

UNION COUNTY AREA PLANNING COMMISSION

Court House · Liberty, Indiana 47353 · (317) 458-5393

TABLE OF CONTENTS

	<u>PAGE</u>
ARTICLE I	- SHORT TITLE.....1
ARTICLE II	- RULES AND DEFINITIONS.....1
ARTICLE III	- DISTRICTS, INTERPRETATIONS OF BOUNDARIES AND
APPLICATION20
Section 1.	Establishment of Districts20
Section 2.	Rules for Interpretation of District Boundaries.....20
Section 3.	Application of Regulations.....21
ARTICLE IV	- AGRICULTURAL USE.....22
Section 1.	A – Agricultural District22
ARTICLE V	- RESIDENTIAL USE.....28
Section 1.	R-1 One-Family Residential District.....28
Section 2.	R-2 Two Family and Multiple-Family Residential District29
ARTICLE V (A)	- REC – RECREATIONAL DISTRICT.....31
ARTICLE VI	- BUSINESS USE33
Section 1.	L-B Local Business District.....33
Section 2.	G-B General Business District34
ARTICLE VII	- INDUSTRIAL USE35
Section 1.	I – Industrial District35
ARTICLE VIII	- SUPPLEMENTARY REGULATIONS.....41
Section 1.	Exceptions, Additions or Modifications.....41
Section 2.	Transition Requirements.....44

Section 3.	Planned Unit Development.....	45
Section 4.	Off-Street Parking	46
Section 5.	Off-Street Loading	47
Section 6.	Non-Conforming Uses	47
Section 7.	Signs	49
- - - -	Building Inspection Ordinance No. 73-2.....	52
Section 8	Adoption of Regulations by Reference.....	53
ARTICLE IX	- ADMINISTRATION AND ENFORCEMENT	54
Section 1.	Permits and Certificates	54
ARTICLE X	- THE AREA BOARD OF ZONING APPEALS	56
Section 1.	Creation	56
Section 2.	Rules, Powers and Duties	56
Section 3.	Procedure.....	56
Section 4.	Authority.....	56
Section 5.	Appeals for Variations, How Taken.....	56
Section 6.	Special Uses.....	57
Section 7.	Petitions for Special Use, How Taken	58
ARTICLE XI	- AMENDMENT, SEVERABILITY, PENALTY	59
Section 1.	Amendments.....	59
Section 2.	Severability	59
Section 3.	Remedies	59
Section 4.	Complaints of Violations	59
Section 5.	Repeal of Conflicting Ordinances.....	59
Section 6.	Violations and Penalties	60
ARTICLE XII	- ADOPTION.....	61

UNIFIED ZONING ORDINANCE

ORDINANCE NO. 3

ORDINANCE NO. 36

UNION COUNTY

TOWN OF LIBERTY

UNINCORPORATED TERRITORY

ORDINANCE NO. 70-3

TOWN OF WEST COLLEGE CORNER

AN ORDINANCE REGULATION AND RESTRICTING THE SIZE OF BUILDINGS; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS AND LAND FOR AGRICULTURE, TRADE, INDUSTRY, RESIDENCE, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE REGULATIONS, RESTRICTIONS, AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; IMPOSING PENALTIES FOR ITS VIOLATION, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; NOW, THEREFORE:

ENACTING CLAUSE, Now be it ordained by the TOWN BOARD OF TRUSTEES OF THE TOWN OF LIBERTY, THE TOWN BOARD OF TRUSTEES OF WEST COLLEGE CORNER AND THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, INDIANA under authority of Chapter 138, Acts of 1957, General Assembly of the State of Indiana, and all acts amendatory thereto:

ARTICLE I – SHORT TITLE

This ordinance shall be known, cited, and referred to as “THE UNIFIED ZONING ORDINANCE OF UNIOIN COUNTY, INDIANA.”

ARTICLE II – RULES AND DEFINITIONS

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Words used in the present tense shall include the future tense; and words used in the singular number shall include the plural number, and the plural the singular.
- B. The word “shall” is mandatory, not discretionary.
- C. The word “may” is permissive.

- D. The word “lot” shall include the words “tract” and “parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrase “arranged for”, “designed for”, “intended for”, and “occupied for”
- E. The word “person” includes a corporation, firm, partnership, or similar, as well as an individual.
- F. All measured distances shall be to the nearest integral foot. (If a fraction is one-half foot or less, the integral foot next below shall be taken.)
- G. Parenthetical words or statements are integral parts of the definitions in which they are located.
- H. Any words not defined as follows shall be construed in their general accepted meanings as defined by Webster’s Dictionary.

Accessory Building or Use

An accessory building or use is one which:

- a. Is subordinate to and serves a principal building or principal use;
- b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
- d. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the buildings or use served.

Advertising Device

An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Agriculture

The use of five (5) acres or more of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry farming or managing, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Alley

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

Alteration

A change in size, shape, character, occupancy, or use of a building or structure.

Alteration, structural

Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Animal Hospital

A building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

Automobile Laundry

A building, or portion thereof, containing facilities for washing more than two automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

Automobile Service Station

A building or portion thereof or premises used for dispensing, or offering for sale at retail, gasoline when stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, and where tires, batteries, and similar automobile accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto; and facilities other than an automobile laundry, for washing cars, only if enclosed in a building. Automobile service stations do not include open sales lots as defined herein.

Automobile Wrecking Yard

An area of land where three or more motor vehicles, or vehicles, machinery, or equipment drawn or operated by attaching to motor vehicles or mechanical unit – not in running or operable condition, or parts thereof, are stored in the open; and any land, building or structure used for wrecking or storing of such motor vehicles, vehicles, machinery, or equipment or parts thereof.

