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## FOUNTAIN COUNTY ZONING ORDINANCE

A RESOLUTION ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR FOUNTAIN COUNTY, INDIANA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 138 OF THE ACTS OF THE GENERAL ASSEMBLY OF INDIANA, 1957, AND ALL ACTS SUPPLEMENTAL AND AMENDATORY THERETO, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Chapter 138 of the Acts of the General Assembly of Indiana, 1957, empowers the Legislative body of the County to enact a zoning ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS the Legislative body of Fountain County deems it necessary; for the purpose of promoting the public health, safety, comfort, convenience, and general public welfare of the County to enact such an ordinance, and

WHEREAS the Legislative body of Fountain County, pursuant to the provisions of Chapter 138 of the Acts of the General Assembly of Indiana, 1957, and all acts supplemental and amendatory thereto, has created an Advisory Plan Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, and

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

WHEREAS the Advisory 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 Advisory Plan Commission has held public hearings concerning the zoning ordinance, and has submitted its recommendations to the County's Legislative body, and

WHEREAS all requirements of Chapter 138 of the Acts of the General Assembly of Indiana, 1957, and all acts supplemental and amendatory thereto, with regard to the preparation of the Zoning Ordinance and the subsequent action of the County's Legislative body have been met;

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF  
FOUNTAIN COUNTY, INDIANA

Date Adopted:

Effective Date:

Ordinance Number:

\_\_\_\_\_, 2008

\_\_\_\_\_, 2008

\_\_\_\_\_

\_\_\_\_\_  
Terry Ellingwood, President

*Lowell M. Osborn*

\_\_\_\_\_  
Lowell Osborn, Vice-President

*Janet Shoaf*

\_\_\_\_\_  
Janet Shoaf, Secretary

ATTEST: \_\_\_\_\_

Colleen Chambers, Fountain County Auditor

## PREAMBLE

The Fountain County Commissioners made a revolutionary resolution to pursue the concept of Planning and Zoning for the citizens and landowners. The notion had been introduced to the community before throughout the terms of other politicians. Only until recently, the idea lacked overall support from the decision-makers. The final decision to adopt planning and zoning was not just because all of their county neighbors had it along with three of the larger communities within the county, but because it was time to create the ultimate tool to protect property values and rights. Zoning was the vehicle to promote this principle.

The current assemblage of County Commissioners had the foresight to not only manage today, but to look at yesterday and guide the future with the trends being formed. With their strong resolve to do the correct and timely obligation and not focus on the emotions attached to change alone, their fortitude lasted to the point of implementation.

In September, 2007, the Fountain County Commissioners voted to approved the recommended Comprehensive Plan and begin the process of building a zoning ordinance for the County jurisdiction.

There was a plea for reducing restrictions on property owners with the proposed ordinance, so the following document, although it is a legally binding regulation, does not regulate all aspects as most zoning ordinances do in Indiana.

This ordinance is more of a land use guidance document versus a regulatory document. This ordinance will help in determining the best suitable property for land uses while not infringing on the rights of the individual property owner.

# ARTICLE-1

## BASIC PROVISIONS

- 101 **TITLE:** The official title of this Ordinance is: "Zoning Ordinance of Fountain County, Indiana."
- 102 **AUTHORITY:** This Ordinance is adopted pursuant to Indiana Code 36-7 et seq., and all acts supplemental and amendatory thereto.
- 103 **COMPLIANCE:** No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance's of the permits required by the Ordinance.
- 104 **SEVERABILITY:** If any provisions of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.
- 105 **JURISDICTION AREA:** This Ordinance shall apply to all unincorporated land within Fountain County.
- 106 **APPLICATION:** It is not intended by this Ordinance to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this Ordinance to repeal, abrogate, annul or in anyway interfere with any existing provisions of laws or ordinances, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where such private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.
- 107 **COMPOSITION OF ADVISORY PLAN COMMISSION:** The representation and composition of the FCAPC shall be in accordance with IC 36-7-4-208 and any amendments thereto.
- 108 **COMPOSITION OF THE FOUNTAIN COUNTY BOARD OF ZONING APPEALS:** The representation and composition of the FCBZA shall be in accordance with IC 36-7-4-902 and any amendments thereto.

- 109 **TERMS:** Members of the FCAPC and the BZA shall serve for four (4) year terms. The terms of the appointed members should be on a 2-year stagger cycle to avoid complete turnover of either board every 4 years.

## ARTICLE 2 - DISTRICT REGULATIONS

201 **ZONE MAPS:** A "Zone Map" of Fountain County and each township in Fountain County is hereby adopted as a part of this Ordinance. The Zone Maps shall be kept on file and available for examination at the Office of the Fountain County Advisory Plan Commission.

202 **ZONING DISTRICTS:** The entire County is divided into the districts stated in this Ordinance as shown by the district boundaries on the Zone Maps. The districts are as follows:

"A"	Agricultural
"B"	Business
"I"	Industrial
"L"	Landfill
"R"	Residential

The districts designated by this Section and defined by Sections 203 thru 208 of this Ordinance and Permitted Uses, Table A, shall control the zoning of all land within the jurisdiction of this Ordinance, except, land defined and determined to be within the jurisdiction of Section 209, Flood Districts, of this Ordinance.

203 **DISTRICT BOUNDARIES:** District boundaries shown within the lines of streets, streams, and transportation rights-of-way shall be deemed to follow their centerlines. The vacation of streets shall not affect the location of such district boundaries. When the zoning administrator cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zone Map, or by the fact that it clearly coincides with a property line, the director shall refuse action, and the Fountain County Board of Zoning Appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Fountain County Zone Map and the purposes set forth in all relevant provisions of the Fountain County Zoning Ordinance.

204 **AGRICULTURAL (A) DISTRICT:** The district designated for agriculture, "A", is intended for areas that cannot feasibly be served with public water and sewer facilities. This district will preserve and protect agricultural land from undesirable urban growth while permitting limited residential development on large-size lots that provide adequate space for private water and sewage facilities.

205 **BUSINESS (B) DISTRICT:** The district designated for business, "B", is limited to business and certain public uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection and police protection may be provided.

206 **INDUSTRIAL (I) DISTRICT:** The district designated for industry, "I", provides suitable space for existing industries and their expansion as well as for future industrial development. The locations of the districts are near railroads or highways in order to meet the transportation needs of industry.

207 **LANDFILL (L) DISTRICT:** The district designated Landfill "L", will be an overlay district in which sanitary landfill shall be allowed to be located. A landfill is a "Development" requiring extra developmental standards.

208 **RESIDENTIAL (R) DISTRICT:** The district designated for residential use, "R", is limited to dwellings and public or semi-public uses which are normally associated with residential districts are those which would not detract from the residential character of the neighborhood. The purpose of this district is to create an attractive, stable, and orderly residential environment.

#### 209 **FLOOD CONTROL REGULATIONS**

Fountain County shall acknowledge the most current model floodplain ordinance from Indiana Department of Natural Resources Division of Water. This ordinance shall be administered through the Fountain County EMA as it is currently.

**USES:** The permitted uses for each district are shown on Table A. The uses that are listed for the various districts shall be according to the common meaning of the term or according to definitions given in Article 6. Permitted Uses as defined under this Section shall be subject to all the conditions and restrictions set out in of this Ordinance and all provisions there under.



**TABLE A**

**A, AGRICULTURE DISTRICT**

**PERMITTED USES**

- |  |                                     |
|--|-------------------------------------|
| 1. Accessory Uses                      | 16. Machine & Welding Shops         |
| 2. Agriculture & Agriculture Buildings | 17. Manufactured/Mobile Homes       |
| 3. Airports                            | 18. Mineral Excavations             |
| 4. Bed & Breakfast                     | 19. Nursing Homes/ Asst Living      |
| 5. Cemeteries                          | 20. Private Air Strips              |
| 6. Churches                            | 21. Private Clubs & Camps.          |
| 7. Commercial Recreational Uses        | 22. Public Parks & Playgrounds      |
| 8. Essential Services                  | 23. Recycling Collection Points     |
| 9. Farm Equipment Sales & Service      | 24. Riding Stable                   |
| 10. Fertilizer, Sales & Storage        | 25. Schools; Public & Parochial     |
| 11. Grain Elevators & Feed Mills       | 26. Single-Family Dwellings         |
| 12. Greenhouses & Nurseries            | 27. Tanks, Bulk Storage             |
| 13. Golf Courses                       | 28. Tower Farms                     |
| 14. Home Occupations/Day Care          | 29. Veterinary Hospitals & Clinics  |
| 15. Home Churches                      | 30. Water & Sewage Treatment Plants |

