred (500) feet of any city park.

The applicant shall have certified all distance measurements by a land surveyor registered by the State of Indiana who shall certify that there are no residential properties, public or private schools with a grade kindergarten through 12<sup>th</sup> grade, or any City Park within the distances stated above.

In addition to all other procedures listed above, the Petitioner for a Special Use under this Section shall send notices as called for in this Zoning Ordinance to not only the abutting property owners, but the Petitioners shall send notices by certified mail, return receipt requested to all property owners with property within one thousand (1,000) feet of the property requested for a Special Use under this Section. A list of all such property owners shall be given to the Adams County Plan Commission at the time of filing the application. Should the Petitioner fail to comply with the notice requirements herein, before the second regular meeting of the Board of Zoning Appeals following the date the Petition is filed, the Petition shall be withdrawn by the Board of Zoning Appeals.

The distances provided under this Section of the Zoning Ordinance shall be measured by following a straight line, without regard to intervening buildings, structures, or other obstacles, from the nearest point of the property upon which the proposed use is to be located, to the nearest point of the property or land use district boundary line from which the proposed land use is to be separated.

- (14) A mobile home may be moved onto a lot, plot or tract of land and be used as a dwelling in any C-1, C-2, or C-3 Zone. Prior to moving any mobile home onto any lot, the owner or his agent shall first obtain an improvement location permit. The Zoning Administrator may issue the permit subject to the following conditions:
- (a) Each mobile home shall be located on a lot and shall be the only principal structure on the lot.
  - (b) The mobile home shall be at least three hundred (300) feet from an adjoining R-1 or R-2 permitted use.
  - (c) The minimum lot and yard requirement shall be the same as required in Section 2-11-4 of this ordinance.
  - (d) Each mobile home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for and attached to appropriate external systems.
  - (e) Personal goods and articles, other than cars, fuel tanks, boats and similar items too large to reasonably enclose, shall be stored on the lot only in a completely enclosed structure.
  - (f) All health and sanitary regulations of the Adams County and the Indiana State Boards of Health are met.
- (15) Mobile homes, mobile home offices and semi-trailers as permanent storage sheds in any A, I-1 and I-2 zone provided they are erected per the following conditions:
- (a) Be placed onto and securely attached to a permanent underfloor foundation.
  - (b) Have wheels and axles removed.
  - (c) In an A Zone, items of an agricultural nature may only be stored.

#### 2-4-4 Mobile Home Regulations

- A. Mobile homes may be permitted by right in any R-3 Mobile Home Park Zone (see 2-8-10 of this ordinance).
- B. Mobile homes may be permitted by right in any A Agricultural Zone (see 2-7-2C of this ordinance).
- C. Mobile homes may be permitted as a temporary residence or a temporary accessory use (see 2-4-1C of this chapter).
- D. Mobile homes may be permitted as a permanent residence through a special use permit (see 2-4-3c-14 of this chapter).



- E. Mobile homes may be permitted as a permanent storage shed through a special use permit (see 2-4-3c-15 of this chapter).
- F. Mobile homes shall not be permitted in any R-1 Single-Family Zone and any R-2 Multiple-Family Zone. This includes the attempted conversion of a mobile home into a manufactured home (as defined) by removing wheels, axles, hitch and placing onto a permanent foundation.
- G. No conventional "stick-built" additions shall be permitted to mobile homes. Only factory-built additions shall be permitted.
- H. No mobile home shall be permitted as a dwelling which contains less than 840 square feet of living area exclusive of unenclosed porches, terraces and garages.
- I. No mobile home shall be granted a location permit which is more than 10 years old from the date of its manufacture.

2-4-5 Regulations relating to motor vehicles and salvage yards.

A. Inoperable motor vehicles, junkyards including automobile salvage yards and salvage yards containing parts of pieces of automobiles are permitted in I-1 and I-2 zones (see 2-10-3C and 2-10-5A of this ordinance).

B. All uses for storage of inoperable motor vehicles, junk motor vehicles, including automobile salvage yards and salvage yards shall be permitted by a hearing and permission granted by the Adams County Plan Commission subject to the terms and conditions as contained in this Ordinance and specifically to the terms and conditions of development plan regulations as contained in Chapter 2-10-3c(1) of this article.

C. No unlicensed or inoperable motor vehicle shall be allowed to remain for more than ninety days in any zone except as permitted and authorized by a permitted area authorized for such uses in I-1 and I-2 zones.

D. These regulations are not intended to limit or restrict the hobbyist or sports car enthusiast, however, if a hobby use is claimed, the vehicles to be restored or stored shall be specifically identified to the Zoning Administrator and all restoration processes, stored vehicles, vehicles and parts thereof shall be kept wholly within a building. The prohibitions contained herein shall be in addition to all other applicable rules or regulations relating to stored or junk cars set out in any other county ordinance or state statute regulating the subject matter.

2-4-6 Requirement for Reclassification

Lands which may hereafter become unincorporated areas of the County shall be included in the A Zone until changed by amendment to this ordinance.

2-4-7 Requirement for Recording a deed of conveyance containing a split or a subdivision of a root parcel which will result in the creation of a new tax parcel.

Before any deed of conveyance containing a split is offered for record and which at the time of recordation will result in the creation of a new tax parcel, the same shall first be presented to the Adams County Plan Commission Office and if said deed meets the requirements of this ordinance including Article 2 and Article 4 and all other relevant portions of the Land Use Ordinance of Adams County, the same shall be approved for transfer and legibly marked on the face thereof before the same shall be accepted for recordation by the Recorder of Adams County and for transfer by the Auditor of Adams County. There shall be no charge for the approval by the Plan Commission but unless the deed of conveyance as required to be approved herein is so marked, the same shall not be accepted for recording or for transfer.

## CHAPTER 5 - PARKING REGULATIONS

### 2-5-1 Off-Street Parking Areas

The following off-street parking areas shall be provided and satisfactorily maintained by the owner of the property for each building which is hereafter erected, enlarged or altered for use for any of the following purposes:

- A. Each automobile parking area shall be the following minimum: Not less than one hundred eighty (180) square feet (9 x 20) in area.
- B. Single-family dwelling including manufactured or mobile homes: At least two (2) parking areas per dwelling.
- C. Multi-family dwelling: At least two (2) parking areas per dwelling unit.
- D. Auditoriums, churches, theaters, gymnasiums, stadiums or any other place of assembly: At least one (1) parking area for each six (6) seats provided for its patrons based on the maximum seating capacity including fixed and moveable seats. Note: For any church, there shall be allowed the use of joint parking facilities in connection with any buildings or use not normally open, used, or operated during the principal operating hours of a church providing a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved as to form by the County Attorney, shall be filed with an application for a zoning permit.
- E. Dancing, exhibition, labor temple, lodge hall, skating rink or other assembly hall without fixed seats: At least one (1) parking area for each 120 square feet of gross floor area.
- F. Hotel, motel, dormitory, fraternity house, tourist home, or other similar use: At least one (1) parking area for each one (1) sleeping room in addition to whatever areas may be required by any other on-site uses.
- G. Office building, bank, professional office or other similar use: At least one (1) parking area for each 400 square feet of gross floor area.
- H. Medical clinic or other similar use: At least three (3) parking areas for each doctor/dentist plus one (1) for each two (2) regular employees.

- I. Hospital, sanitarium, convalescent home or other similar use: At least one (1) parking area for each three (3) beds.
- J. Eating or drinking establishments or other similar use where customers are seated and served within a building: At least one (1) parking area for each two hundred (200) square feet of gross floor area.
- K. Eating or drinking establishments or other similar use where customers are served outside of a building: At least one (1) parking area for each fifty (50) square feet of gross floor area provided that there shall not be less than six (6) parking areas for each such establishment.
- L. Any retail store except a food market: At least one (1) parking area for each three hundred (300) square feet of gross floor area.
- M. Food market or other similar use less than 2,500 square feet: At least one (1) parking area for each two hundred fifty (250) square feet of gross floor area.
- N. Food market or other similar use of 2,500 square feet or more: At least one (1) parking area for each one hundred (100) square feet of gross floor area.
- O. Launderette, laundromat, self-service laundry, washeteria or other similar use: At least one (1) parking area for each two (2) washing machines or portions thereof.
- P. Barber shop, beauty salons or other similar use: At least three (3) parking areas for each barber or beautician using the shop.
- Q. Bowling Center: At least four (4) parking areas for each bowling alley thereof.
- R. Schools, public and parochial: At least one (1) parking area for each employee plus one (1) parking area for each twenty (20) students.
- S. Recreational vehicle park: At least one (1) parking area on the same parcel of land for each individual recreational vehicle.
- T. Commercial or business office having a gross floor area in excess of 10,000 square feet and occupied solely by the employees of one owner: At least one (1) parking area for each 800 square feet of gross floor area.
- U. Manufacturing, processing, wholesaling, storage or other similar industrial or commercial use not specifically set out in this section: At least one (1) parking area for each two (2) employees plus sufficient areas to park all company-owned or leased vehicles.

#### 2-5-2 Off-Street Parking Miscellaneous

- A. Distance Measurements:  
The distance to any parking area as herein required shall be measured between the nearest point of the off-street parking facility and the nearest point of the building said parking area

or facility is to serve.