Awning

A roof-like mechanism, retractable in operation, and covered with flexible material, which projects from the wall of a building.

Basement

A story partly underground but having more than one-half of its clear height below finished grade. (See grade)

Block

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

Board

THE AREA BOARD OF ZONING APPEALS OF UNION COUNTY, INDIANA.

Building

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

Building, Accessory

A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use.

Building, Detached

A building surrounded by open space on the same lot.

Building Height

The vertical distance from the curb level to the highest point of the underside of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator pent houses, tanks, and similar projections other than signs shall not be included in calculating the height.

Building Line

The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

Building, Principal

A non-accessory building in which is conducted the principal use of the lot, on which it is located.

Building, Residential

A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to the following types:

- a. Single-family detached dwellings;
- b. Two-family dwellings;
- c. Single-family or two-family attached and semi-detached dwellings developed initially under single ownership or unified control;
- d. Multiple-family dwellings.

Bulk

The cubic content of a building in relation to the area of the building site.

Business

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

Carport

An open-sided roofed automobile shelter, formed by extension of the roof from the side of a building.

Certificate of Occupancy

A certificate stating that the occupancy and the use of land or a building or structure referred to therein complies with the provisions of this ordinance.

Clinic, Medical or Dental

A building or portion thereof, the principal use of which is for offices of an organization of physicians or dentists or both.

Club or Lodge, Private

A non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. (The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food on such premises. The sale of alcoholic beverages to members and their guests shall be permitted provided it is secondary and incidental to the promotion of some other common objective of the organization.

Commission

THE AREA PLAN COMMISSION OF UNION COUNTY, INDIANA.

Compact Home

A portable structure designed for permanent occupancy, 20 feet or more wide and 45 feet or more long, with the four outside walls supported by a permanent foundation.

Conforming Building or Structure

Any building or structure which:

- a. Complies with all the regulations of this ordinance or of any amendment hereto governing the zoning district in which such building or structure is located;
- b. Is designed or intended for a conforming use.

Controlled Access Highway

A traffic-way, including freeways, expressways, and other arterial streets, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.

Court

An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.

Curb Level

The level of the established curb in front of such building measured at the center of such front. (Where no curb level has been established, the pavement elevation at the street center line similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level".)

District

A geographical area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Drive-in Establishment

An establishment which offers merchandise, service or entertainment to persons in motor vehicles.

Dwelling

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

Dwelling, Attached

A dwelling which is joined to another dwelling by party walls.

Dwelling Unit

One or more rooms which are arranged, designed, or used as living quarters for one family only and having a kitchen.

Dwelling, Single-Family

A building containing one dwelling unit only.

Dwelling, Two-Family

A building containing two dwelling units only.

Dwelling, Multiple-Family

A building containing three or more dwelling units.

Efficiency Unit

A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or kitchen and dining alcove directly off the principal room.

Eleemosynary Institution

A building or group of buildings devoted to public service and supported by a not-for-profit organization

Establishment, Business

A place of business carrying on operations, the ownership and management of which are separated and distinct from those of any other place of business located on the same lot. Direct access to each "business establishment" shall be separate and distinct access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment.

Family

One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related, maintaining a common household in a dwelling unit. A family may include not more than two roomers, boarders, or permanent guests – whether or not gratuitous.

Farm

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

Feedlots

The confinement for any period of time of livestock or fowl, whether open or enclosed: USE STATE BOARD OF HEALTH CURRENT GUIDELINES.

Floor Area (For determining floor area ratio)

The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area of a building” shall include the basement floor area when more than one-half of the basement height is above the established curb level; elevator shafts, and stairwells at each floor, floor space used for mechanical equipment, (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet, ten inches (7’-10”) or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

The “floor area” of structures devoted to build storage of materials – including, but not limited to grain elevators and petroleum storage tanks – shall be determined on the basis of the height of such structure in feet; ten (10) feet in height shall be deemed to be equal to one floor (if a structure measures more than five (5) feet over such floor equivalent, it shall be construed to have an additional floor).

Floor Area of a Building (For determining off-street parking and loading requirements)

The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use; including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor Area Ratio

The floor area of the building or buildings on a lot divided by the area of such lot.

Frontage (of a block)

All of the property fronting on one side of a street.

Frontage (of a lot)

All the property of such lot fronting on a street, as measured between the side lot lines.

Garage, Private

An accessory building or an accessory portion of the principal building, including a carport, which is intended for or used for storing the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with the automotive vehicles is carried on, provided that not more than one-half of the space may be rented for the private passenger vehicles of persons not resident on the premises, except that all the space in a garage of one or two-car capacity may be so rented.

Garage, Public

Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.

Garage, Storage

A building or premises used for housing only of motor vehicles pursuant to previous arrangements and not by transients; and where no equipment or parts are sold, and vehicles are not rebuilt, serviced, repaired, hired, or sold, except that fuel, grease or oil may be dispensed within the building to vehicles stored therein.

Grade

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

Home Occupation

Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which:

- a. There is used no sign or display except as permitted by this ordinance that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling:
- b. There is no commodity sold upon the premises which is not produced on the premises:
- c. And no person is employed other than members of the immediate family residing on the premises.

Motel

A building or a group of buildings containing rooms intended or designed to be used or which are used, rented, or leased to be occupied or which are occupied for sleeping purposes and which is open to transient guests, in contradistinction to a boarding or lodging house.

Hotel, Apartment

A hotel in which at least 60 percent of the hotel accommodations are occupied by permanent guests.