**B, BUSINESS DISTRICT**

**PERMITTED USES**

- |                                       |                                     |
|---------------------------------------|-------------------------------------|
| 1. Accessory Uses                     | 15. Machine & welding shops         |
| 2. Automobile sales, service & repair | 16. Offices                         |
| 3. Churches                           | 17. Print Shops                     |
| 4. Cleaning & Laundry Plants          | 18. Private Clubs                   |
| 5. Commercial Recreation Uses         | 19. Public Parks                    |
| 6. Commercial Schools                 | 20. Public & Parochial Schools      |
| 7. Convenience Stores                 | 21. Public Transportation Terminals |
| 8. Day Care Centers                   | 22. Recycling Collection Points     |
| 9. Drive-In Business                  | 23. Research Laboratories           |
| 10. Essential Services                | 24. Residential, upper-story        |
| 11. Farm implement sales & service    | 25. Restaurants                     |
| 12. Funeral Homes                     | 26. Retail Businesses               |
| 13. Hospitals & clinics               | 27. Service Stations                |
| 14. Hotels & Motels                   | 28. Supply Yards                    |

- 29. Theaters
- 30. U-Store warehouses

- 31. Veterinary Hospitals & Clinics
- 32. Wholesale Businesses

## I, INDUSTRIAL DISTRICT

### PERMITTED USES

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Airports</li> <li>2. Asphalt Mixing Plants</li> <li>3. Automobile Sales, Service, &amp; Repair</li> <li>4. Automobile &amp; Truck Body Shop</li> <li>5. Bulk Fuel Storage</li> <li>6. Concrete Mixing Plants</li> <li>7. Convenience Stores</li> <li>8. Essential Services</li> <li>9. Farm Equipment Sales, Service &amp; Repair</li> <li>10. Fertilizer Plants</li> <li>11. General Manufacturing</li> <li>12. Grain Elevators &amp; Feed Mills</li> <li>13. Hotels and Motels</li> <li>14. Machine and Welding Shops</li> <li>15. Mineral Excavation</li> </ul> | <ul style="list-style-type: none"> <li>16. Recycling Centers</li> <li>17. Recycling Collection Points</li> <li>18. Restaurants</li> <li>19. Research &amp; Testing Laboratories</li> <li>20. Service Stations</li> <li>21. Stockyards &amp; Slaughterhouses</li> <li>22. Supply Yards</li> <li>23. Tanks, Bulk Storage</li> <li>24. Tower Farms</li> <li>25. Truck &amp; Railroad Terminals</li> <li>26. U-Store Warehouses</li> <li>27. Warehouses</li> <li>28. Water &amp; Sewage Treatment Plants</li> <li>29. Wholesale Business</li> </ul> |
|--|---|

## L, LANDFILL DISTRICT

### PERMITTED USES

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>1. Recycling Centers</li> <li>2. Recycling Collection Points</li> </ul> | <ul style="list-style-type: none"> <li>3. Sanitary Landfill</li> </ul> |
|--|--|

## R, RESIDENTIAL DISTRICTS

### PERMITTED USES

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Accessory Uses</li> <li>2. Bed &amp; Breakfast</li> <li>3. Churches</li> <li>4. Condominiums</li> <li>5. Essential Services</li> <li>6. Funeral Homes</li> </ul> | <ul style="list-style-type: none"> <li>7. Home Occupations/Day Care</li> <li>8. Home Church</li> <li>9. Hospital/Clinics</li> <li>10. Manufactured/Mobile Homes</li> <li>11. Multi-family Dwellings</li> <li>12. Nursery Schools</li> </ul> |
|--|---|

- 13. Nursing Homes/Asst living
- 14. Public Parks & Playgrounds
- 15. Public & Parochial Schools
- 16. Recycling Collection Points

- 17. Residential Subdivisions
- 18. Single-Family Dwellings
- 19. Two-Family Dwellings

**210 LOT AND YARD REQUIREMENTS:** The Fountain County Advisory Plan Commission shall regulate lot area, lot size, setbacks for structures, and general lot and yard requirement. The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard, and minimum depth of rear yard for each district shall be as shown on the following table:

District	Minimum Lot Area (Square Feet)	Minimum Lot Area Per Family (Square Feet)	Minimum Road Frontage (Feet)	*Minimum Set Back Front Yard (Feet)	Minimum Width Side Yard (Feet)	Minimum Depth Rear Yard (Feet)
A	43,560	100% of Tract	100	40	20	20
B	3,000	3,000	30	20	10	10
R	5,000	2,500	40	10	5	5
I	20,000	N/A	100	30	20	20
L	400 acres	N/A	1,000	**660	**660	**660

\* Front setbacks are measured from the right-of-way of the street or road on which the lot has frontage.

\*\* From the toe of the slope

**211 LANDFILL DISTRICT DEVELOPMENTAL STANDARDS**

**211.1** The entire property shall be buffered from the surrounding properties.

**211.1 A** An earthen mound shall be a minimum of ten (10') feet in height;

**211.1 B** Two (2) staggered rows of evergreens shall be planted on the top of the mound;

**211.1 C** The evergreens shall be a minimum of five (5') feet initially.

**211.2** The landfill property shall not be located closer to any single-family dwelling not owned by the landfill entity than 1,320' (1/4 mile).

## ARTICLE 3-BOARD OF ZONING APPEALS

- 301 **GENERAL:** The FCBZA shall hold meetings, keep minutes and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law. When permitting any appeal, variance, or change of a non-conforming use, the FCBZA may impose such conditions and requirements, as it deems necessary for the protection of adjacent property and the public interest.
- 302 **APPEALS:** The FCBZA shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made in the administration of this Ordinance.
- 303 **VARIANCES:** The FCBZA, upon appeal, shall have the power to authorize variances from the requirements of the FCZO, and to attach such conditions to the variances, as it deems necessary to assure compliance with the purpose of this Ordinance. A variance may be permitted if all the following requirements are met:
- 303.1 The owner files a Petition for a variance with the BZA, notice is given to all interested parties, and a public hearing is held.
- 303.2 The variance would not change the use or the value of the area adjacent to the property or the character of the neighborhood.
- 303.3 The variance would not involve any element or cause any condition that may be dangerous, injurious, or noxious to other property or persons, including, but not limited to, traffic and parking concerns;
- 303.4 The variance shall not create a visual impression that is inconsistent with the environment of the neighborhood.
- 303.5 The variance observes the spirit of this Ordinance, produces substantial justice, and is not injurious to the public interest, health, safety, comfort, convenience or general welfare.
- 304 **NON-CONFORMING USES:** Any legal NCU created by the adoption of this FCZO may be enlarged or expanded upon approval of the FCBZA.
- 305 **NOTICE:** Whenever a public hearing is conducted pursuant to a Petition filed according to this section of the Ordinance, notice of said public hearing shall be made.

## ARTICLE 4 ADMINISTRATION AND ENFORCEMENT

**401 ADMINISTRATION RESPONSIBILITY:** The Fountain County Advisory Plan Commission and Planning Director shall establish the procedure and responsibilities for the administration and enforcement of this Ordinance in accordance with the following provisions and State Legislation.

**402 PERMITS:** No permit shall be issued unless the proposed structure or use of structure or land is in complete conformity with the provisions of the Fountain County Zoning Ordinance, or unless a written order is received from the Fountain County Board of Zoning Appeals, the Fountain County Advisory Plan Commission, or a Court in accordance with this Ordinance and State Legislation.

**402.1** A permit shall be obtained before any structure in the B, I, and L zoning districts may be constructed.

**402.2** If a septic permit is required, then said permit, issued by the Fountain County Department of Health, should be presented to the Advisory Plan Commission prior to an issuance of an Improvement Location Permit.

**402.3** No permit shall be required for:

**402.3 A** Routine maintenance, repair, or remodeling of existing structures not involving any change of use or additional lot coverage.

**402.3 B** Essential Services as defined in Article 6;

**402.3 C** Lot and yard improvements such as children's playhouses, drives, fences, concrete patios, decks, play equipment, retaining walls, sidewalks, and landscaping. However, all decks shall be subject to the setback requirements in Section 210.