B. Mixed Uses:

In the case of any use not listed herein, the number of parking areas required for such use shall be the same as for a similar use which is listed. In the case of mixed uses in the same building or structure, the total requirement for off-street parking facilities shall be the sum of the requirements of the various uses computed separately from the items set out in this section, and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for collective use.

C. Collective Parking Facilities:

Nothing in this section shall be construed to prevent collective provisions of any off-street parking facility for two or more buildings or uses providing, however, that the total number of off-street parking areas shall not be less than the sum of requirements for the various individual uses computed separately in accordance with the items set out in this section.

D. Permanency of Areas Provided:

Any parking or loading areas established prior to the effective date of this ordinance and which is used or intended to be used in connection with any main building, structure or use or any areas designed and intended to comply with the requirements of this ordinance for any such main building or structure erected after such effective date, shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required areas in conformance with the provisions of this ordinance.

E.

All parking areas provided pursuant to this Chapter shall normally be on the same lot with the building; however, the Board may permit the parking areas to be on any lot within three hundred (300) feet of the building, except for the requirements of subsection S of Section 2-5-1. If the Board determines that it is impractical to provide parking on the same lot with the building, the requirements set forth in subsections E, G, H, I, J and L of Section 2-5-1 may be waived by the Board in the case of a building erected or altered as a result of destruction by fire or other natural disaster, or in the case whenever the Board determines that more than seventy-five percent (75%) of the privately owned lands within three hundred (300) feet of the building to be erected, enlarged or altered are improved with such buildings.

### 2-5-3 Off Street Loading

On the same premises with every building, structure or part thereof hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley.

Such space, unless otherwise adequately provided for, shall include a twelve (12) foot by forty-five (45) foot loading space with fourteen (14) foot height clearance for every 20,000 square feet or

fraction thereof in excess of 3,000 square feet of floor area used for above mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3000 square feet of land used for the above mentioned purposes. These requirements may, upon appeal, be increased, modified, or waived by the Board where the conditions or circumstances justify such action provided it has obtained thereon recommendation from the County Highway Supervisor.

#### 2-5-4 Public Parking Areas

Every parcel of land which, after the effective date of this ordinance, is changed to a public parking area, automobile or trailer sales area, filling station or garage, shall be developed as follows:

- A. Such area, where subject to wheeled traffic, shall be improved with bituminous, concrete, crushed stone with an adequate base or other equivalent surfacing and shall have appropriate bumper guards where needed.
- B. Where such area adjoins a lot in an R zone or a residential development, a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than four (4) feet shall be erected and maintained between such area and the property in residential areas and zones. Such enclosures shall be at least five (5) feet from the side of a lot in an R zone or residential development, and all required front and side yards shall be properly maintained as such. Where such area is across the street from an R zone or a residential development, a compact evergreen screen having a height of not less than three (3) feet shall be erected and maintained between such area and the property in the said zone or development and all required front yards shall be maintained as such.
- C. Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R zone or residential development.

### CHAPTER 6 - FLOOD ZONE REGULATIONS

#### 2-6-1 Purpose of Flood Zone (F Zone)

The development of Flood Hazard areas of Adams County, Indiana, could result in the potential loss of life and property, create health and safety hazards and lead to extraordinary public expenditures for flood protection and relief. The development of these areas is not essential to the orderly growth of the community, and such areas are suitable for open space uses that do not require structures or fill.

#### 2-6-2 Basis for Establishment

The flood plain or zone (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for the County of Adams, Indiana", dated October 16, 2003, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file in the office of the Auditor of Adams County, Indiana, and the Zoning Administrator of Adams County, Indiana.

#### 2-6-3 Permitted Uses

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the Flood Zone to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials or equipment.

- A. Agricultural uses such as general farming, pasture, grazing, orchards, plant nurseries, and vineyards.
- B. Forestry, wildlife areas and nature preserves.
- C. Parks and recreational uses, such as golf courses, driving ranges, and play areas.

#### 2-6-4 Non-Permitted Uses

All development applications located in the Flood Plain District or Zone which are not permitted by right (Section 2-6-3) will require the review and approval by the Dept. Of Natural Resources prior to the issuance of a local permit. The applicant shall forward all these applications along with plans and specifications to the Dept. Of Natural Resources for review and comment.

#### 2-6-5 Non-Conforming Uses

Any building, structure or use of land in the Flood Plain District or Zone which is not in conformance with this ordinance constitutes a non-conforming use. All applications to repair, extend or enlarge a non-conforming use shall be forwarded to the Dept. Of Natural Resources for review and comment. All terms and conditions imposed by the Indiana Dept. Of Natural Resources shall be incorporated into the issuance of any local permit.

#### 2-6-6 Variances

Applications for variances to the provisions of this ordinance shall be forwarded to the Indiana Dept. Of Natural Resources for review and comment. All terms and conditions imposed by the Indiana Dept. Of Natural Resources shall be incorporated into the issuance of any local permit.

#### 2-6-7 National Flood Insurance Program (NFIP) Regulations

The Zoning Administrator of Adams County, Indiana, during his review of improvement location permits, shall assure that all National Flood Insurance Program Regulations pertaining to State and Federal permits, subdivision review, mobile home tie-downs standards, utility construction, record keeping (including lowest flood level elevations), and watercourse alteration and maintenance have been met.

#### 2-6-8 Disclaimer

Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Adams County, Indiana, Natural Resources, or the State of Indiana for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### CHAPTER 7 - AGRICULTURAL ZONE REGULATIONS

#### 2-7-1 Purpose of Agricultural Zone (A Zone)

The Agricultural Zone is intended to establish and preserve rural areas from urban encroachment until such areas are adaptable to orderly urban expansion, and to permit the full range of agricultural activities, including limited types of low density residential development and other uses customarily conducted in agricultural areas.

2-7-2 Permitted Uses

- A. Any use permitted in the Flood Zone.
- B. Single-family detached dwellings, provided not more than two (2) dwellings shall be permitted.
- C. Manufactured homes and mobile homes (subject to the requirements of 2-4-4, where applicable).
- D. Park, playground or community centers, owned and operated by a local community association for subdivisions or neighborhoods.
- E. Non-commercial institutions.
- F. Stands for the retail sale of agricultural products or commodities raised on the premises. Off-street parking shall be provided in accordance with Section 2-5-1 of this ordinance.
- G. Home occupations and home workshop/businesses.
- H. Tourist homes.
- I. Nameplate and advertising signs, provided that they shall be erected in accordance with the provisions of Section 2-17-5 of this ordinance.
- J. Riding stable of a private, non-commercial nature on at least one (1) acre of land.
- K. Swimming pools, provided they are enclosed by an animal-proof fence of not less than three (3) feet in height and further provided they are constructed and maintained in agreement with all County and State Board of Health laws.
- L. Accessory buildings and uses customarily incidental to any of the above uses.
- M. Normal farm operations necessary to the planting and harvesting of crops and the conduct of agriculture and agricultural uses as defined in Section 1-4-1 of this ordinance.
- N. Ponds provided they meet the set back of 45 feet from the toe of the mound or the waters edge from the right-of-way of a publicly dedicated roadway. In obtaining an improvement location permit as required by Chapter 5 of this code, the contractor or excavator who is to install the pond shall make application in the name of the owner of the pond and shall be responsible for obtaining the permit and displaying the permit at the job site before commencing any construction. No contractor or excavator shall do any work in installing

or modifying and making improvement to any pond requiring a permit without informing the owner of the necessity thereof and personally obtaining the permit on behalf of the owner. In addition to the foregoing, the contractor on behalf of the owner shall obtain the written approval of the Adams County Surveyor that the proposed pond and location thereof does not disrupt any located drainage within Adams County and that the pond does not create drainage run-off problems which will overload or burden any existing tile and drain.

In granting said approval, the Adams County Surveyor shall require that the pond overflow does not discharge water onto adjoining lands of other property owners and that all run-off water shall be either directed towards a swale or located tile or redirected back into the pond, whichever is applicable in order to safeguard neighboring lands from run-off water created by the construction of the pond. The minimum setback from the toe of the mound or the waters edge, whichever is applicable, the setback from the adjoining property line shall be a minimum of ten (10) feet except that the County Surveyor may require a greater distance where conditions of the pond require a greater distance for adequate drainage and protection of adjoining landowners. Further, in no event shall the waters edge of a pond or the toe of the mound be closer to any existing septic tank or absorption field of the owner's residence or any adjoining neighbor's residence be closer than fifty (50) feet.

The Adams County Surveyor shall consider the requirements of Indiana Drainage Code 36-9-27 and the applicable requirements in granting approval for any pond permit.

O. Intensive livestock operations, subject to provisions of Chapter 16.

2-7-3 Building Size Regulations

No building shall be erected for residential purposes having a floor area of less than 950 square feet per primary dwelling unit exclusive of unenclosed porches, terraces and garages. The square footage minimum for a mobile home shall be 840 square feet exclusive of unenclosed porches, terraces and garages.

2-7-4 Residential Dwelling Density

On a tract, parcel or lot of land there shall be permitted two (2) individual single-family dwellings subject to the further regulations of Chapter 11 of this Article.