Improvement Location Permit

A permit issued by the Zoning Enforcement Officer stating that a proposed building or structure complies with all the provisions of this ordinance.

Incompatible Use

A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

Junk Yard

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys.

Kennel (Amended – 11/17/75)

Any premises or portions thereof on which more than two (2) dogs, cats, or other household domestic animals over four (4) months of age are kept, or on which more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

Lodging House

A residential building, or portion thereof – other than motel, apartment hotel, or hotel – containing lodging rooms for accommodation of five (5) or more persons who are not members of the keeper’s family and where lodging or meals or both are provided by prearrangement and for definite periods.

Lodging Room

A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. (In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) “lodging room” for the purposes of this ordinance.)

Lot

Any tract, parcel or other land however designated held under separate ownership but not including farms.

Lot of Record

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

Lot, Zoning

A single tract of land located within a single block, which (at the time of filing for an Improvement Location Permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or unified control. (A “zoning lot” may or may not coincide with a “lot of record”.)

Lot, Corner

A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees. (The narrowest part of a lot having frontage on a street is the front of the lot.)

Lot Coverage

The percentage of the lot area covered by the building area.

Lot, Reversed Corner

A corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of an adjacent interior lot.

Lot, Through

A lot having a frontage on two no-intersecting streets as distinguished from a corner lot. (Both street lines shall be deemed front lot lines.)

Lot Area, Gross

The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake, river, or flood plain area.

Lot Depth

The average distance between the front lot line and the rear line of a lot.

Lot Width

The distance between the side lot lines of a lot measured at the building line.

Lot Line, Front

That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way; where such public way is not a dedicated street the right-of-way of such public way shall be deemed to be sixty (60) feet, unless otherwise provided.

Lot Line, Rear

That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

Lot Line, Side

Any boundary of a lot which is not a front or rear lot line.

Manufactured Home

A dwelling unit built in a factory and bearing a seal of compliance with Federal Safety Standards.

Marquee or Canopy

A roof-like structure of a permanent nature which projects from the wall of building and may overhang in a required yard.

Mobile Home

A portable structure ten (10) feet or more wide and thirty (30) feet or more long and designed for permanent occupancy as a residence.

Mobile Home Park

A lot, parcel, or tract of land developed with facilities for accommodating two or more mobile homes – provided each mobile home contains a kitchen, flush toilet, and shower or bath. Such

park shall be used only by non-transient dwellers remaining continuously for more than one month, whether or not a charge is made. (It shall not include a sales lot in which automobiles or unoccupied trailers or mobile homes are parked for the purpose of inspection or sale.)

Motor Vehicle

A passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

Nameplate

Non-illuminated sign flush with the front of the building indicating the name or address of a building, or the name of an occupant thereof and the practice of a permitted occupation therein.

Net Usable

That portion of land capable of being used after public right-of-way is excluded.

Non-Conforming Building or Structure

A building or structure which;

- a. Does not comply with all of the regulations of this ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located;
- b. Is designed or intended for a non-conforming use.

Non-Conforming Use

A use of land, buildings, or structures which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

Noxious Matter or Materials

That which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well being of individuals.

Odorous Matter

Matter or material that yields an odor which is offensive in any way.

Open Sales Lot

Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. (Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments.)

Particulate Matter

Dust, smoke, or any other form of air-borne pollution in the form of minute separate particles.

Planned Unit Development

A tract of land developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.

Property Lines

Those bounding a lot.

Reservoir Parking

Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

Rest Home (or nursing home)

A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders.

Ringelmann Chart

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

Ringelmann Number

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

Roadside Stand

A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

Setback

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

Sign

A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. A “sign” shall not include:

- a. The display of official court or public office notices;
- b. The flag, emblem, or insignia of a nation, political unit, school, or religious group; nor
- c. One located completely within an enclosed building, except signs located behind window areas intended to be viewed from outside the building.

Sign, Advertising

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

Sign, Business

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

Sign, Flashing

An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. (A revolving, illuminated sign shall be considered to be a “flashing sign”.)

Sign, Gross Area of

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

Smoke Unit

The number obtained when the smoke density in Ringelmann Number is multiplied by the time of emission in minutes. (For the purpose of this calculation:

- a. A Ringelmann density reading shall be made at least once a minute during the period of observation;
- b. Each reading is then multiplied by the time in minutes during which it is observed;

- c. The various products are then added together to give the total number of smoke units observed during the entire observation period.)

Sound Level Meter

An instrument standardized by the American Standards Association for measurement of the intensity of sound.

Special Exception

A use not classifiable in the customary zoning districts; or a use which may not under circumstances be inharmonious in zoning districts where not normally permitted; or a use requiring special consideration of its probable effect upon property and uses in its vicinity, which nevertheless may be permitted in specific controlled situations in accordance with the terms of this ordinance.

Stable, Private

A building or structure which is located on a lot on which a dwelling located, and which is designed, arranged, used, or intended to be used for housing not more than two (2) saddle horses or ponies primarily for the use of occupants of the dwelling, but in no event for hire.

Story

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

Story, Half

A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three feet above the top level of the story below. (In such space, not more than sixty (60) percent of the floor area is completed for a principal or accessory use.)

Street

A partially or fully improved public right-of-way which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, except public utility communication and electrical transmission lines and equipment and facilities supporting the same and/or incidental thereto.

Structure

A structure means a combination of materials other than a building to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs

Structural Alteration

A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Tourist Camp

A parcel or tract of land containing facilities for locating three or more trailers or mobile homes, and for use only by transients remaining less than one month, whether or not a charge is made. (Not including an open sales lot in which automobiles or unoccupied trailers are parked for the purposes of inspection or sale.)