**402.3 D** Anything constructed within the A or R Districts. (see 403 below)

**402.4** All applications for permits shall be accompanied by a plot plan that shows the following items clearly and completely:

**402.4 A** the location, dimensions, and nature of the property; and

- 402.4 B The location and dimensions of any existing or proposed structures; (no structure shall be located on an easement); and
- 402.4 C All adjoining thoroughfares and any existing or proposed access to these thoroughfares; and
- 402.4 D the existing and proposed use of all structures and land; and
- 402.4 E Such other information as may be necessary to determine conformance with this Ordinance.
- 402.5 All applications for permits shall be made by the recorded owner (or said recorded owners' contractor) of the lot on which the improvement is to be located. Contract purchasers, equitable owners, lessees, or other holders of less than a fee simple interest shall not make applications.
- 402.6 Before a permit can be issued, the applicant must first obtain a copy of the "Property Record Card" from the County Assessor's Office in the County in which the subject real estate lies, and present said copy to the Director of the Fountain County Advisory Plan Commission.
- 403 ZONING COMPLIANCE CERTIFICATES:** The ZCC will be used to check for compliance for all structures located within the R District. There shall be no fee for the ZCC, just a review of district compliance. No ZCC shall be required until 1/1/09.
- 404 FEES:** All fees and assessments allowable by State Statute or this Ordinance for permits shall be promulgated by the Fountain County Advisory Plan Commission. The Fountain County Advisory Plan Commission may modify the fees and assessments at any time.
- 405 VIOLATIONS AND PENALTIES:** Any structure or use that violates this Ordinance shall be deemed to be a common nuisance and the owner of the structure or land shall be liable for maintaining a common nuisance. Any person or legal entity that is found by a Court of competent jurisdiction to have violated any provision of this Ordinance may be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) per offense, plus costs, and attorney fees where the action is not brought pursuant to I.C. 36-7-4-1013, and have judgment entered accordingly.
- 406 METHOD OF APPEAL:** Any person aggrieved or affected by any provision of this Ordinance or by any decision of the Director of the Fountain County Advisory Plan Commission may appeal to the Fountain County Board of Zoning Appeals, as provided by the rules of the Fountain County Board of Zoning Appeals, by filing a notice of appeal specifying the grounds thereof. Every decision of the Fountain County Board of Zoning Appeals shall subject to review by certiorari.

## ARTICLE 5 - AMENDMENTS

**501 AUTHORITY:** Ratification, amendment, or repeal of this Ordinance, shall at all times be controlled by the form, procedures and authorization as set forth in I.C. 36-7-4-600 et. seq. and any and all amendments thereto. (See Table B)

**502 PETITIONS:** Petitions for amendments shall be filed with the Fountain County Advisory Plan Commission, and the Petitioner, upon such filing, shall whether or not the proposed amendment is enacted, pay a filing fee as established by the Fountain County Advisory Plan Commission and the cost of public notice that is required.

### PROCEDURE TO REZONE AND AMEND ZONE MAPS

**TABLE "B"**

PETITION TO AMEND ORDINANCE BY:

1. Advisory Plan Commission
2. Legislative Body
3. Owner
4. 50% of Property Owners

#### PUBLIC HEARING PROCESS

1. Give legal notice and conduct hearing
2. Render decision and give recommendation
3. Certify recommendation to Legislative Body

"Do Not Pass"      "No Recommendation"      "Do Pass"

#### LEGISLATIVE BODY

Rejects recommendation      No Action      Accepts recommendation

Recommendation Fails

Recommendation Passes

After 90 days, recommendation by APC is considered accepted by Legislative Body

NOTE: This diagram is a visual aid and only, if any discrepancies exist between this diagram and the procedure to amend the Ordinance as stated in IC 36-7-4, the law shall be controlling.



## ARTICLE 6 - DEFINITIONS

- 601 **GENERAL:** Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the male gender shall include the female gender and the female gender shall include the male gender and the word "shall" is mandatory and not permissive.
- 601.1 **BOARD:** The Fountain County Board of Zoning Appeals.
- 601.2 **BUILDING SET BACK LINES:** A line extending across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line in a recorded subdivision.
- 601.3 **COMMISSIONS OR PLAN COMMISSION:** The Fountain County Advisory Plan Commission.
- 601.4 **COMPREHENSIVE PLAN.** The most recent Comprehensive Plan of Fountain County on file with the Fountain County Recorder.
- 601.5 **COUNTY COMMISSIONERS:** The legislative body of the county government.
- 601.6 **DIRECTOR:** The Director of the Fountain County Advisory Plan Commission.
- 601.7 **EASEMENT:** A right of use over the property of another.
- 601.8 **ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utilities, legislative bodies or municipal or other governmental agencies of underground or overhead gas, electrical, conduit, steam, water, sewage, drainage or other distribution systems, including, but not limited to poles, wires, mains, drains, sewers, pipes, signals, hydrants, public way signs, transmission equipment, towers, antennas, micro-wave disc, and any other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of service by such public utilities, legislative bodies, or municipal or other governmental agencies. This definition shall also include municipal buildings.
- 601.9 **FRONT YARD:** The space not containing any structures or storage areas between a structure or storage area and a public way street, road, or right-of-way.
- 601.10 **FRONTAGE:** The width of a lot measured along a continuous and straight line connecting the side lot lines at a point where said side lot lines intersect the right-of-way line of a street, road, or highway from which such lot has legal access.

- 601.11 GARBAGE COLLECTORS:** A business operation owned by a legislative body or private entity to collect, but not dispose of, refuse, garbage, or trash whether by contract or private pay.
- 601.12 JUNK:** Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or zinc, and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles and cans, or old used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes and crates, used pipe or pipe fixtures, used automobiles, trucks, or airplanes, tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.
- 601.13 JUNKYARD:** Any place where junk, waste, discarded or salvage materials are bought, exchanged, sold, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used or salvaged materials as a part of a manufacturing operations. Any site in which vehicles are cannibalized shall be determined to be a junkyard.
- 601.14 LEGISLATIVE BODY:** The governing body of an incorporated town, city, or county.
- 601.15 LOT, MINIMUM AREA:** The horizontal projection area of a lot computed exclusive of any portion of the right-of-way of any Public Way.
- 601.16 LOT OF RECORD:** Any lot that individually, or as part of a subdivision, has been recorded in the office of recorder of the Deeds of the County.
- 601.17 LOT, WIDTH OF:** The calculated measurement at the front property line.
- 601.18 MUNICIPAL BUILDING:** A building or structure housing a Legislative Body Office or a non-commercial public use, including, but not limited to, police, fire, library, and utility structures.
- 601.19 NON-CONFORMING STRUCTURE:** A structure designed, converted, or adapted for use prior to the adoption of the ordinance prohibiting the structure.
- 601.20 NON-CONFORMING USE:** Any use or arrangement of land or structures legally existing at the time of enactment of the Fountain County Zoning Ordinance or any of its amendments, which does not conform to the provisions of the Fountain County Zoning Ordinance or the Fountain County Subdivision Control Ordinance.

- 601.21 **OWNER:** Any individual, firm, association, syndicate, co-partnership or corporation having proprietary interests in the land sought to be subdivided or upon which the proposed request for action is requested.
- 601.22 **PUBLIC WAY:** A Public Way includes any highway, street, avenue, road, boulevard, lane, court, alley, places or any designed parcel used for public transportation.
- 601.23 **REAR YARD:** That area of a lot encompassing the space between the nearest foundation of a building to a rear lot line and the rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line, which shall be that yard at the opposite end of the lot from the front yard.
- 601.24 **RECYCLING COLLECTION POINT:** A tract of land and/or structure that is used for the collection of recyclables on a periodic basis by a non-for-profit organization, a fraternal group, a school district or a church group.
- 601.25 **RECYCLING CENTER:** A structure used commercially for collecting, storing, purchasing materials for recycling, such as, but not limited to, aluminum, copper, or brass.
- 601.26 **RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a public way, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or sewer main, special landscaping, drainage swale, or for other special uses.
- 601.27 **SANITARY LANDFILL:** A parcel of land used for the disposal of accumulations of refuse or other discarded materials.
- 601.28 **SET BACK:** The distance between the right-of-way of a public way and a principal and/or accessory structure.
- 601.29 **SPOT ZONING:** The process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners. The extension or expansion of an adjacent area of a zoning classification shall not be construed as spot zoning.
- 601.30 **SUPPLY YARD:** A commercial establishment storing or offering for sale wholesale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. A supply yard does not include the wrecking, salvage, cannibalizing, dismantling or storing of automobiles or similar vehicles.
- 601.31 **USE:** The purpose or activity for which the lot, parcel, tract, building, or structure thereon is designated, arranged, or intended, or for which it is occupied or maintained.

601.32 **WATER & SEWAGE TREATMENT PLANT:** A building, structure or facility where water and/or sewage are treated and processed for the health and safety of the public by either a Legislative Body or private enterprise.

601.33 **FCBZA:** The Fountain County Board of Zoning Appeals.

601.34 **FCZO:** The Fountain County Zoning Ordinance.

601.35 **YARD:** An open space on the same lot, parcel, or tract with a building or structure unoccupied and unobstructed from its lowest level upward, except as otherwise permitted by the ordinance.