2-7-5 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

## CHAPTER 8 - RESIDENTIAL ZONE REGULATIONS

2-8-1 Classification of Residential Zones

The following regulations shall apply in the R-1 Single-Family, R-2 Multi-Family, and the R-3 Mobile Home Zones.



### R-1 Single Family Zone

2-8-2 Purpose of R-1 Single Family Zone: The R-1 Single Family Zone is intended to establish and preserve low density, single-family homes free from other land uses except those which are compatible with and convenient to the residents of such a zone. The R-1 Zone allows for single-family development in areas within the jurisdiction not readily serviceable by water and sewer facilities but desirable for residential development.. Such lot sizes would be of sufficient size to adequately provide on-site water and sewer facilities for each individual single family home.

#### 2-8-3 Permitted Uses in an R-1 Zone

- A. Single-family detached dwellings
- B. Manufactured Homes
- C. Accessory buildings
- D. Swimming pools as specified under the conditions of 2-7-2K
- E. Home occupations
- F. Home workshops/Businesses
- G. Park, playground or community center, owned and operated by a local community association for subdivisions or neighborhoods.
- H. Pond (same as 2-7-2N)
- I. Name plate or advertising signs, provided they shall be provided in accordance with Section 2-17-6 of this ordinance.

#### 2-8-4 Building Size Regulations in an R-1 Zone

No building shall be erected in an R-1 Zone having a floor area of less than 950 square feet, exclusive of unenclosed porches, terraces and garages.

#### 2-8-5 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

### R-2 Multiple-Family Zone

2-8-6 Purpose of R-2 Multiple-Family Zone: The R-2 Multiple-Family Zone is intended to establish and preserve single-family, two-family and multiple-family home neighborhoods, free from other land uses except those which are compatible with and convenient to the residents of such a zone.

#### 2-8-7 Permitted Uses in an R-2 Zone

- A. Any use permitted in R-1 Single-Family Zone
- B. Two-family dwellings
- C. Multiple-family dwellings
- D. Multiple-group dwellings

2-8-8 Building Size Regulations in an R-2 Zone

No building shall be erected in an R-2 Zone having a floor area of less than 840 square feet per dwelling exclusive of unenclosed porches, terraces and garages.

2-8-9 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

R-3 Mobile Home Park Zone

2-8-10 Purpose of R-3 Mobile Home Park Zone: The R-3 Mobile Home Park Zone is intended to provide sites for mobile home parks at appropriate locations, in relationship to the existing and potential development of the surrounding area, while establishing an attractive residential environment. All mobile home parks shall be developed in accordance with the Development Plan requirements in Chapter 14 of this Article 2.

2-8-11 Permitted Uses in an R-3 Zone

- A. Mobile home parks or subdivisions
- B. Accessory buildings
- C. Park, playground or community center, owned and operated by a local community association or mobile home park developer for subdivisions or neighborhoods.
- D. Name plate and advertising signs, provided that they shall be erected in accordance with the provisions of Station 2-17-7 of this ordinance.

CHAPTER 9 - COMMERCIAL ZONE REGULATIONS

2-9-1 Classification of Commercial Zones

The following regulations shall apply in the C-1 Neighborhood Commercial, C-2 Rural Commercial, and C-3 General Commercial Zones.

C-1 Neighborhood Commercial Zone

2-9-2 Purpose of C-1 Commercial Zone: The C-1 Neighborhood Commercial Zone is intended to accommodate those retail and service facilities that are considered to be essential functions of residential neighborhoods.

2-9-3 Permitted Uses in a C-1 Zone

- A. Any conforming use permitted in the R-2 Multiple-Family Zone.
- B. The following uses or uses of similar type, provided that they are conducted wholly within a building, except for off-street loading of delivery vehicles which are incidental thereto as required in Section 2-5-3 and are 10,000 feet or less:
  - (1) Bank
  - (2) Barber shop or beauty parlor
  - (3) Book or stationery store
  - (4) Club, lodge (non-profit) or fraternal association
  - (5) Confectionary store
  - (6) Department, furniture or radio store
  - (7) Drug Store
  - (8) Florist or gift shop
  - (9) Grocery, fruit or vegetable store
  - (10) Hardware or electric appliance store
  - (11) Jewelry store
  - (12) Medical or dental clinic or laboratory
  - (13) Meat market or delicatessen
  - (14) Music store or newsstand
  - (15) Office, business or professional
  - (16) Photographer
  - (17) Restaurant, tea room or cafe (excluding drive-ins)
  - (18) Shoe store or shoe repair shop
  - (19) Sign painting shop
  - (20) Small equipment or appliance repair
  - (21) Tailor, clothing or wearing apparel store
  - (22) Theater other than "drive-in"
  - (23) Tire store
  - (24) Variety store
  - (25) Other retail business and service establishments, not specifically referred to in this ordinance, selling new merchandise exclusively.
- (C). Small retail shopping centers with no more than five (5) stores totaling 50,000 square feet or less with a maximum square feet of any one (1) store being 35,000. Establishments within such center shall be restricted to those listed in 2 above.
- (D). Automobile service station

- (E). Advertising devices shall be permitted provided that they are erected in accordance with the provisions of Section 2-17-8 of this ordinance.
- (F). Uses customarily incidental to any of the above uses and accessory buildings shall be permitted when located on the same lot.
- (G). Off-street parking areas in accordance with Section 2-5-1 of this ordinance.

C-2 Rural Commercial Zone

2-9-4 Purpose of C-2 Rural Commercial Zone: The C-2 Rural Commercial Zone is intended to accommodate those retail and service facilities that are considered to be essential functions of rural or agricultural areas.

2-9-5 Permitted Uses in a C-2 Zone

- (A). Any use permitted in a C-1 Zone provided that C-1 uses shall be subject to the same regulations as specifically set forth in the C-2 Zone.
- (B). The following uses or uses of a similar type pertinent to farm commodities, provided where they are within one hundred fifty (150) feet of an R zone, they shall be conducted wholly within the building or within an area screened on all sides by a masonry wall, compact evergreen planting or uniformly painted wood fence (not less than six (6) feet in height) which shall be maintained between such use and adjoining R Zone or use.
  - (1) Agricultural implements, motor vehicle or trailer sales or repair.
  - (2) Building material sales yard, including the sale of lumber (where no millwork is provided), rock, sand and gravel but excluding concrete and asphaltic concrete mixing.
  - (3) Farm equipment storage yard or equipment rental establishment.
  - (4) Feed sales.
  - (5) Wholesale florist, greenhouse.
  - (6) Poultry or rabbit killing incidental to retail sales on the premises.
  - (7) Underground bulk storage and fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 50,000-gallon capacity.
- (C). The following uses or uses of a similar type not pertinent to farm commodities, provided they meet the requirements indicated in Section 2-9-7B of this Chapter shall be permitted:
  - (1) Auction hall, amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery, and the like if the nearest point of the structure is not less than 200 feet from any R Zone.
  - (2) Drive-in business where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided the area is screened by a masonry wall, compact evergreen planting or uniformly painted wood fence not less than six (6) feet in height which is erected and maintained between such uses and any adjoining R Zone or residential development.

- (3) Drive-in movie.
- (4) Driving tees or ranges.
- (5) Funeral parlor.
- (6) Laundry or dry cleaning establishment, including auto-laundry.
- (7) Hotel or motel.
- (8) Printing shop.
- (9) Pet shop.
- (10) Greenhouses and nurseries.

C-3 General Commercial Zone

2-9-6 Purpose of C-3 General Commercial Zone: The C-3 General Commercial Zone is intended to accommodate those retail and service facilities that are convenient and attractive for a wide range of retail uses and businesses and which provide a setting conducive to and safe for pedestrian traffic.

2-9-7 Permitted Uses in a C-3 Zone

A. Any use permitted in the C-2 Zone provided that C-2 uses shall be subject to the same regulations, except those regarding maximum height, as specifically set forth in the C-2 Zone.

B. The following uses or uses of similar type provided that where they are within one hundred fifty (150) feet of a more restrictive zone (F,A or R zone) they shall be conducted wholly within a building; except for off-street loading of delivery vehicles which are incidental thereto as required in Section 2-5-3 of this ordinance.

- (1) Art or antique shop.
- (2) Carpenter, cabinet, plumbing or sheet metal fabricating shops but excluding manufacture.
- (3) Pawnshop.
- (4) Rescue or temporary revival mission.
- (5) Second-hand store.
- (6) Trade or business school or private school operated as commercial enterprise.
- (7) Home furniture upholstering shop.

- (8) Wholesale merchandise storage.
- C. The following uses or uses of a similar type provided that, where they are within 150 feet of a lot in a more restricted zone, they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence, not less than six (6) feet in height except in required set back areas the height shall be 4 feet.
- (1) Building material sales yard, including the sale of lumber, rock, sand and gravel but excluding concrete and asphaltic concrete mixing.
  - (2) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
  - (3) Draying, freighting or trucking yard or terminal.
  - (4) Feed or fuel yard.

#### CHAPTER 10 - INDUSTRIAL ZONE REGULATIONS

##### 2-10-1 Classification of Industrial Zones

The following regulations shall apply in the I-1 Light Industrial/Heavy Commercial and the I-2 Heavy Industrial Zones.