Tourist Home

A dwelling in which sleeping rooms are provided or offered to transient guests for compensation. (Not including a hotel, apartment hotel, or motel)

Trailer

A vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for dwelling, lodging, commercial, or agricultural purposes.

Use (of property)

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. (Includes any manner of performance of activity or operation with respect to the performance standards of this ordinance.)

Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use. (May be either "permitted" or "special".)

Use, Permitted

A use which may be lawfully established in a particular district or districts (provided it conforms with all requirements, regulations, and performance standards, if any, of such district.)

Use, Special

A use (either public or private) which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

Variance

A minimum departure from the strict application of the specific requirements of this ordinance granted by the Board in accordance with the terms of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity or district.

Wholesale Establishment

A business establishment engaged in selling to retailers or jobbers rather than consumers.

Yard

An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted. (A “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such lot is located.)

Yard, Front

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

Yard, Rear

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

Yard, Side

A yard extending along a side lot line from the front yard to the rear yard.

Yard, Corner Side

A side yard which adjoins a public street, road or highway.

Yard, Interior Side

A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

Yard, Transitional

A yard which must be provided on a lot in a Business District which adjoins a lot in a Residential District, or a yard which must be provided on a lot in a Manufacturing District which adjoins a lot in either a Residential or Business District.

Zoning Board of Appeals

THE AREA BOARD OF ZONING APPEALS OF UNION COUNTY, INDIANA.

Zoning District or District

A section or sections of the territory of UNION COUNTY for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

**ARTICLE III – DISTRICTS, INTERPRETATIONS OF BOUNDARIES,
AND APPLICATION**

Section 1. ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, and general welfare of the community, the UNINCORPORATED PORTION OF UNION COUNTY, THE TOWN OF LIBERTY, AND TOWN OF WEST COLLEGE CORNER are hereby divided into the following districts:

- A Agricultural District
- R-1 Single-Family Residential
- R-2 Two-Family and Multiple-Family Residential Districts
- Rec Recreational District
- L-B Local Business District
- G-B General Business District
- I Industrial District

Said districts are bounded and defined as shown on maps entitled “ZONING MAP – UNION COUNTY, INDIANA”, “ZONING MAP – LIBERTY, INDIANA” and “ZONING MAP – WEST COLLEGE CORNER, INDIANA” which, with all explanatory matter thereon, is hereby made a part of this ordinance.

Section 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning maps, the following rules shall apply:

1. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately parallel the street lines of streets, or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given such dimension shall be determined by the use of the scale shown on said zoning map.
3. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located midway between the main tracks of said railroad right-of-way.
4. Where the boundary of a district follows a stream, said boundary line shall be at the center of the stream.

Section 3. APPLICATION OF REGULATIONS

Except as herein provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered:
 - a. To exceed the height;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area;
 - d. To have narrower or smaller rear yards, front yards, side yards or outer courts, than are specified herein for the district in which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

ARTICLE IV – AGRICULTURAL USE

Section 1. A – AGRICULTURAL DISTRICT

A. Uses Permitted

The following regulation shall apply in all “A” Districts:

1. Agriculture, on a lot not less than five (5) acres in area, such uses as principal farm dwelling, and except as otherwise provided all forms of agriculture and allied uses and the treating, storing, packing of produce grown or produced thereon, provided that the operation of any such activities shall be secondary to that of the normal pursuit of agriculture. A set back of twenty-five (25) feet from right-of-way or boundary line is required for all buildings.
2. Meeting halls and offices for agricultural, horticultural, rural or conservation agencies or voluntary societies and associations whose activities are of a nonprofit nature.
3. Single-family dwellings, on a lot not less than one and one half (1-1/2) acres, exclusive of easements and rights-of-way, in area and 200 feet in width at the building line. (Changed from 1 acre to 1.5 acres on February 4, 2002.)
4. Cemeteries
5. Churches and similar places of worship
6. Golf courses provided that no club house or other accessory building shall be located nearer than 200 feet from a Residential District boundary line and 50 feet from any lot line, except open off-street parking spaces shall be no nearer than 50 feet from a lot line adjoining a street and 20 feet from an interior lot line.
7. Convents, seminaries, monasteries and similar uses
8. Veterinary hospitals
9. Kennels
10. Convalescent, nursing and rest homes on a lot not less than two (2) acres
11. Golf driving range
12. Lodge or private club
13. Deleted
14. Stock auction barn
15. Hospitals and sanitariums
16. Feedlots, provided they are located no closer than 2,000 feet from a Residential Zone District.
17. Manufactured homes and mobile homes shall be used in the manner for which they were designed in accordance with the following requirements.
 - a. Permanent Placement

The establishment, location and use of manufactured homes exclusive of single wide mobile homes as scattered-site residences shall be permitted in any zone permitting installation of a dwelling unit, subject to the requirements and

limitations applying generally to such residential use in the appropriate zone, and provided such homes shall meet the following requirements and limitations:

- 1) The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building and occupancy permits and other certifications as required by the Union County Unified Zoning Ordinance.
- 2) The home shall meet the minimum square footage requirements for the appropriate zone.
- 3) Tongue and hitch apparatus shall be removed and the manufactured home shall be installed on a foundation in accordance with the requirements of the Indiana Residential Code and all Indiana amendments thereto. Permanent perimeter enclosures shall be required and shall be constructed of material as required by the above cited Dwelling Code for regular foundation construction.
- 4) The terms of this section shall apply to the placement of manufactured housing located outside mobile home parks only.
- 5) The home shall have been constructed after January 1, 1981.