601.36 **YARD, FRONT:** A yard extending across the full length of the front lot line between the side lot lines.







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

601.38 **YARD, SIDE:** A yard extending along a side from the front to the rear yard.

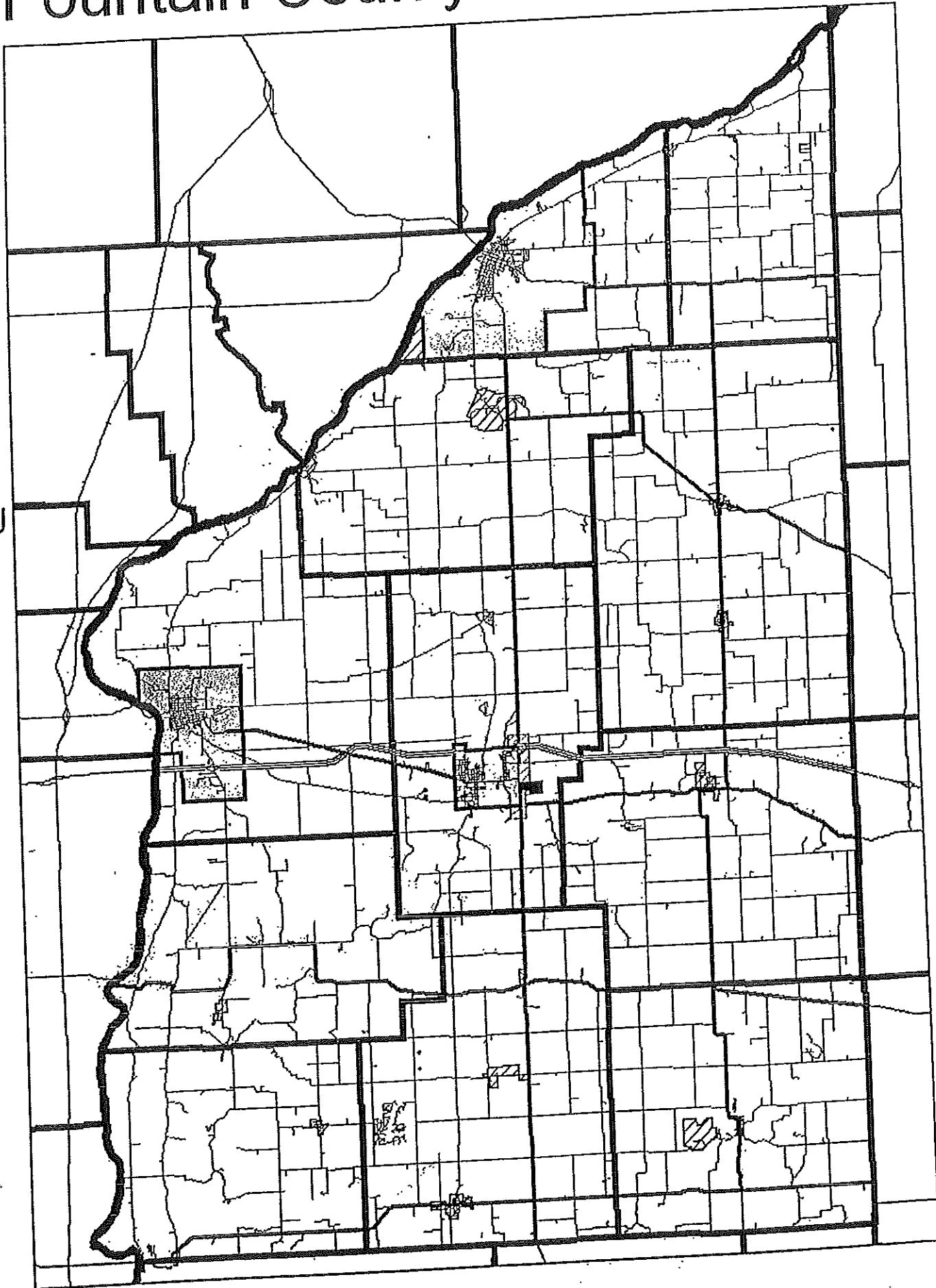
**ADDITIONAL TERMS:** Terms not specifically defined herein shall have the meanings set forth in by the interpretation of the local FCBZA.

**THIS IS THE LAST PAGE OF TEXT FOR THE FOUNTAIN COUNTY ZONING ORDINANCE.**





# Fountain County Zone Map

-  I
-  ETJ
-  A
-  B
-  R
-  L

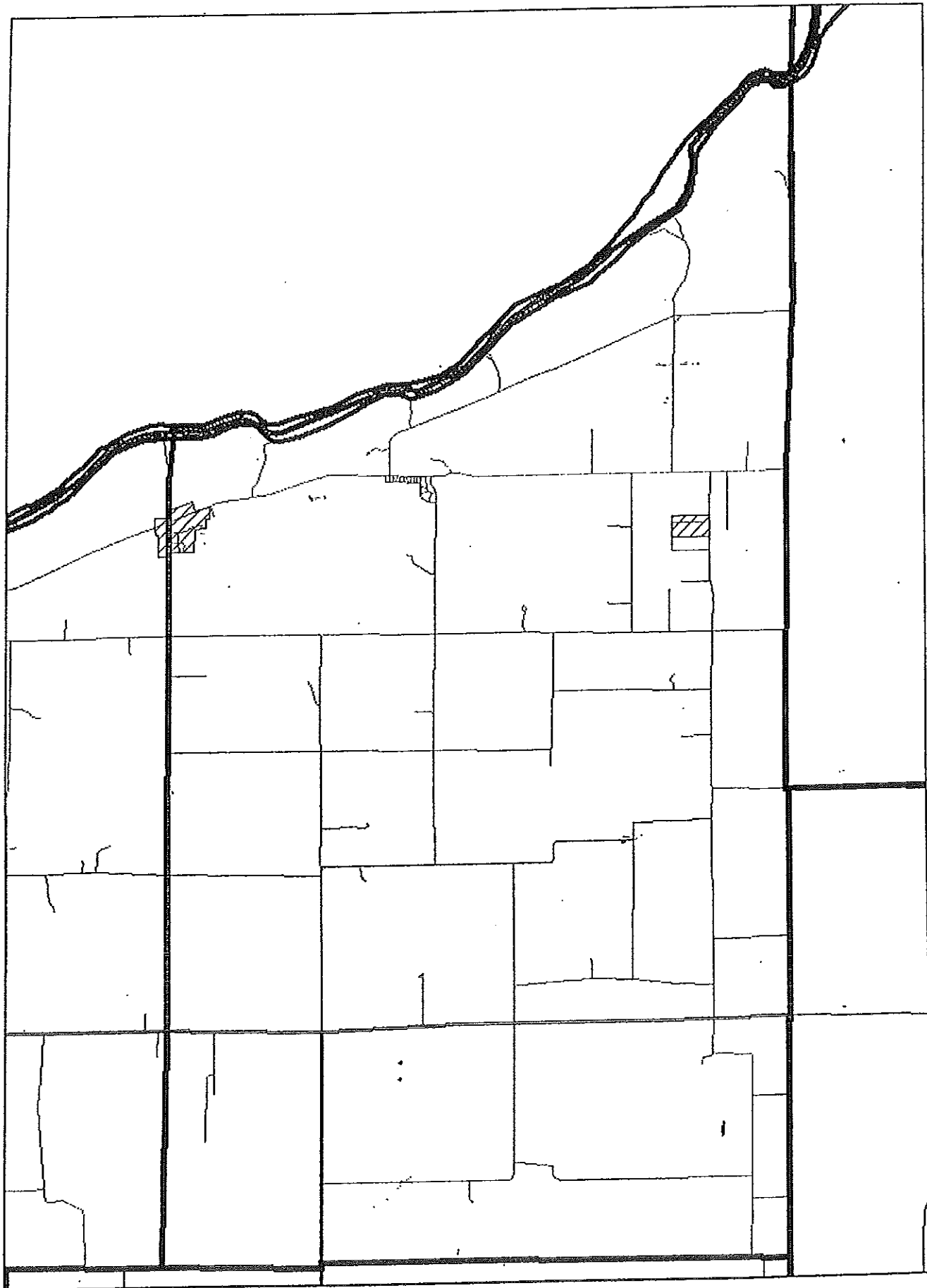
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