##### I-1 Light Industrial/Heavy Commercial Zone

2-10-2 Purpose of I-1 Light Industrial/Heavy Commercial Zone: The I-1 Light Industrial/Heavy Commercial Zone is intended to provide areas for light industrial and heavy commercial uses without creating adverse effects on the surrounding land use.

##### 2-10-3 Permitted Uses in an I-1 Zone

- A. Any use permitted in a C-2 Zone, provided all the uses therein shall be subject to the same regulations as specifically set forth in the I-1 Zone.
- B. The following uses or uses of similar type:
  - (1) Animal hospitals or kennels.
  - (2) Motor vehicle assembly.
  - (3) Painting, upholstering, rebuilding, reconditioning, repair or overhauling of motor vehicles and tire retreading or recapping shops.
  - (4) Blacksmith shops and machine shops.
  - (5) The manufacture of pottery or figurines or any other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

- (6) Chick hatcheries.
  - (7) Draying, freighting or trucking yard or terminal.
  - (8) Warehousing/Wholesaling.
- C. The following uses or uses of a similar type, provided they shall be screened from view on the side or sides which abuts a thoroughfare or an R or C zone. Said screening shall consist of either a dense screen planting, a solid wall, a uniformly painted board fence, an earthen mound or a combination of the aforementioned. The screening shall not be less an 8 feet above an abutting thoroughfare measured vertically from the center of the road and not less than 8 feet above the general topography if abutting an R or C Zone.
- (1) Auto wrecking/salvage yard - development plan required.
  - (2) Bleaching or dyeing - development plan required.
  - (3) Stone cutting - development plan required.
  - (4) Junkyard - development plan required.
- D. Advertising devices shall be permitted provided that they are erected in accordance with the provisions of Section 2-17-8 of this ordinance.

#### I-2 Heavy Industrial Zone

2-10-4 Purpose of I-2 Heavy Industrial Zone: The I-2 Heavy Industrial zone is intended to provide areas for industrial and related uses of such a nature that do not create serious problems of compatibility with other land uses and to make provision for certain commercial uses which are most appropriately located as neighbors of industrial uses or which provide necessary services to the people in these areas.

#### 2-10-5 Permitted Uses in a I-2 Zone

- A. The following uses or uses of a similar type, provided where they are within one hundred fifty (150) feet of a residential zone or area or commercial zone, they shall be contained wholly within a building or screened on all sides as provided for in Section 2-10-3C; except for the off-street parking and loading of delivery vehicles which are incidental thereto as required in Sections 2-5-1 thru 2-5-3 of this ordinance.
- (1) Any use allowed in an I-1 Zone, Sections 2-10-3B thru 2-10-3D only of this ordinance.
  - (2) Acetylene gas manufacture or storage.
  - (3) Agriculture.
  - (4) Alcohol manufacture.
  - (5) Ammonia or bleaching powder manufacture.
  - (6) Asphalt manufacturing or refining.

- (7) Boiler works, locomotive or railroad car manufacturing.
- (8) Breweries or liquor distilleries.
- (9) Brick, tile, terra cotta or cinder block manufacturing.
- (10) Central station light or power plant.
- (11) Coal distillation including manufacture or derivation of the by-products.
- (12) Coke oven.
- (13) Concrete mixing plant.
- (14) Furniture manufacture.
- (15) Gas manufacture from coal or petroleum or the storage thereof.
- (16) Incinerator, industrially affiliated.
- (17) Iron or steel foundry, steel furnace or rolling mill, except smelting.
- (18) Meat products manufacture.
- (19) Oilcloth or linoleum manufacture.
- (20) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
- (21) Planing mill.
- (22) Plastic manufacture.
- (23) Power forge.
- (24) Railroad yards including turntables and repair facilities.
- (25) Rubber or gutta-percha manufacture or treatment.
- (26) Salvage yard.
- (27) Soap manufacture.
- (28) Tanning, curing or storage of raw hides.
- (29) Tar distillation or tar products manufacture.
- (30) Above-ground storage of fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 50,000-gallon capacity.

## CHAPTER 11 - HEIGHT AND AREA REGULATIONS

### 2-11-1 General Height Provision

- A. Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.
- B. All areas governed by the Federal Aviation Administration (FAA) due to the area's proximity near an airport or airstrip shall be regulated by the appropriate FAA height regulations.

### 2-11-2 General Area Provisions

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, combined existing structure plus additions, conforms with the area regulations of the zone in which it is located.

- A. No lot area shall be so reduced, diminished and maintained that the yards, other open space, or total lot area shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.



- B. Lots of record at the time of the enactment of this ordinance which have less than the minimum area requirements for residential use may nevertheless be used for any use permitted therein, except that for dwellings, the lot must have a width of at least ninety (90) feet, and an area of at least 11,880 square feet.
- C. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.
- D. Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one residential building and its accessory building on one lot except a farm tenant dwelling may be erected on the same tract as the main farm dwelling. Row dwellings or group housing may be considered as one main residential building.
- E. At street intersections of an angle less than sixty (60) degrees, shrubs or structures over three and one-half (3 1/2) feet high will not be placed between the intersections of the street lines and ten (10) feet from the building line.
- F. At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in which each street frontage is located, and one of such front yards may serve as a required rear yard to permit accessory structures.
- G. Required lot area shall be excluded of proposed road right-of-way.

2-11-3 Height Regulations

- A. Except as otherwise specifically provided in this Chapter, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the height limits established for the district where such building is located, as follows:

ZONE	STORIES	MAXIMUM HEIGHT
R-1, R-2, R-3	2	30
A, C-1, C-2	2.5	50
C-3, I-1, I-2	3	75

- B. Height Exceptions
  - (1) In the zones limiting height to two (2) stories not to exceed thirty (30) feet, any permitted structure may be increased in height to three (3) stories not to exceed fifty (50) feet, provided the required side yards are increased an additional one (1) foot for each three (3) feet such structure exceeds thirty (30) feet.
  - (2) On through lots one hundred fifty (150) feet or less in depth, the height of a building

may be measured from the adjoining curb level on either street.

- (3) On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.
- (4) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, barns, silos, gas containers, material hoppers, or similar structures may be erected above the height limits herein prescribed; but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, business or industrial use.

2-11-4 Lot Area Regulations in Residential Permitted Zone

A. Except as otherwise specifically provided in this Chapter, no residential building or structure shall be erected, altered, enlarged or reconstructed to exceed the lot area limits established for the zone where such residential building is located, as follows:

<u>Zone</u>	<u>Min. Width of Front Build. Line</u>	<u>Min. Net Lot Area (S.F.)</u>	<u>Required Yard Area for Each Dwelling:</u>	
			<u>#of Units</u>	<u>S.F. of Yard</u>
(Buildings served by individual septic systems)				
A	120'	65,340 (1.5A)	1	60,000
		130,680 (3.0A)	2	120,000
R-1	120'	65,340 (1.5A)	1	60,000
		130,680 (3.0A)	2	120,000
R-2	120'	65,340 (1.5A)	1	60,000
		130,680 (3.0A)	2	120,000

Add 1-1/2 acre for each additional unit over 2

For each additional unit above two (2), add 20 feet to the minimum width of front building line.

R-3	120'	65,340	1	N/A
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<u>Zone</u>	<u>Min. Width of Front Build. Line</u> (Buildings served by public or other approved community sewer system)	<u>Min. Net Lot Area (S.F.)</u>	<u>Required Yard Area for Each Dwelling:</u>	
			<u>#of Units</u>	<u>S.F. of Yard</u>
A	100'	43,560 (1.0A)	1	16,000
R-1	100'	43,560 (1A)	1	16,000
R-2	120'	43,560	1	16,000
		65,340	2	26,000

For each additional unit above add ½ acre for each unit over two (2).

2-11-5 Yard Regulations

Except as otherwise specifically provided in this Chapter, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the yard limits established for the zone where such building is located, as follows:

A. Front Yard Limits

Each lot shall have a front yard with a minimum depth measured from, and parallel to, the edge of the nearest road right-of-way as shown on the Adams County Highway Map maintained by the Adams County Plan Commission in conjunction with the Adams County Highway Department. Said map shall classify roads in Adams County as either arterial, primary, secondary or local roads. Said designations may be changed from time to time depending upon development in the area and construction or reconstruction of the road.

<u>Zone</u>	<u>Thoroughfare Type</u>	<u>Setback from Edge of nearest Road right-of-way</u>
All Zones	Arterial	100'
	Primary	90'
	Secondary	70'
	Section and Half Section	50'
*	Local (Residential Streets)	40'

- (1) Where a lot is situated between two (2) lots, each of which has an existing main building thereon, the front yards of which are less than the minimum required front yards established herein, the front yard limit of such lot shall be the average of the front yards of said existing buildings.
- (2) Where a lot abuts only one (1) lot having an existing main building thereon, the

front yard of which is less than the minimum required front yard established herein, the front yard limit of such lot shall be the average of the front yard of the existing building and the required front yard.

- (3) In the case of a corner lot, the side yard width to the side street line shall be equal to at least one half (1/2) of the front yard depth limit for the district in which the lot is located. In no case shall the side yard width to the side street line be less than twenty (20) feet.