b. Temporary Placement

- 1) Permitted Placement – the placement of manufactured homes and mobile homes shall be permitted within the unincorporated area of Union County, and outside of mobile home parks, on a temporary basis in the following circumstances:
 - a) For use of a manufactured home or mobile home as a caretaker’s quarters or a construction office at a job site.
 - b) For use of a manufactured home or mobile home as a temporary residence, located on the building lot, during the course of construction, remodeling or repair of a site-built dwelling
 - c) For use of a manufactured home or mobile home as a temporary residence located adjacent to an existing residence, when the Board of Zoning Appeals has approved the temporary placement by granting a variance to the owner or contract buyer whose own health or the health of another necessitates care and where the facts show that an unnecessary hardship would occur if not permitted to locate a temporary residence adjacent to the residence of one who is able to provide such care of is need of such care.
- 2) Provisions Regulating Permitted Placement – A temporary use permit shall be obtained prior to placement of a manufactured home or mobile home for temporary use as herein defined. For use of a

manufactured home or a mobile home as temporary residences, placement shall be additionally subject to:

- a) Applicable health provisions for sanitary facilities,
 - b) Providing an adequate ground anchor, and
 - c) Setback provisions as stated in the appropriate zone.
- 3) Time Limitations for Temporary Placement – A temporary use permit issued under Sections B (1) (a) and B (1) (b) herein shall be issued for a period not to exceed one (1) year. Any extension of the one (1) year limit shall require approval of a variance which states the conditions of the temporary placement by the Board of Zoning Appeals under the established procedures for the filing of an appeal. A variance granted under Section B (1) (c) shall specify the conditions of the temporary placement.
- 4) Mobile homes currently being used as a primary residence may be replaced with another mobile home constructed after January 1, 1981, if done so within six (6) months of the removal permit date.

B. Accessory Uses

1. Roadside stands provided that such stand shall have a building height of not more than seventeen (17) feet and no more than one story and a floor area of not more than six hundred (600) square feet and located no nearer than fifty (50) feet from a street or highway right-of-way line.
2. Uses, buildings and structures, accessory to all permitted uses – sewage treatment plants-individual; water supply and sewage treatment systems.

C. Special Uses

The following special uses shall be permitted only in accordance with procedures, regulations, and standards set forth in this ordinance.

Development plans and specifications approved by the Board of Zoning Appeals shall be required – such plans and specifications shall show, when applicable, utility installations; site improvements; architectural elevations; vehicular ingress and egress and traffic control facilities, and other improvements.

1. Airports, public or private, with customary auxiliary facilities.
2. Agriculture and horticultural fairs and displays, shows and exhibits conducted by rural and agricultural organizations and other public or semi-public organizations such as Boy Scouts, Girl Scouts, 4-H Fair, Izaak Walton League and similar organizations. All buildings, structures and uses shall be located no less than 200 feet from any property line except off-street parking areas shall be permitted in the setback areas if located 50 feet from right-of-way of an adjoining street and 50 feet from an interior property line.

3. Special uses hereunder shall be located on a lot no less than two (2) acres in area and no buildings, structures, or uses of land, other than open off-street parking spaces, shall be located nearer than fifty (50) feet from a lot line adjoining a street and fifty (50) feet from an interior lot line, and parking spaces shall not be located nearer than forty (40) feet from a lot line adjoining a street or twenty (20) feet from an interior lot line. The lot line adjacent to a street shall be the right-of-way.
 - a. Philanthropic and eleemosynary institutions and accessory uses, buildings and structures – but not including businesses sponsored by such institutions, except such as are accessory or incidental to and located in the same building as such institution.
 - b. Bottle gas storage
 - c. Fertilizer storage
 - d. Petroleum tank farm
 - e. Slaughterhouse
 - f. Outdoor theater
 - g. Mining of sand, gravel, topsoil, or other aggregate where located no nearer than 200 feet from a Residential District boundary line, and on such a lot operations and uses shall be no nearer than 50 feet from any lot line. A plan for land recommendations of the Plan Commission may be required – such plans may include a contour map of land prior to establishing the use boundary lines of areas to be excavated, and locations of vehicular ingress and egress, and artificial lighting installations, if any; also plans for grading, seeding, and landscape improvements to be completed upon termination of the use. Buildings, structures, and equipment for screening, crushing, or washing, shall not be allowed except as specifically authorized.
 - h. Mobile home parks on a lot no less than five (5) acres in area and each mobile home site no less than 3,000 square feet in area with an average of all sites being no less than 40 feet in width, and accessory uses, buildings or structures such as a community center, and buildings for laundry and office facilities provided that they are located, designed and intended to serve primarily residents of the park, such buildings shall not occupy more than ten (10) percent of the total area of the park and present no visible evidence of their commercial nature to areas outside the park. There shall be a park or playground area equal to at least eight (8) percent of the park area. The park shall provide front, side and rear yards having a depth or width of no less than forty (40) feet, and containing no obstruction except trees and shrubs. The minimum distance between the mobile homes shall be twenty (20) feet. Sanitary sewage, storm sewer, and water systems, service drives, off-street parking equal to at least one and one-half (1-1/2) spaces for each mobile home, grading and landscaping, buildings, and other improvements, shall be

constructed in accordance with development plans and specifications approved by the Board. No mobile home shall be nearer than 75 feet to the right-of-way of a numbered highway nor nearer than 50 feet to a county road. Each mobile home site shall be provided with a stand of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support maximum anticipated loads. If ribbons are used, the area between them shall be filled with a layer of crushed rock or similar material. Enclosed storage facilities shall be provided and available to all residents. All exterior lights shall be located and shielded to prevent direct illumination outside the park. All refuse containers shall be screened from view. A dense greenbelt of evergreen trees not less than six (6) feet in height after two (2) growing seasons, shall be located and maintained along all park boundaries. Streets shall be paved with an all weather, hard surface material, being concrete or macadam, and satisfactorily maintained.