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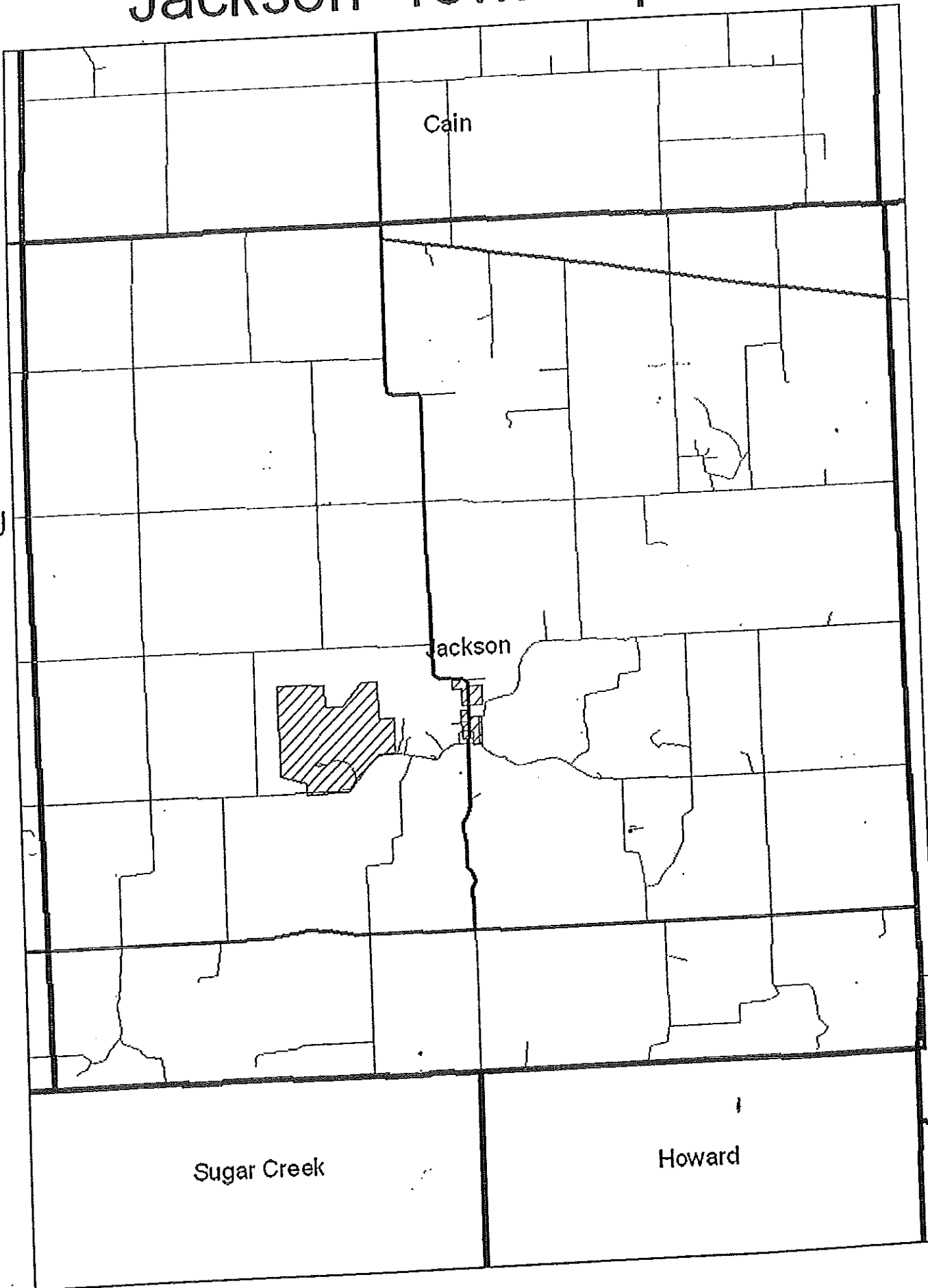
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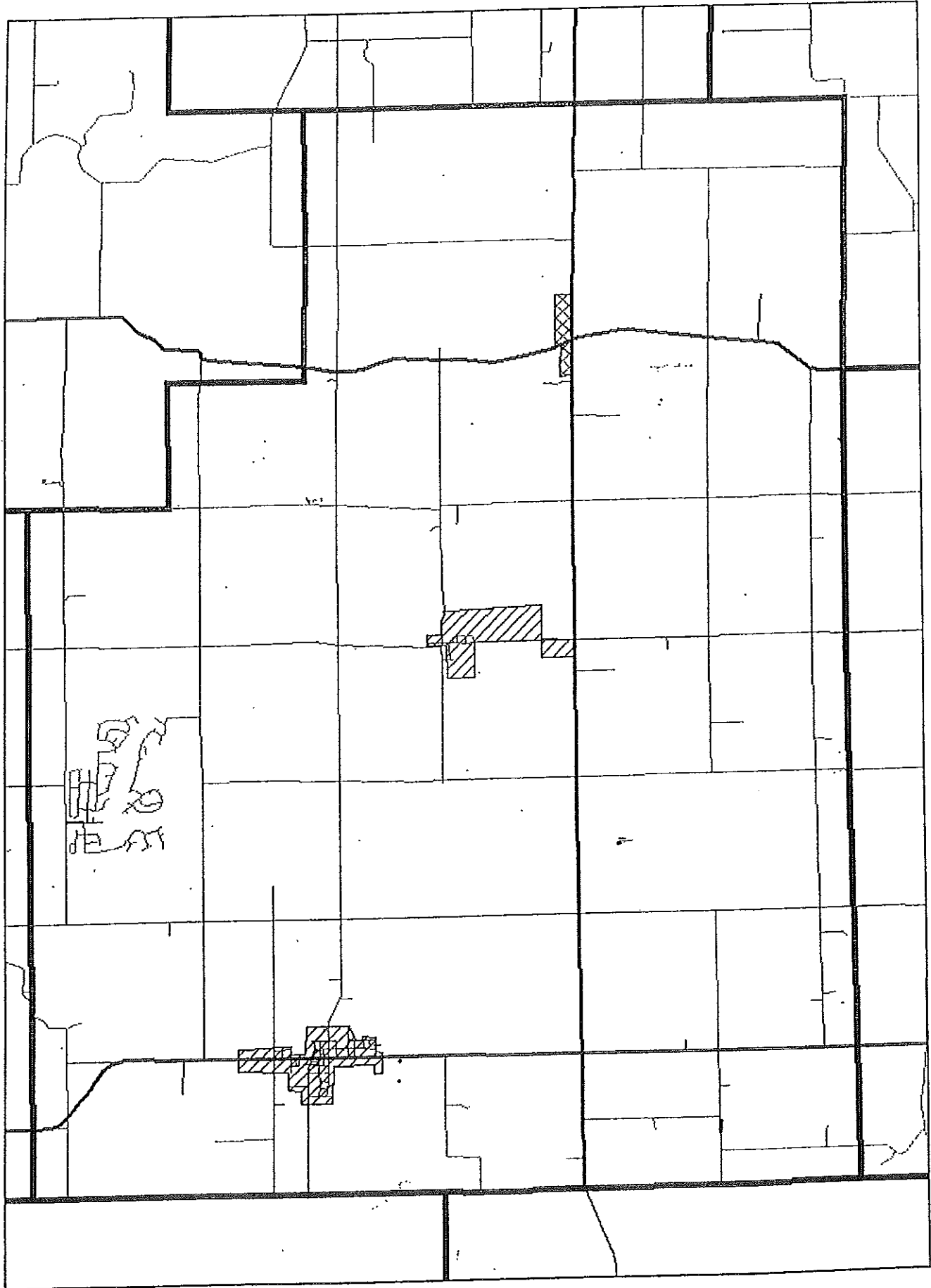
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
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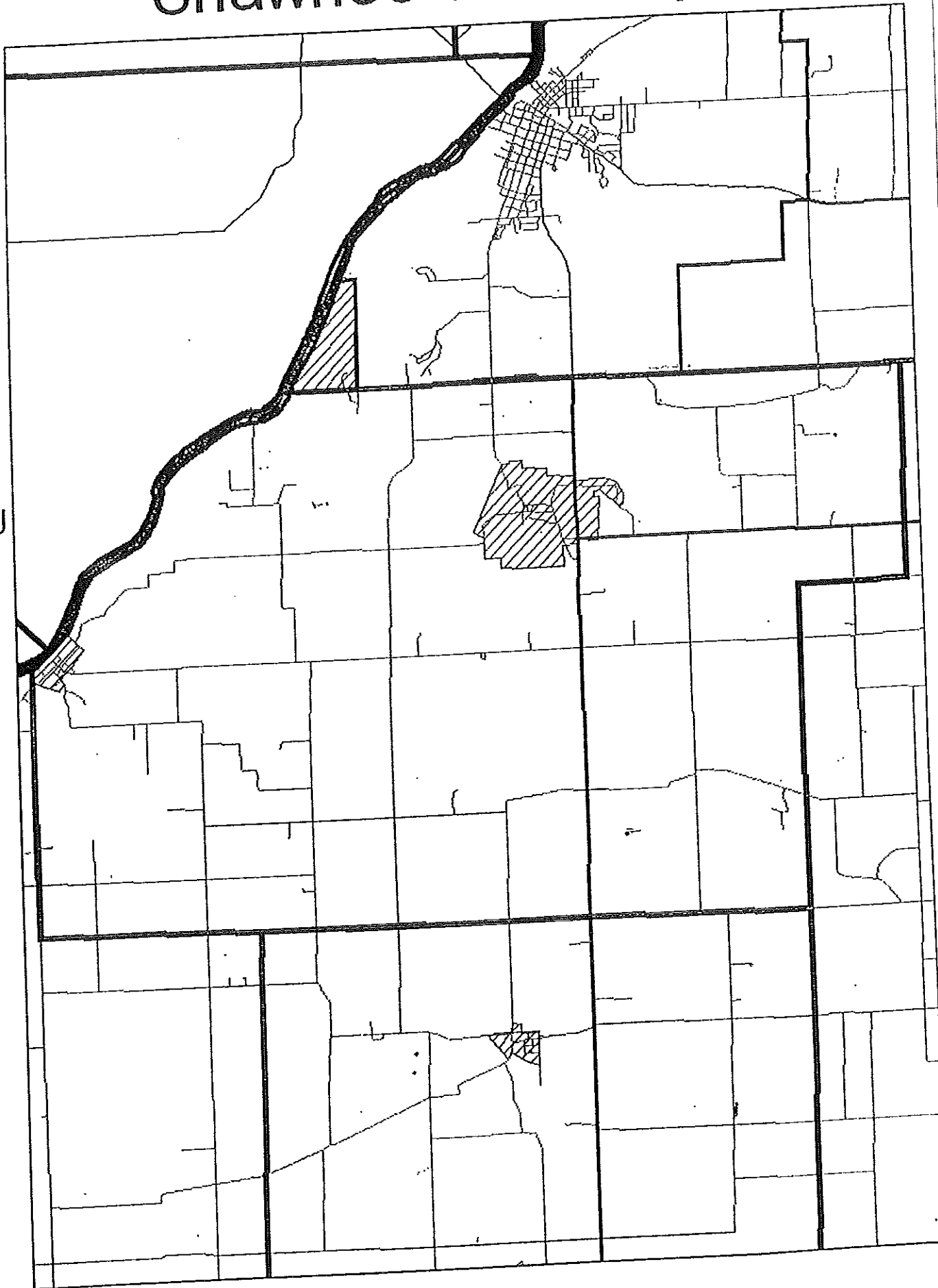