**B. Side Yard Limits**

There shall be two side yards for each lot. The minimum width for each yard, along with the aggregate width for both yards, shall be as follows:

<u>Zone</u>	<u>Condition</u>	<u>Min. Width of One Side Yard</u>	<u>Aggregate Width of Both Yards</u>
A	N/A	10'	20'
R-1	N/A	10% of lot width w/min. of 10'	25% of lot width
R-2	N/A	10'	20% of lot width
R-3	N/A	15'	30'
C-1, C-2, C-3, I-1, I-2	N/A	0' but if a yard is provided, limit is 4'. However if residential dwelling is constructed, side yard shall be the same as R-1 above.	0' but if a yard is provided, limit is 8', provided however if residential dwelling is constructed side yard shall be the same as R-1 above.
	First floor of C or I Zone building is used for recreational purposes	6'	20' of lot width
	C or I zone abuts an R Zone	6' plus 4' for each C or I zone building story above first story	Twice the limit for one yard

**C. Rear Yard Limits**

There shall be a rear yard for each lot, the minimum depth of which shall be as follows:

<u>Zone</u>	<u>Minimum Depth</u>
A, R-1, R-2	25% of lot depth
R-3	20'
C-1, C-2, C-3 I-1, I-2	0' but if a yard is provided, limit is 4', however, if residence dwelling is constructed, rear yard will be 25% of lot depth.
C or I Zone abuts an R Zone	20% of lot depth, not less than 20'

D. Yard Limits Within a Mobile Home Park

- (1) Front Yard - Minimum front yard from hitch to lot line shall be six (6) feet; in the case of a removed hitch, the minimum front yard from trailer to lot line shall be ten (10) feet.
- (2) Side Yard - Minimum side yard shall be fifteen (15) feet. Minimum distance between mobile homes shall be thirty (30) feet; minimum distance between any additions to or projections of a mobile home and the next adjacent mobile home shall be twenty (20) feet. In any event, the aggregate total of side yards shall not be less than thirty (30) feet.
- (3) Rear Yard - Minimum rear yard shall be twenty (20) feet.

E. Lot Area and Yard Exceptions and Modifications

- (1) Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in Section 7-4-3A.4.
- (2) Where a lot is situated between two (2) lots, each of which has a main building which projects beyond the ordinance established front yard line and was so maintained when this ordinance became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall be not less than ten (10) feet.
- (3) Where a lot adjoins only one (1) lot having a main building which projects beyond the ordinance established front yard line and has been so maintained since this ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line,

provided, however, the front yard of such lot shall be not less than ten (10) feet.

- (4) For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached dwellings, row dwellings, and group dwellings.
- (5) The front and side yards may be waived for dwellings, motels and lodging houses erected above the ground floor of a building when said ground floor is designed and used exclusively for business and/or industrial purposes.
- (6) An accessory building, not exceeding twenty (20) feet in height may occupy not more than thirty percent (30%) of the area of a required rear yard, providing it is no less than five (5) feet from any side or rear lot line.
- (7) Where a through lot has a depth of two hundred (200) feet or more, and an area of 20,000 square feet or more, said lot may be assumed to be two (2) lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.

F. Yard Projections

- (1) A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty (20) feet in length, and is entirely open on at least the front and rear sides, except for the necessary supporting columns and customary architectural features; provided, however, said porte cochere does not extend to within six (6) feet of a side lot line.
- (2) A cornice, eave bolt course, sill, canopy or other similar architectural feature (not including bay window or other vertical protection) may extend or project into a required front, side or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than three (3) feet.
- (3) A fire escape may extend or project into any required front, side or rear yard not more than four (4) feet.
- (4) An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard, and such balcony may extend into a required front yard not more than thirty (30) inches.
- (5) An open, unenclosed porch, platform or land place not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required side yard not more than four (4) feet and into any required front or rear yard not more than eight (8) feet.
- (6) A fence, lattice-work screen or wall in connection with residential use, not more than six (6) feet in height, but not to extend into the required front yard, or a hedge or thick growth of shrubs, maintained so as not to exceed four (4) feet in height may

be located in any required front or side yard.

- (7) A landscape feature such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, provided it does not violate the provisions of Section 2-11-5.

## CHAPTER 11.5 - RECREATIONAL SPACE REQUIREMENTS

### 2-11.5-1 General Recreational Space Requirements

A recreational space requirement is required for all R-1 and R-2 zones and any agricultural or other zone where residential housing is being planned or proposed.

### 2-11.5-2 Criteria for guidance

The following standards are to be utilized in the evaluation of all required recreation space in a commission approved development plan and in the approval of subdivisions requiring recreational space.

A. The commission approved recreation space shall be approved in all zones as defined in Section 2-11.5-5 herein. The purpose of providing this base shall be to meet the immediate and future recreational needs of the developments residence and a neighborhood setting. Recreation space may be provided in a centrally located site, in distinctly separate sites, as connecting links between separated activity areas, or adjacent to other existing or proposed recreation spaces. The commission shall determine if the proposed recreation space is suitable for the intended use. Consideration shall be given to the location of the proposed recreation space and it shall be reasonably close to and adjacent to residential areas or centrally located between phased developments. Wasteland or land undesirable for development shall not be substituted for recreational space unless its location and suitability is consistent with recreational use.

### 2-11.5-3 Covenants

All developments with recreational space must contain acceptable covenants which, in the opinion of the commission, insure adequate maintenance of those recreation spaces.

### 2-11.5-4 Amount of recreational space required

Recreational space shall be required when in the opinion of the commission it would be desirable for the proposed development considering the surrounding area and the density of families benefitting from open space and recreational uses. Therefore, a recreational space requirement may be required by the commission for minor subdivisions if in the opinion of the commission all the above criteria are present and it would be desirable for the proposed development and surrounding area to have recreational space included as part of the plan. Unless extenuating circumstances exist, recreational space will generally not be required in case of minor subdivisions.

### 2-11.5-5 Recreational space and major subdivisions

Recreational space shall be required in all major subdivisions of more than ten lots and may be required in major subdivisions of ten or fewer lots if in the opinion of the commission it is determined that such recreational space is desirable and necessary to the orderly development of the area. In major subdivisions of over ten lots the minimum amount of recreational space which shall be required shall be a minimum of ten percent of the total area developed with a minimum of 32,670 square feet.

2-11.5-6 Physical improvements

The term recreational space shall be interpreted to mean void of non-recreational structures, street rights-of-way, open parking areas and driveways for dwellings. The space qualified for recreational space shall be made reasonably level and suitable for organized or unorganized play and recreation by children and adults. The developer may but is not required to provide specific playground equipment and physical improvements.

2-11.5-7 Use of recreational space

Space intended for limited recreational activity or other uses, such as golf course, to which all residents of the development may not be permitted free access because of the payment of a fee or charge, shall not qualify in meeting the recreational space requirement herein.

CHAPTER 12 - PLANNED UNIT DEVELOPMENTS

2-12-1 Purpose

A Planned Unit Zone is intended to encourage innovative developments in certain zones that will not distract from the original zone intent.

Developers of land in a Planned Unit Zone will be offered flexibility in design and development. As a means to this flexibility, regulations governing lot size, yards and building location may be varied, subsequent to approval by the Plan Commission through the development plan process, Chapter 15 of this Article.

A. Permitted Zones

Planned Unit Developments may be located only on lots, parcels or tracts of land of four (4) acres or more in R-2, C-1, C-2, C-3, I-1 and I-2 Zones. Planned Unit Zones are identified by a "P" designation following the permitted zone.

B. Corresponding Zones

<u>Regular Zones</u>	<u>Corresponding Planned Unit Zone</u>
R-2	R-2P
C-1	C-1P
C-2	C-2P
C-3	C-3P
I-1	I-1P
I-2	I-2P



2-12-2 Planned Residential Zone

- A. Purpose  
The intent of a Planned Residential Zone (R-2P) is to encourage innovative multiple-family residential communities and allow the developer of such communities the maximum amount of flexibility in design and development.
- B. Permitted Uses  
The uses permitted in the zone shall be the same as those permitted within the R-2 Zone as found in Section 2-8-6 of this ordinance.

2-12-3 Planned Commercial Zone

- A. Purpose  
The intent of a Planned Commercial Zone (C-1P, C-2P or C-3P) is to provide for and encourage the grouping of businesses into centers and complexes, incorporating modern concepts of service and design.
- B. Permitted Uses  
The uses permitted in each zone shall be the same as those permitted within the corresponding C-1, C-2 or C-3 Zone as found in Chapter 9 of this Article. (2-9-3-5-7)

2-12-4 Planned Industrial Zone

- A. Purpose  
The intent of a Planned Industrial Zone (I-1P or I-2P) is to provide a means for industrial land uses, regardless of overall size or acreage, to develop in accordance with a set plan and in consideration of the surrounding land use, especially within transitional areas.
- B. Permitted Uses.  
The uses permitted in each zone shall be the same as those permitted within the corresponding I-1 or I-2 Zone as found in Chapter 10 of this Article. (2-10-3-5)

CHAPTER 13 - DEVELOPMENT PLAN REGULATIONS - ALL ZONES

2-13-1 Purpose of Development Plan

A Development Plan is intended to provide all pertinent information about a proposed development so the Plan Commission may make a knowledgeable decision whether or not the proposed development meets all the requirements of this ordinance and the goals and objectives of the County Master Plan.