- i. Junk yards or automobile wrecking yards may be permitted by the Board after published notice and hearing provided that they are located no closer than 200 feet from an existing street, road, or highway, and provided that before an Improvement Location Permit is issued the junk yard must be fenced or screened so that it is not visible from the street, road or highway.
4. Lot width not less than 300 feet except as otherwise regulated for a special use.
5. Yards, except as otherwise regulated for a permitted or special use, shall be provided as follows:
 - a. Front yard depth not less than 50 feet from right-of-way except that on existing State or Federal Highways the minimum front yard depth shall be seventy-five feet from right-of-way.
6. Communication towers.

D. Special Exceptions

Special exceptions which must first be approved by the Board include but are not limited to the following:

- a. Auto and farm machinery repair, service and sales
- b. Beauty shops and barber shops
- c. Day care

E. Front, Side and Rear Yard

Front, side and rear yards shall be not less than twenty-five (25) feet in width and depth measured at right angles to the lot lines or road rights-of-way.

F. Minimum Floor Area

The minimum dwelling ground floor area requirements shall be nine hundred (900) square feet for one story dwellings and seven hundred and twenty (720) square feet for two story dwellings.

G. Wells

All wells shall be installed at a minimum of fifty (50) feet inside of exterior property lines.

- 100' between septic tank and well – Commercial
- 50' between septic tank and well – Residential
- 10' between septic tank and home

ARTICLE V – RESIDENTIAL USE

Section 1. R-1 ONE-FAMILY RESIDENTIAL DISTRICT

A. Uses Permitted

The following regulations shall apply in all R-1 Districts:

1. One-family dwellings including manufactured homes (constructed off site) placed on masonry foundation and/or a masonry type skirting.
2. Churches or similar places of worship, parish house convent.
3. Elementary schools, high schools, and institutions for higher education, not conducted for profit.
4. Hospital or sanitarium for the treatment of human ailments.
5. Public and educational uses.
6. Parking area where the area adjoins a business or industrial zone, provided that such transitional use does not extend more than 60 feet from the boundary of such zones.
7. Golf courses and country clubs.
8. Deleted.
9. Customary home occupations provided that there shall be no external evidence of such occupations, except an announcement or sign not exceeding one square foot in area, flush with the front of the building, provided that no such sign shall be illuminated.
10. Customary accessory uses and buildings including private garages provided such uses do not include any activity commonly conducted for gain. Any accessory building shall be located on the same lot with the principal building.
11. Special exceptions which must be first approved by the Board include but are not limited to the following:
 - a. Two-family dwelling subject to all of the provisions of the R-2 District
 - b. Beauty shop and barber shop
 - c. Day care

B. Building Height Limit

Two and one-half (2-1/2) stories but not exceeding thirty-five (35) feet.

C. Required Lot Areas

	Min. Lot Area (Sq. Ft.)	Min. Lot Width (Feet)
Public Sewer and Water Available	6,000	60
Corner Lots	7,000	70
Sewer only Available	8,000	80
Sewer and Water Not Available	(Lot size one acre with a limit of five (5) contiguous lots.)	100

D. Percentage of Lot Coverage

All buildings including accessory buildings shall cover not more than thirty-five (35) percent of the area of lot.

E. Building Size

No one story dwelling shall be erected having a ground floor area of less than nine hundred (900) square feet, and no two story dwelling shall be erected having a ground floor area of less than seven hundred and twenty (720) square feet, provided, however, there shall be a total of at least nine hundred (900) square feet of floor area having at least a seven feet six inch (7'-6") ceiling height. Minimum width shall be twenty (20) feet.

F. Yards Required

Each lot shall have front, side and rear yards, not less than the following depths or widths:

1. Front Yard Depth

- a. Twenty-five (25) feet or more from right-of-way.

2. Side Yard Width

- a. Not less than five (5) feet; but the sum of two side yards shall be not less than twenty (20) percent of the width of the lot or twelve (12) feet, whichever is greater, provided that the total of the two side yards need not be greater than twenty (20) feet.

3. Rear Yard Depth

- a. Twenty (20) percent of lot depth, but such yard need not exceed twenty-five (25) feet.

G. Only one residential building and its accessory buildings shall be located on a lot.

Section 2. R-2 TWO-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT

A. Uses Permitted

The following regulations shall apply in all R-2 Districts:

1. All uses permitted in the R-1 District, subject to the regulations set forth therein.
2. Two-family and multiple-family dwellings
3. Tourist homes
4. Clubs and lodges
5. Special exceptions which must first be approved by the Board include but are not limited to the following:
 - a. Doctor's and professional offices
 - b. Nursing and convalescent homes
 - c. Funeral homes
 - d. Beauty shop and barber shop
 - e. Day care

B. Building Height Line

Two and one-half (2-1/2) stories but not exceeding thirty-five (35) feet.

C. Required Lot Area

Lot area requirements per dwelling unit shall be not less than six thousand (6,000) square feet for one-family dwellings; four thousand (4,000) square feet for two-family dwellings and three thousand (3,000) square feet for three or more family dwellings where public sewer and water is available. Lot width shall be not less than R-1 requirements.

D. Percentage of Lot Coverage

All buildings including accessory buildings shall not cover more than forty (40) percent of the area of the lot.