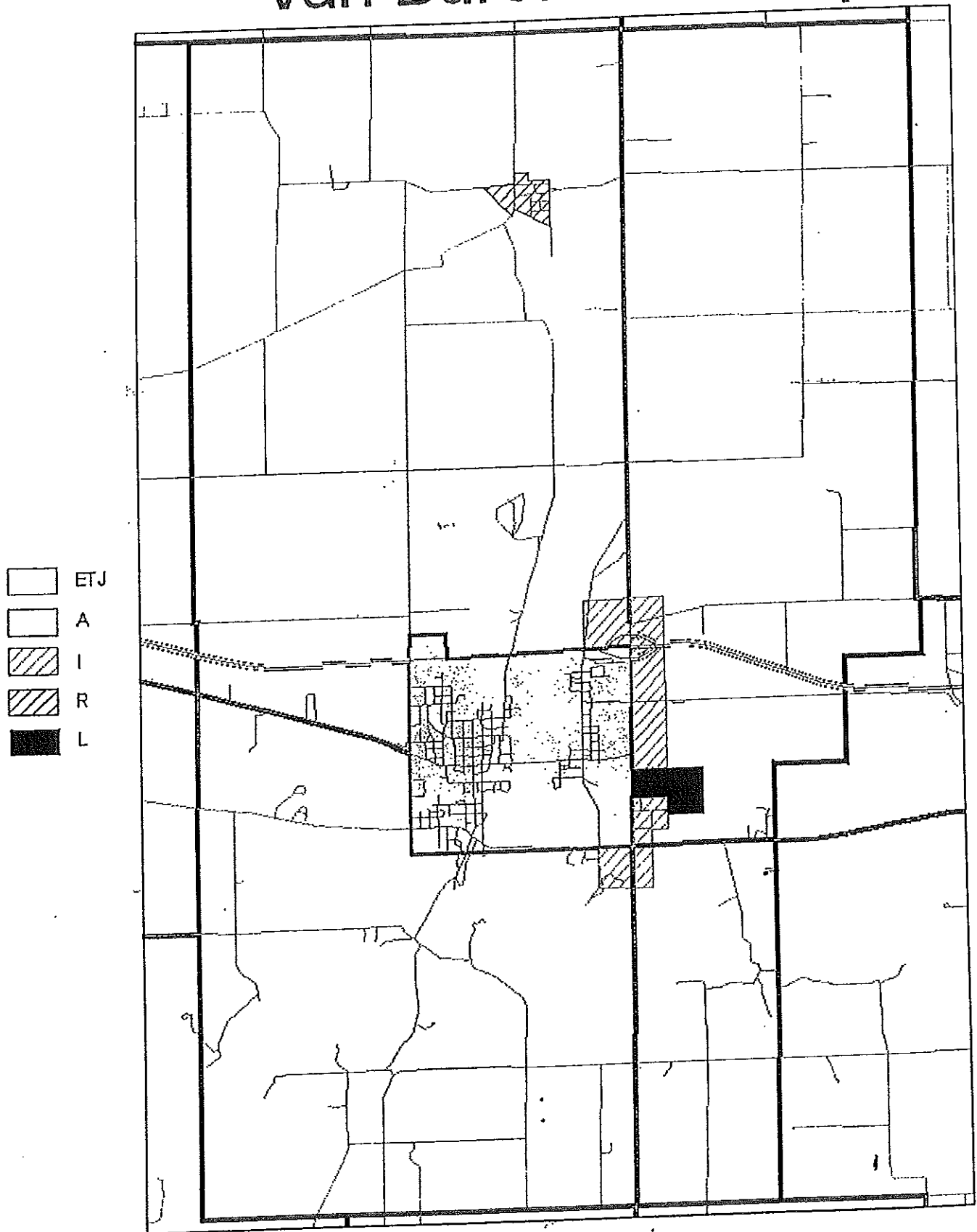
# Shawnee Township

-  ETJ
-  A
-  B
-  R





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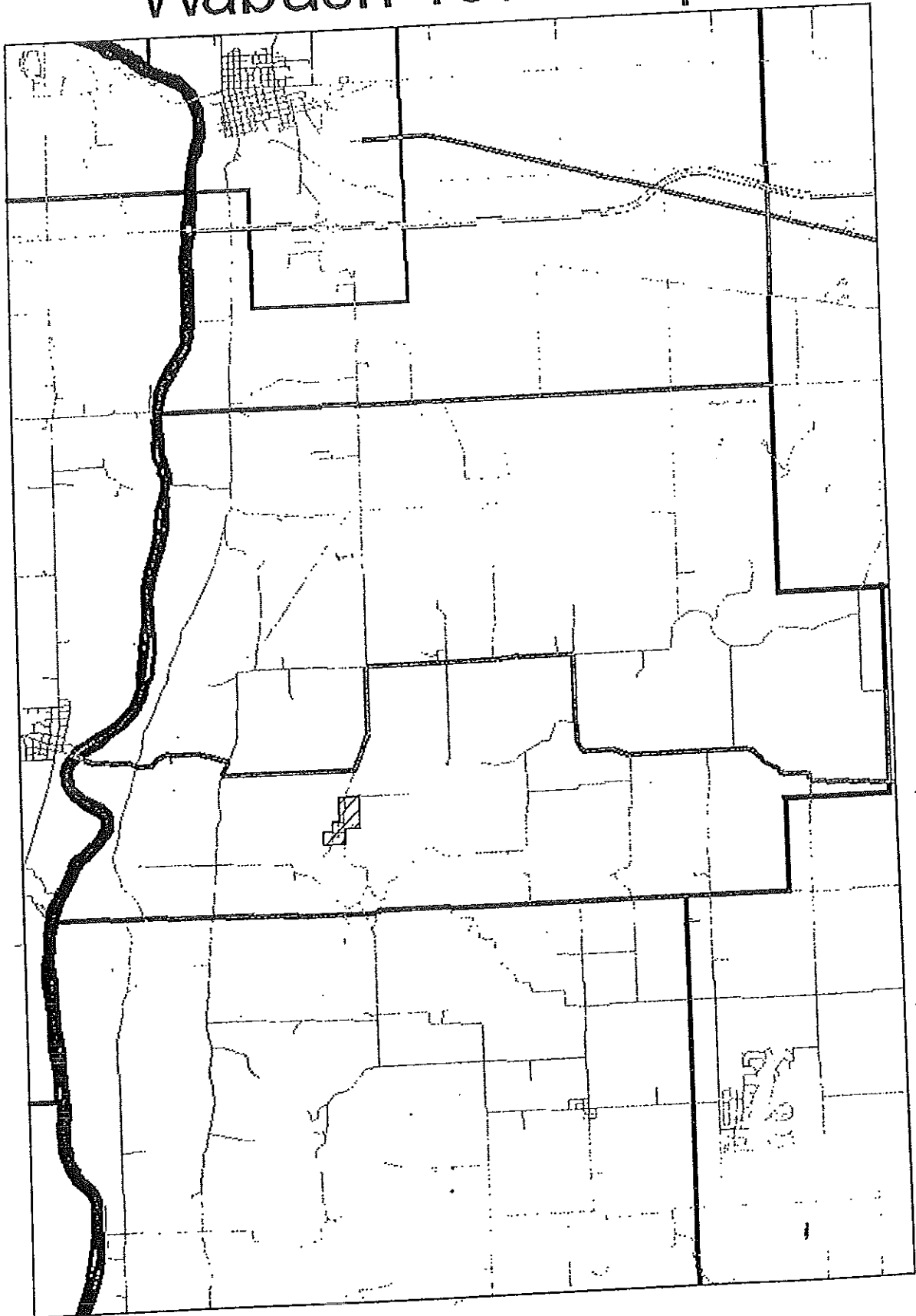