2-13-2 Required Developments for Development Plan

- A. The development plan procedure, hereafter set forth, shall be required for the following developments:
  - (1) All minor and major subdivisions of land.

- (2) All mobile home parks. Additional requirements are provided for in Section 2-14 of this article.
- (3) All planned unit developments. Additional requirements are provided for in Section 2-15 of this article.
- (4) All intensive livestock operations. Requirements are provided in Sec. 2-16-1 of this article.
- (5) All multiple-family dwelling developments on lots, parcels or tracts of land over two (2) acres.
- (6) All multiple-group dwelling development.
- (7) All C-1 principal use developments on lots, parcels or tracts of land over two (2) acres. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
- (8) All C-2 and C-3 principal use developments. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
- (9) All I-1 and I-2 principal use developments. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
- (15) All uses contained in 2-10-3 (c).

**B. Subdivision Plat**

A subdivision plat shall be required along with a development plan as long as a subdivision of land, as defined, is occurring as a result of this development. Both development plan and subdivision plat processes may be done concurrently with any duplicated requirements being counted for both processes.

**2-13-3 Pre-Application Review**

A pre-application review between zoning administrator and developer is recommended at least fifteen (15) days prior to official application for primary approval of a development plan. The purpose of this pre-application review is as follows:

- A. To inform the applicant of the standards and requirements of all applicable ordinances, including the Comprehensive Plan,
- B. To review the various procedures and submission requirements,
- C. To review with the applicant any inherent limiting characteristics of the specific site or surrounding areas.
- D. To reduce the time period between initial application and Plan Commission approval.

## 2-13-4 Application For Primary Approval of Development Plans

- A. The application for primary approval of a development plan shall be submitted in duplicate to the Commission on a form approved by the Commission, shall be signed by the owner(s) of record and shall contain a statement specifying the intentions of the owner respecting the proposed land use of the development, deed restrictions, drainage, sewage disposal, water facilities, and the intended date of the development. At the time of the submission of the application, the applicant shall pay to the Commission the filing fee established by rule of the Commission.
- B. A tracing and two copies of the proposed development plan shall be submitted to the Commission at the time the application for primary approval is filed. The proposed development plan shall represent the entire tract which the applicant intends to develop and over which he has an ownership or financial interest and/or control, or that portion of the entire tract for which further public hearing is required by the Commission following the initial primary approval of the development plan for the overall site.
- C. Contents of Development Plan for Primary Approval  
The development plan for which an application for primary approval is submitted shall contain the supporting data and site plan and supporting maps described below. This information is to be submitted for all of the site included in the application. Applications can be reviewed only for those areas for which all required submission data have been presented.
  - (1) Supporting Data
    - (a) A development schedule indicating the approximate date when construction of the development (or stages of the development) can be expected to begin and be completed,
    - (b) Information on the number and type of structures, parcel size, proposed lot coverage of buildings and structures, together with gross residential densities, type of dwelling units and net density per type of dwelling unit when mixed use, where applicable,
    - (c) Statements identifying the intended means of assuring permanency, continuance and maintenance of all open/recreation spaces to be dedicated for use by residents of the development and/or the general public, where applicable, and
    - (d) Proposed restrictive covenants, if applicable.
  - (2) Site Plan and Supporting Maps
    - (a) Date, scale (graphic and written), north point, name and address of designer and/or engineer, name and address of the developer, and proposed name of the development,

- (b) A generalized legal description of the total site as well as dimensions of the boundaries of the tract, including generalized bearings and distances, measured from a section corner,
- (c) The existing site conditions including contours, (at a predetermined interval), watercourses, and drainageways, flood plain elevations, wooded areas, soil types (including interpretation of character), and other unique natural features,
- (d) The location, minimum size and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open spaces, parks, recreational areas, school sites and similar public and semi-public uses, where applicable,
- (e) The existing and proposed vehicular circulation system, including right-of-way widths and driving surface widths of streets, off-street parking areas, service areas, loading areas, street names, intersection radii, street dedications, and points of access to public rights-of-way, where applicable,
- (f) The existing and proposed pedestrian circulation system, including links with nearby land uses, where applicable,
- (g) Proposed lot and/or tract lines, lot numbers, lot dimensions, easements and building lines. Those areas to be subdivided pursuant to the terms of the Adams County Subdivision Control Ordinance shall conform to same and be clearly delineated on the development plan,
- (h) The proposed treatment of the perimeter of the site, including materials and techniques to be used such as screens, fences, walls and landscaping, and
- (i) The following generalized feasibility information:
  - (i) Street width and type of surfacing material,
  - (ii) Sanitary sewer pipe location, septic tank, manhole locations and invert at point of connections to existing facilities,
  - (iii) Water line and fire hydrant locations to point of connection to existing facilities;
  - (iv) Storm sewer improvement locations including pipe, manhole and catch basin locations; detention basin location, capacity and appropriate elevations; storm drainage flow lines,
  - (v) Street lighting fixtures locations, when applicable.

2-13-5 Hearing Procedure for Primary Approval, Action by Commission

- A. Within thirty (30) days after the date of receipt of the plan application for primary approval, the proposed development plan and the filing fee, the Zoning Administrator shall announce the date and time of the public hearing for primary approval of the development plan to be held before the Commission. The Zoning Administrator shall also provide notice of such

hearing, as follows:

- (1) By publication in accordance with I.C. 5-3-1,
  - (2) To the applicant, in writing, by means of regular United States mail, postage prepaid, addressed to the applicant at the address listed in the application for approval,
  - (3) To all public agencies and governmental units having a probable interest in the proposed plat, furnishing a copy thereof and requesting their written comments with regard thereto,
  - (4) To such other interested parties and in such manner as the Commission may designate by rule.
- B. The public hearing for primary approval of the proposed development plan shall be conducted in accordance with such procedures as the Commission may adopt by rule.
- C. After public hearing upon the proposed development plan, the Commission shall determine if it complies with and satisfies the standards prescribed for primary approval under this ordinance. Within a reasonable time after such hearing, the Commission shall either grant, with or without conditions, or deny primary approval of the proposed development plan and enter written findings and decision in accordance with such action, signed by any one of the following: the President, the Vice President, the Secretary or the Zoning Administrator of the Commission; provided however, that if primary approval is denied, the written findings entered by the Commission shall set forth the reasons for such denial.
- D. Notice of the Commission's decision upon the application for primary approval shall be provided by furnishing a copy of its written findings and decision to the applicant and to such remonstrators or other interested parties, if any, as the Commission may designate by rule. Such notice shall be furnished by the Zoning Administrator within five (5) days after the Commission's decision in the manner prescribed by the Commission, by rule duly adopted.
- E. Primary approval of a development plan by the Commission shall be valid for one (1) year from the date of approval, unless the applicant, prior to the expiration of such one (1) year period, shall have applied for and received the Commission's approval for an extension of time to obtain secondary approval. If, by the expiration of such initial one (1) year period of time, or during any period of extension approved by the Commission, the applicant does not obtain secondary approval of all or part of the area included in the development plan for which primary approval had been granted, then the primary approval granted for the development plan shall lapse and be considered as null and void. In the event the Commission grants secondary approval for only a portion of the development plan, the applicant thereafter will not be obligated to adhere to any time limitations for requesting secondary approval of the remainder of the development plan.

## 2-13-6 Application for Secondary Approval of Development Plans

- A. The applicant shall have the responsibility to notify the Zoning Administrator of the Commission in writing of his intent to seek secondary approval, of either all or a portion of the development plan. In the event the applicant intends to seek secondary approval of only a portion of the development plan, the applicant shall specifically describe and designate such areas so as to reasonably identify the same. The applicant shall also at that time file with the Commission staff the development plan in the form and with the contents prescribed hereinafter. The Zoning Administrator shall then cause to be scheduled a meeting of the Plan Commission for the purpose of reviewing the development plan and determining whether secondary approval shall be granted, and provide notice to the applicant of the date and time of such meeting. No other notice of such meeting need be given, except as required by law. The Zoning Administrator shall then review all submissions made by the applicant to insure the requirements for secondary approval stated in this ordinance have been satisfied.
- B. The Commission will consider secondary approval of a development plan only after the applicant has accomplished the following:
- (1) Filed with the Commission a complete set of plans and specifications for the development of all streets, sewers, water supply and other utilities and facilities proposed to be installed in conjunction with the development plan, in accordance with the requirements of this ordinance,
  - (2) Delivered to or filed with the Commission all necessary approvals and acceptances from all applicable agencies and authorities,
  - (3) Paid in full to the Commission all costs incurred for the furnishing of notice required under this ordinance and/or by rule, of the granting of primary approval of the development plan by the Commission,
  - (4) Filed with the Commission the development plan in the form and with the contents prescribed hereinafter.
- D. Contents of Development Plan for Secondary Approval  
The development plan for which secondary approval is sought shall be submitted to the Commission in the form of an original reproducible plan sheet, drawn in ink and shall be complete and accurate layout of the project and shall contain any and all additions, corrections and deletions required by the Commission. Such development plan shall also include the following information:
- (1) Supporting Data
    - (a) Legal description of the parcel of real estate for which secondary approval is sought,
    - (b) Restrictive covenants including provisions for open space maintenance,

when applicable,

- (c) Traverse closure,
- (d) Construction performance schedule and accompanying development plan indicating delineations of specific areas. If applicable, those areas required to have open space shall include the time of the development of recreational or other facilities within the open space. The development plan shall also indicate the location of any construction access roads and their relationship to the staging of development,
- (e) Letters of comment from the Adams County Surveyor's Office, Health Department and other public agencies having approval over the wastewater disposal system and fresh water supply system.
- (f) Letters from the utilities serving the area, setting forth their ability to serve the development, and
- (g) Such additional information as may be required by the Commission.