E. Building Size

The same as in R-1. (See preceding page.)

No dwelling unit shall contain less floor area than the following:

- a. Efficiency – 400 square feet
- b. One-bedroom – 500 square feet
- c. Each additional bedroom – 125 square feet

F. Yards Required

Yards shall be the same as required for the R-1 District. (See preceding page.)

G. Required Court Dimensions

1. Outer courts – the width of any outer court shall be not less than two-thirds (2/3) the height of any opposing wall forming said court, but not less than thirty (30) feet, and the depth shall not be greater than one and one-half (1-1/2) times the width.
2. Inner Courts
 - a. The least dimensions of any inner court shall be not less than two-thirds (2/3) the full height of the walls enclosing such court, but not less than thirty (30) feet.
 - b. An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passageway shall have a cross section area and sufficient headroom to permit the passage of firefighting equipment and shall be continuous from the inner court to a yard or an obstructed open area between buildings.

H. Distance Between Buildings on Same Lot

No principal building shall be closer to any other principal building than the average of the heights of said buildings, but not less than twenty (20) feet.

ARTICLE V (A) (ADOPTED 1974)

REC – RECREATIONAL DISTRICT

A. Uses Permitted

The following regulations shall apply in all REC Districts:

1. Conventional single family dwellings not less than 575 square feet on ground floor with same lot requirements as R-1.
 - a. Minimum set-back requirements:
 - Front yard – 25 feet from lot line or right-of-way
 - Side yard – 10 feet from lot line or right-of-way
 - Back yard – 25 feet from lot line or right-of-way
 - From any public roadway, measuring from right-of-way of road 25 feet
 - b. Delete
 - c. Limit of 1-1/2 stories or 25 feet, whichever is less
2. Agricultural uses on a lot not less than 5 acres, except for feed lots.
3. Pre-existing uses until such use shall have been abandoned for a period of one year.
4. Cabins – minimum size 200 square feet. Appeal Board approval required on plat, building and sanitation plans. (Legal notice not required.) Lot and set back requirements same as item 1 above.
5. Park Models, campers or recreational vehicles with same lot and set back requirements as item 1 above.

B. Special Uses

The following special uses may be allowed in all REC Districts at the discretion of and subject to the conditions imposed by the Board of Zoning Appeals. Public hearing shall be held and the standards shall be met as provided in Article X, Sections 6 and 7 of the Ordinance. The Board of Zoning Appeals, with the assistance of the Area Plan Commission, may designate certain general areas in REC Districts as those in which commercial, residential or other general types of activity shall be encouraged. Such designation shall not be formal or binding, but will be given merely as an aid to property owners in planning development of their property. The special uses allowable in all REC Districts are as follows:

1. Mobile Home Parks, following the standards indicated in Article IV, Section 1 (c) (3) (h) of this ordinance.
2. Campgrounds (short-term parking for campers or recreational vehicles) shall require a minimum of 5 acres. Said campground shall be at least 50 feet from any highway right of way. Individual spaces shall be 50 feet wide and have a minimum area of 2500 square feet.
3. Two-Family and Multi-Family Dwellings shall be subject to the requirements as set forth in Section A (1) (a) of this article. Lot and building size requirements shall be the same as R-2 District or as the Board may require.

4. Public parks, playgrounds, golf courses and picnic areas.
5. Commercial establishments related to or serving recreational, tourist and vacation activities, but subject to the same building set-back and height requirements as set forth in Section A (1) (a) and A (1) (c) of this Article.
6. Churches, subject to the building set-back requirements set forth in Section A (1) (a) of this article and with a minimum lot size of 1 acre. (1-1/2)
7. Planned unit developments, cluster housing projects, recreational vehicle resorts and similar large, planned developments on lots of at least 20 acres.
8. The following itemized home occupations, provided that there shall be no external evidence of such use other than an unlighted sign of no more than one square foot on each of two sides announcing such use:
 - a. Beauty shop or barber shop
 - b. Handicraft teaching – but without retail selling
 - c. Teaching of musical instruments
 - d. Tutoring
 - e. Professional offices

C. ACCESSORY USES:

Accessory structures shall only be as approved by the Board of Zoning Appeals when considering the granting of a special use or upon proper application and hearing subsequent thereto. Provided, however, that well-maintained unattached garages or storage sheds accessory to a residential use and subject to the requirements set forth in Section A (1) (a) of this Article are permitted without prior approval of the Board, if they have a minimum ground floor area of at least 120 square feet.

ARTICLE VI – BUSINESS USE

Section 1. L-B LOCAL BUSINESS DISTRICT

A. Uses Permitted

The following regulations shall apply in all L-B Districts:

1. All uses permitted in any residential district.
2. Stores and shops for the conduct of any retail business.
3. Advertising signs provided they shall be affixed to or a part of the building may not extend over any street line nor project above the roof line and shall pertain only to a use conducted within the building. The size shall be limited to three (3) square feet of area for each front foot of building displaying such sign.
4. Banks, offices, theaters, restaurants and similar community services.
5. Personal service shops including laundrettes and dry cleaning establishments using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is non-explosive and non-flammable.
6. Greenhouse.
7. Railway or bus passenger station, telegraph office, express office.
8. Commercial parking lots.
9. Filling station in accordance with Chapter II of “Rules and Regulations of the State Fire Marshall Regulating the Use, Handling, Storage and Sale of Flammable Liquids in the State of Indiana”, and providing:
 - a. Any tire or tube repairing, battery charging and storage of merchandise or supplies are conducted wholly within a building.
 - b. Plans for the erection or structural alteration of a filling station shall be approved by the Board.
10. Mortuary
11. Accessory building and accessory uses

B. Building Height Limit

No building shall be erected to a height in excess of thirty-five (35) feet.