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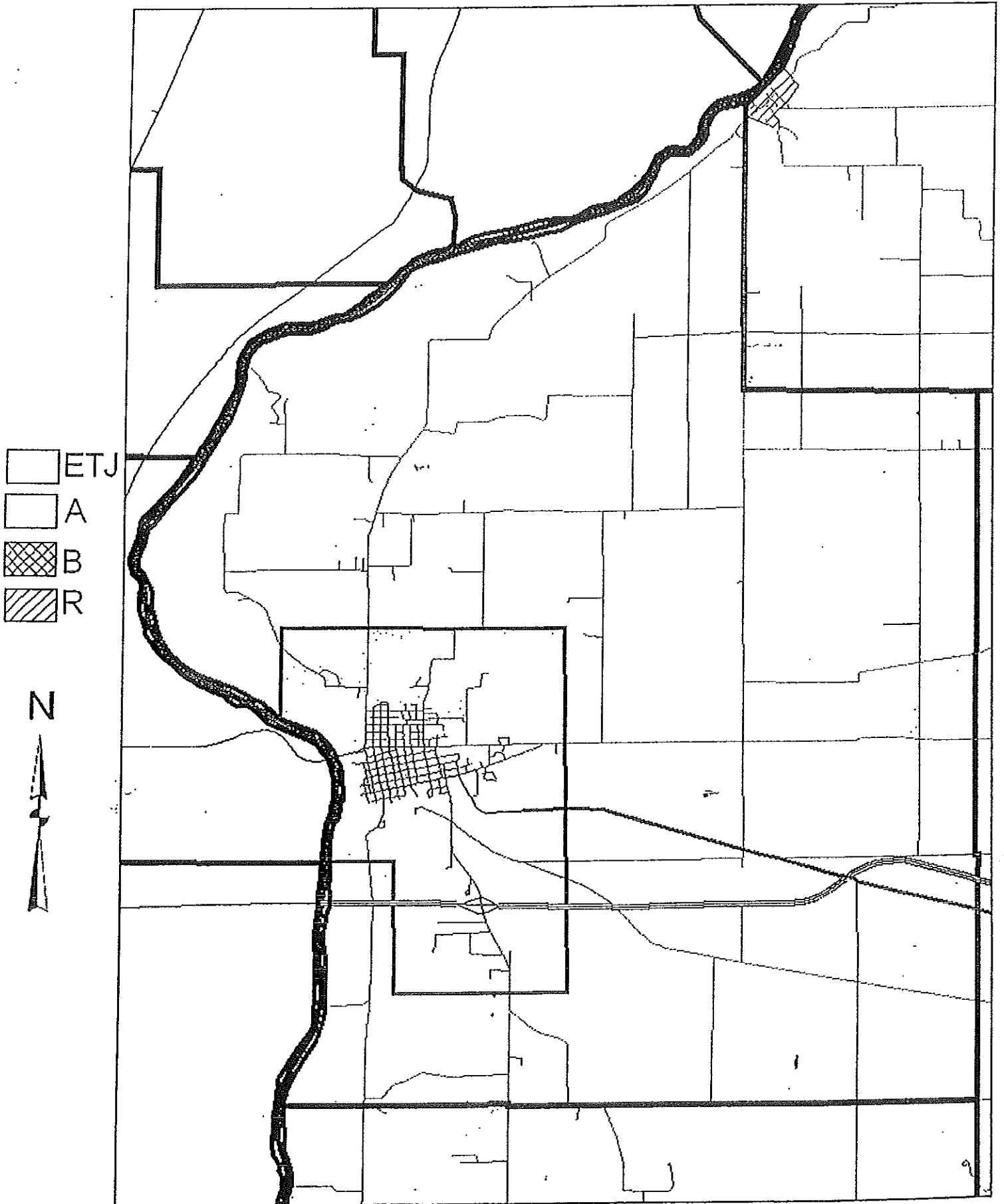


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


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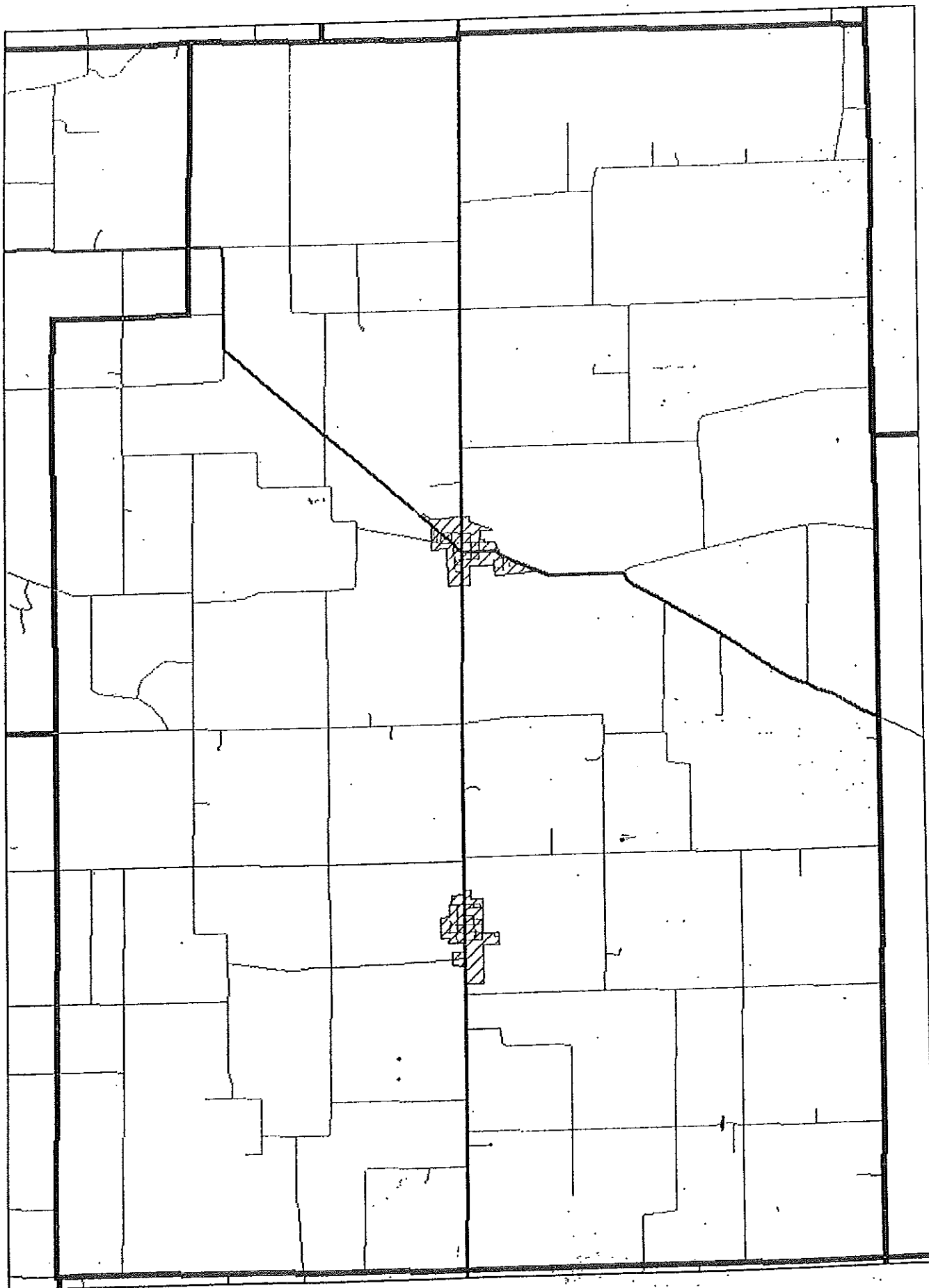