(2) Site Plan and Supporting Maps

- (a) Date, scale (graphic and written), north point, name and address of the designer and/or engineer, name and address of the developer of the tract, and name of development,
- (b) Dimensions of the boundaries of the tract including bearings and distances and the exact location of all existing and recorded streets intersecting the boundary of the tract,
- (c) Section or reserve lines or other legal points of reference and distances to same,
- (d) Building lines, lot lines, easement locations and dimensions,
- (e) Lot numbers and individual addresses for each lot,
- (f) Plans, profiles, cross sections and names, location and geometrics for streets and entrances onto public rights-of-way, including acceleration-deceleration and passing lanes, and dedication documents when applicable,
- (g) Plans and cross sections for pedestrian walkways,
- (h) Easements such as pedestrian, utility, drainage, etc.,
- (i) Sanitary and storm sewer plans and profiles, and water line plans,

- (j) Parking areas, including plans, cross sections, and landscaping details,
- (k) The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and right-of-way widths,
- (l) Lighting plan, including areas to be lighted, the type of fixtures to be used, and the lighting intensity level for all areas to be lighted, when required,
- (m) Landscape plans, including the location of all landscape materials and elements, which requirement is waived in those areas used for single-family residential purposes,
- (n) Such other data which may be required by the Commission.

#### 2-13-7 Action by Plan Commission for Secondary Approval of Development Plans

- A. Within a reasonable time following the applicant's satisfaction of all requirements for secondary approval stated under Section 2-13-6 of this Chapter, the Plan Commission shall either grant, with or without conditions or deny secondary approval of the development plan. If secondary approval is denied, the Plan Commission shall within five (5) days thereafter, furnish the applicant with a written list of the reasons for such denial.
- B. Notwithstanding the requirements of the ordinance for submission to the Plan Commission, the Plan Commission may, upon written request by the applicant, supported by evidence that all submissions have been timely filed, grant secondary approval of a development plan although one or more of such approvals may not have been delivered to or received by the Plan Commission. The Plan Commission may grant such secondary approval only when the applicant provides a written statement made under oath and approved by the Plan Commission or the Commission staff, for recordation as a protective covenant or supplement thereto, stating that the applicant will cause to be provided at his cost all things necessary to attain or accomplish the delivery of the required approval(s) which shall not then have been delivered to or received by the Commission. If the applicant does not then deliver such approval(s) in a timely fashion, the Commission is hereby empowered to refuse to issue either Improvement Location Permits or Certificate of Occupancy Permits. Once the applicant has thereafter secured and delivered to the Commission the required approval(s), the Zoning Administrator shall then execute a recordable document, which shall be recorded by the applicant at his expense, rescinding the aforesaid recorded written statement.

#### 2-13-8 Issuance of Permits

- A. Prior to the issuance of an Improvement Location Permit for any use in a zone wherein a development plan is required, the following matters shall be accomplished:
  - (1) The Commission shall have granted primary and secondary approval of the development plan in accordance with this ordinance and the Adams County Comprehensive Master Plan; and



- (2) The applicant shall have duly recorded in the Office of the Recorder of Adams County, Indiana, the utility easements, rights-of-way, plats, deed restrictions, or any other legal instruments required, and in the form approved, by the Commission.
  
- B. The requirement for such approval of a development plan, prior to the issuance of an Improvement Location Permit, shall also specifically apply to any residential condominium development which is subject to the requirements of I.C. 32-1-6, the Indiana Horizontal Property Act, as the same may be amended from time to time, regardless of whether the zoning district in which the subject real estate is located required approval of the development plan for the intended use under this Ordinance. Such a condominium development shall be subject to all requirements set forth in Section 2-13-6 of this Chapter.

#### 2-13-9 Amendments to Approved Development Plan

- A. **General Requirements**

After the Commission has granted either primary or secondary approval of a development plan, any amendments thereto shall be submitted by the applicant to the Zoning Administrator by way of an amended application for the type of approval sought, on a form prescribed by the Commission. Any such application shall also be accompanied by the pertinent submissions required under this ordinance for the proposed amendments involved, together with the requisite filing fee if a public hearing is required hereunder to be held upon the amended application.
  
- B. **Execution of Amended Application**

Any application submitted for amendment of a development plan following the granting by the Commission of primary approval, but prior to the granting of secondary approval, need contain only the signature(s) of the original applicant(s), or the successor(s) in interest thereto. After secondary approval of a development plan has been granted, any applications for proposed amendments thereto shall contain the signatures of all owners of record, as shown in the Real Estate Master File maintained by the Auditor of Adams County, Indiana, at the time such application is filed, of the real estate included in that portion of the development plan for which secondary approval had previously been granted and for which amendment is being sought.
  
- C. **Requirement for Public Hearing**

If in the opinion of the Zoning Administrator, the amendment to the development plan proposed in such application is substantial, in terms of the scope of the overall project and/or the possible impact upon the community and land uses, both existing and planned, which surround the area included in the development plan, then the Zoning Administrator may either require the matter to be heard by the Commission, at a public hearing, or defer such decision to the Plan Commission for a determination of such public hearing. In the event such determination is to be made by the Plan Commission, notice of the date and time of the meeting of the Plan Commission at which such determination is to be made shall be given by the Zoning Administrator to the applicant. No other notice need be given, except as required by law. Any action by the Plan Commission in determining whether a public hearing must be held before the Commission upon the amendments proposed by the applicant shall be a final decision, which may not be appealed to the Commission except by

a dissenting Plan Commission member as provided by rule.

D. Commission Action

Notwithstanding the foregoing provisions, nothing in this Section 9 shall preclude the Commission from requiring, as a condition for the granting of primary approval of an overall development plan, that subsequent public hearings be conducted before the Commission, as to any portions of the overall development plan or any later amendments, alterations or modifications proposed with regard thereto. The Commission may, however, waive any procedural or submission requirements otherwise provided under this zoning ordinance, it may deem necessary when reviewing a change to an approved development plan.

E. Conduct of Subsequent Public Hearing

If the Commission requests, or is required under the provisions of this ordinance, to conduct a second or subsequent public hearing for approval of a development plan or an amendment thereto, then such hearing shall be conducted and notice furnished in accordance with the provisions of the zoning ordinance and the pertinent rules duly adopted by the Commission.

2-13-10

Development Plan Design Standards

The following minimum design standards shall apply to all site improvements on real estate for which a development plan is required. Individual zoning districts may also supplement the following standards with more detailed standards pertinent to individual districts.

A. Environmental Design

- (1) It is the intention of the Plan Commission to encourage the preservation of natural site amenities and to minimize the disturbance to the natural environment.
- (2) Existing trees and other natural features shall be preserved whenever possible. The location of these features must be considered when planning common open space, location of buildings, underground services, walks, paved areas, and finished grade levels. The Commission may inquire into the means whereby natural features will be protected during construction.

B. Building Separation

In reviewing the location of all structures within the development plan boundaries, the Commission shall determine that said structures are located to allow adequate light, air, ease of entry and access by emergency vehicles. For those districts without specified yard requirements, the Commission shall be guided by the following:

- (1) That the open areas provided around the building be sufficient to provide the occupants of the structure with adequate light and air from all outside walls which contain windows or doors,
- (2) That sufficient space is provided for access and entry to buildings from all streets, parking lots and other buildings,

- (3) That in the event lots for one-family or two-family dwellings are to be sold prior to construction and the applicant cannot indicate structures on the development plan, said structures shall be subject to the yard provisions of the Zoning and Subdivision Ordinances for the R-1, R-2, and R-3 Districts or other Commission-approved minimums, unless specifically waived.

C. Vehicular Circulation Facilities

All present and future dedicated right-of-way widths and street improvements shall meet the requirements of the Adams County Subdivision Control Ordinance as now or hereafter amended.

D. Pedestrian Circulation Facilities

Pedestrian walkways shall be constructed in a location and to specifications approved by the Commission. Such walkways shall provide for pedestrian circulation throughout the development and shall be separated from vehicular traffic. Where distance separation cannot be achieved, physical separation may be required in cases which the commission deems necessary.

E. Sanitary Sewage Disposal and Water Supply Systems

All water supply and sanitary sewage disposal systems, whether private or public in nature, shall be subject to compliance with local, and where appropriate, State Agency requirements. Plans must be submitted to and approved by the appropriate agencies.

F. Recreation Space Requirements

- (1) Recreational space requirements and the criteria for approval in the development plan and/or platting of applicable subdivisions are contained in Chapter 11.5 herein. The following standards are to be utilized in the evaluation of all required recreation space in a Commission-approved development plan:

- (a) Commission-approved recreation space shall be provided in all residential zones as defined in Chapter 11.5. The purpose of providing this space shall be to meet the immediate and future recreational needs of the development's residents in a neighborhood setting. Recreation space may be provided in a centrally located site, in distinctly separated sites, as connecting links between separated activity areas, or adjacent to other existing or proposed recreation spaces. The Commission shall determine if the proposed recreation space is suitable for the intended use. This requirement may be waived when, in the opinion of the Commission, the applicant has satisfactorily demonstrated that he has provided alternative methods for meeting the recreational needs of his development's residents.

- (b) All developments with recreation space must contain acceptable covenants which, in the opinion of the Commission, insure adequate maintenance of those recreation spaces.

- (2) Physical Improvements

The term recreation space shall be interpreted to mean void of non-recreational structures, street rights-of-way, open parking areas and driveways for dwellings.

(3) Use of Recreation Space

Space intended for limited recreational or other uses, such as a golf course, to which all residents of the development may not be permitted free access because of the payment of a fee or a charge, shall have a maximum of three-fourths of said space utilized in meeting the recreation space requirements of the total development.

G. Paving

All access drives and off-street parking facilities shall either be paved with concrete or with other approved surfacing material to adequately provide a durable and dust-free surface.

H. Parking Standards

- (1) Parking areas may be required to be arranged so as to prevent through traffic to other parking areas,
- (2) Parking areas shall be screened from adjacent non-related structures, roads and traffic arteries with plantings, earth berms, walls or changes in grade, when deemed necessary by the Commission,
- (3) All parking areas shall be marked so as to provide for orderly and safe parking, storage and movement,
- (4) When it is in the interest of safety and better vehicle and pedestrian circulation, the Plan Commission may require the use of landscape elements to provide physical separation of use areas,
- (5) All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining real estate,
- (6) All parking areas and off-street loading areas shall be graded and drained to remove all surface water without erosion and flooding.

I. Street Lighting

Street lighting shall be provided in all residential development. Alternative street lighting proposals will be considered by the Commission if found to be appropriate in scale and intensity. Where pedestrian facilities are separated from streets to the extent that they are not adequately lighted from the street light facilities, separate lighting facilities shall be provided on such pedestrian facilities.

CHAPTER 14 - DEVELOPMENT PLAN REGULATIONS - MOBILE HOME PARKS

- 2-14-1 Prior to issuance of an Improvement Location Permit in an R-3 Mobile Home Park Zone, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which improvements are to be

located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).

2-14-2 In determining the action to be taken on a proposed R-3 development plan, the Commission shall be guided by the design standards set forth in Section 2-13-10 of this ordinance and supplemented below:

- A. The wheels shall be removed from each mobile home occupying a lot in the park.
- B. Each mobile home shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage.
- C. Each mobile home occupying a lot in the subdivision shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for and attached to appropriate external systems.
- D. The developer shall provide a substantial and attractive fence of at least six (6) feet in height or a dense evergreen screen planting of at least six (6) feet in height after one full growing season, when adjoining property is zoned or used for residential purposes. When said park is adjacent to an arterial thoroughfare, the park yard fronting on the thoroughfare shall be landscaped and maintained.
- E. Provision must be made, in every mobile home park, for a road in front of every lot. The road surface shall be of the all-weather type with a traffic surface of not less than twenty (20) feet in width, properly crowned and graded. When off-street parking is not utilized, a parking surface of eight (8) feet in width shall be provided along each side of said traffic surface. When such roads come in contact with any public roads or highway, reinforced concrete sewer pipe with cemented joints or continuous iron or steel pipe shall be installed to provide drainage. The cost of such pipe shall be defrayed by the owner or operator of the park, and the installation shall be approved by the County Highway Supervisor and the County Surveyor. All roads within the park must be accessible for traffic at all times and shall be maintained in first class condition. Roads in any mobile home park may be accepted into the county road system; however, if they are not acceptable, the operator shall provide for their maintenance.
- F. All R-3 Mobile Home Park Zones shall have open space, unless waived by the Commission, at a rate of two hundred (200) square feet per mobile home lot. The Commission may require recreational space the same as set out in 2-11.5-5 of this ordinance.
- G. In addition to the parking regulations in Section 2-5-1B, the mobile home park developer shall provide two (2) parking areas per each lot.
- H. Sidewalks of thirty-six (36) inch minimum width shall be provided by the developer; said sidewalks shall serve each lot and mobile home.
- I. Street lighting shall be provided by the developer. The light value on all occupied streets shall be a minimum of 1/10 foot candle.

J. Water supply shall be from a municipal water service or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow or surface drainage. The source and supply of the water for human consumption must meet all the requirements of the Adams County and State Boards of Health. The use of open wells, springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this ordinance.

K. Mobile home parks must be kept in clean and sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter and trash. Receptacles must be emptied once a week, and the contents of same must be disposed of immediately by other approved means of regular collection by a garbage disposal service.

Liquid wastes from mobile homes shall be collected by a sewage system which has a trapped outlet available to each lot or unit plot and which shall discharge into an approved sewage disposal system. The use of buckets as a depository for waste is unlawful.

L. Primary treatment of all sewage shall be through a sewage disposal process which meets all County and State health requirements. If septic tanks are used, a percolation test will be required meeting the specifications of the County and State Sanitation Code. If a sewage disposal plant or lagoon is used, the system must be approved by the Adams County and State Boards of Health. Every mobile home park shall provide one (1) or more service buildings based upon the requirements set forth in the Indiana General Assembly Acts of 1955, Chapter 321, Sections 16 to 21 and amendments thereto. Supervision and maintenance of the mobile home park shall comply with the Indiana General Assembly Acts of 1955, Chapter 321, Section 11 and amendments thereto.

M. All mobile homes occupying any lot in Adams County must be kept in such operating condition that they may be removed or placed in transit within twenty-four (24) hours upon legal service of the sheriff or other law enforcement officer.

2-14-3 Every owner, agent, lessee, person, firm, or corporation that operates or manages any area, tract, subdivision, or any part thereof for the use as a mobile home park shall file with the Commission, at the time of opening the park for occupancy, a Mobile Home Park Registration. The form shall be furnished by the Commission. Before renting or leasing any unit plot, the owner or operator, or agent of the owner or operator, shall submit one original Mobile Home Park Registration form to the Commission and a copy of the form to each of the following:

- A. The mobile home park operator,
- B. The Indiana State Board of Health,
- C. The school superintendent of the school district in which the park is located,
- D. The Adams County Sheriff,
- E. The Adams County Board of Health.

## CHAPTER 15 - DEVELOPMENT PLAN REGULATIONS - PLANNED UNIT DEVELOPMENTS

### 2-15-1 Planned Residential Zone

- A. Prior to issuance of an Improvement Location Permit in an R-2P Zone, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which the improvements are to be located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).
- B. In determining the action to be taken on a proposed Planned Residential Zone development plan, the Commission shall be guided by the design standards set forth in Section 2-13-10 of this ordinance and supplemented below:
  - (1) The maximum permitted density per acre for the R-2P Planned Residential Zone is eight (8) dwelling units per gross acre.
  - (2) All regulations will be equal to those in the corresponding R-2 Zone unless specifically waived by the Commission at the time of development plan approval. In the event the Commission waives any regulations, it must find that the general intent, spirit and purpose of the zone are met.
  - (3) All R-2P Planned Residential Zones shall have open space, as determined by the Commission.

### 2-15-2 Planned Commercial Zone

- A. Prior to issuance of an Improvement Location Permit in a Planned Commercial District, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which the improvements are to be located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).
  - (1) The Commission during its review process will consider the following items:
    - (a) Jointly used parking facilities will be encouraged by the Commission, thereby reducing the number of individual entrances and exits to thoroughfares.
    - (b) The applicant shall submit a set of sign standards to be reviewed by the Commission. Said standards will be approved as part of the secondary development plan, and joint use of signs will be encouraged where deemed necessary by the Commission.
- B. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards and policies established in Section 2-13-10 and supplemented below:

- (1) All regulations shall be equal to those in the regular C zones unless specifically waived by the Commission at the time of development plan approval; and in the event the Commission waives any regulations, they must find that the general intent, spirit and purpose of the zone are met.
- (2) The Commission shall require ten percent (10%) of the net site area to be landscaped; landscaping elements include but are not limited to planting beds, islands, embankments and other aesthetic areas.

### 2-15-3 Planned Industrial Zone

A. Prior to issuance of an Improvement Location Permit in a Planned Industrial District, the Commission shall grant primary and secondary development plan approval for the total site. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).

- (1) The Commission during its review process will consider the following items:
  - (a) Jointly used parking facilities will be encouraged by the Commission, thereby reducing the number of individual entrances and exits to thoroughfares.
  - (b) The applicant shall submit a set of sign standards to be reviewed by the Commission. Said standards will be approved as part of the secondary development plan, and joint use of signs will be encouraged where deemed necessary by the Commission.

B. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards and policies established in Section 2-13-10 and supplemented below:

- (1) All regulations shall be equal to those in the regular districts unless specifically waived by the Commission at the time of development plan approval; in the event the Commission waives any requirements, they must find that the general intent, spirit and purpose of the zone are met.