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


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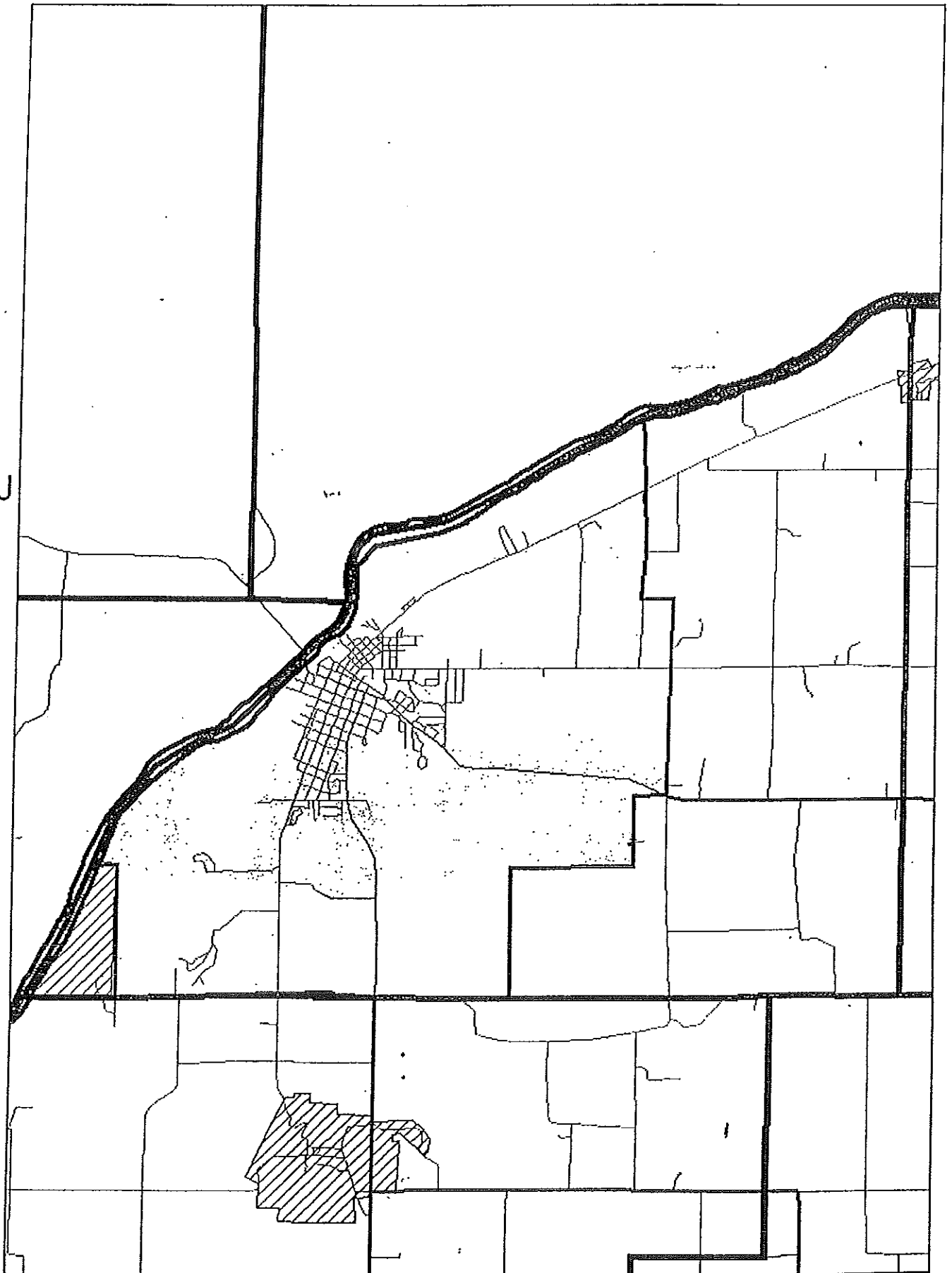
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


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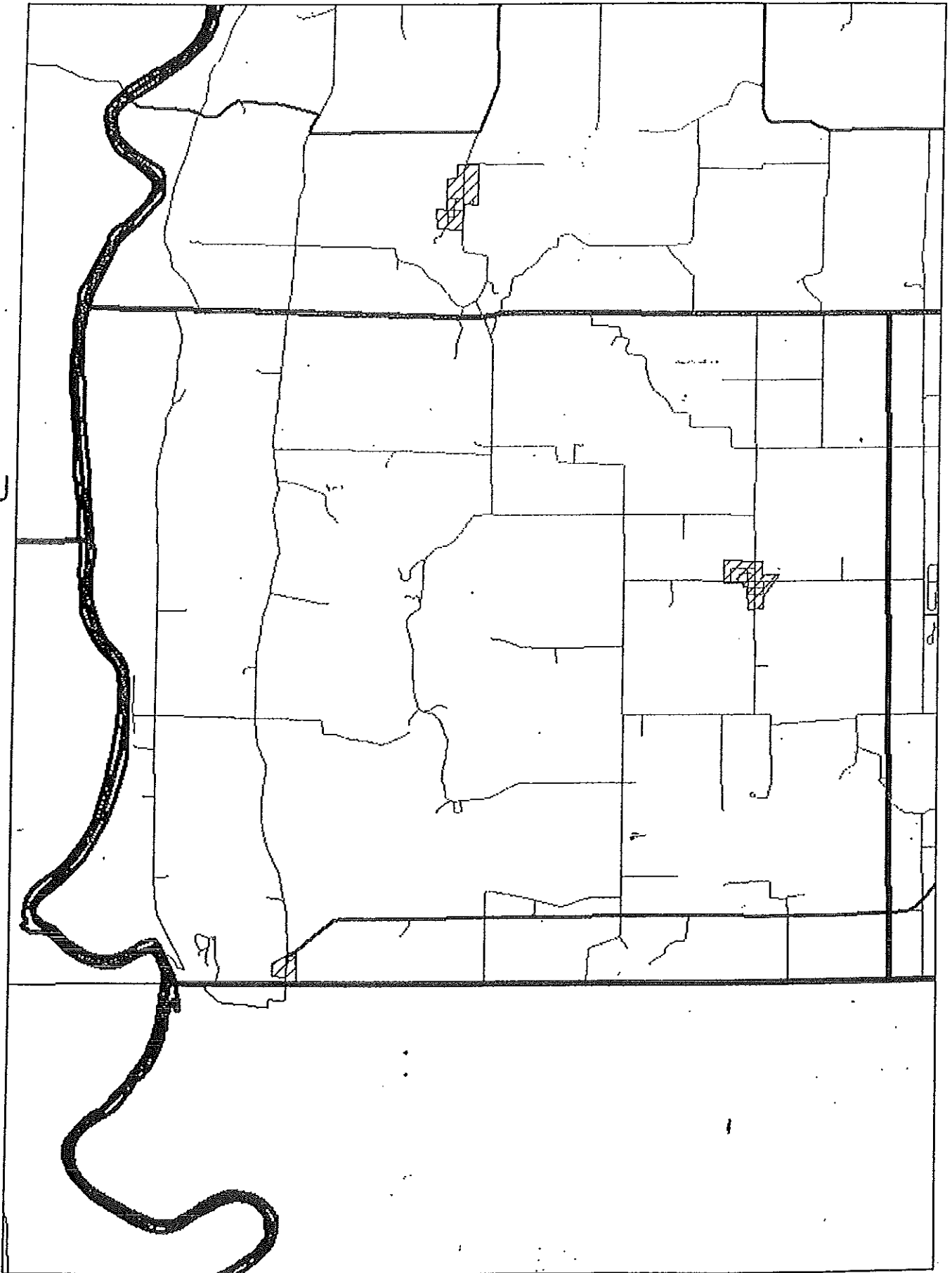
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


# Fulton Township

-  ETJ
-  A
-  B
-  R



# Cain Township

-  ETJ
-  A
-  B
-  R

N