C. Requirements for: Lot Area, Lot Coverage, Front, Side, and Rear Yards

1. For non-residential uses occupying the ground floor which are permitted in an R District, the lot area, lot coverage, front, side and rear yard requirement shall be the same as in the R District in which they are listed.
2. For buildings having a residential use above the first floor, a rear yard shall be provided not less than thirty (30) feet in depth.
3. All other uses – no set back shall be required except a side yard shall be required when a lot abuts an R District in which case the side yard requirements of the R District shall apply.

Section 2. G-B GENERAL BUSINESS DISTRICT

A. Uses Permitted

The following regulations shall apply in all G-B Districts:

1. All uses permitted in a L-B District
2. Motel – Hotel
3. Commercial Recreational uses, including bowling alley, skating rink, night club, tavern and similar uses.
4. Advertising sign and bill board
5. Motor vehicle salesroom, repair shop
6. Public garage
7. Job and newspaper printing plant
8. Cat and dog hospital (Veterinarian), not including kennels
9. Frozen Food locker, exclusive of slaughtering
10. Upholstery shop
11. Laundry, employing not more than five (5) persons in cleaning process.
12. Dry cleaning establishment employing not more than five (5) persons in the cleaning process.
13. Accessory buildings and accessory uses.

B. Building Height Limit

No building shall be erected to a height in excess of sixty (60) feet.

C. Requirements for: Lot Area, Lot Coverage, Front, Side, and Rear yards

Requirements for lot area, lot coverage, front, side and rear yards shall be the same as in L-B Districts.

ARTICLE VII – INDUSTRIAL USE

Section 1. I – INDUSTRIAL DISTRICT

The following regulations shall apply in all I Districts:

A. Uses Permitted

Any establishment which engages in production, processing, assembly, disassembly, cleaning, servicing, testing, repair, or storage of materials, goods, or products, – when operations conform with the performance standards and other regulations herein and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat, provided, that where established within one hundred fifty (150) feet of a residence zone, they shall be conducted wholly within a building, except for off-street loading facilities.

Such uses as:

1. Agriculture
2. Building material sales and storage
3. Shipping and delivery
4. Contractors' offices, shops, and yards
5. Dwelling units, for watchmen and their families, located on the premises where they are employed in such capacity.
6. Fuel and ice sales – with outside storage
7. Garages – for storage, repair, and servicing of motor vehicles.
8. Highway maintenance shops and yards
9. Motor freight terminal
10. Printing and publishing
11. Public utility and service uses
12. Radio and television studios, station, and towers, transmitting and receiving
13. Signs, as regulated herein
14. Storage of continually unoccupied mobile homes
15. Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
16. Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two (2) years.
17. Trade schools
18. Weighing stations
19. Wholesaling and warehousing
20. Accessory uses, incidental to, and on the same lot as a principal use.

B. Performance Standards

1. Smoke

- a. Any use established in an Industrial District after the effective date of this ordinance shall be so operated as to comply with the performance standards governing smoke and particulate matter set forth herein for the area in which such use shall be located. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with the performance standards governing smoke and particulate matter established hereinafter. Any use already established on the effective date of this ordinance shall be permitted to be altered, enlarged, expanded, or modified, provided that new sources of smoke and/or particulate matter conform to the performance standards established herein. The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the area in which the use is located after such alteration, enlargement, expansion, or modification.
- b. In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
- c. For the purpose of grading the density of smoke, the Ringelmann Chart, published by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited, except as otherwise provided herein.
- d. The emission, from all sources within any lot area, of particulate matter containing more than ten (10) percent by weight of particles having a particle diameter larger than 44 microns is prohibited.
- e. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and so forth within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified herein for the area in which such use shall be located is prohibited.
- f. The emission of more than ten (10) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, once during any six (6) hour period each stack may emit up to 20 smoke units – not to exceed Ringelmann No. 2 – when blowing soot or cleaning fires. Only during fire-cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than four (4) minutes.
- g. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot

area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

ALLOWANCE FOR HEIGHT OF EMISSION*	
Height of Emission Above Grade (Feet)	Correction (Pounds per Hour per Acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

* Interpolate for intermediate values not shown in table.

- h. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
 - 1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area – thereby obtaining the gross hourly rate of emission in pounds per acre;
 - 2) From each such gross hourly rate of emission, deduct the correction factor (Interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission; and
 - 3) Add together the individual net rates of emission to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed one (1) hour.
 - 4) Add together the individual net rates of emission to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed eight (8) pounds per acre of lot area during any one hour.

2. Fire and Explosive Hazards

- a. Any use established in an Industrial District after the effective date of this ordinance shall be so operated as to comply with the performance standards governing fire and explosive hazards set forth herein.
No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing fire and explosive hazards established herein.
- b. The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted, subject to compliance with all other performance standards.
The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted subject to

compliance with all other performance standards provided the following condition is met.

- Said materials or products shall be stored, utilized, or produced within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system

The storage, utilization, or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the following Table – exclusive of storage of finished products in original sealed containers, which shall be unrestricted.

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED, GALLONS*		
Industries Engaged in Storage Only	Above Ground	Underground
Materials having a closed cup flash point over 187° F.	100,000	400,000
From and Including 105° F. to and including 187° F.	50,000	200,000
Materials having a closed cup flash point of less than 105° F.	20,000	100,000
Industries Engaged in Utilization and Manufacture of Flammable Materials	Above Ground	Underground
Materials having a closed cup flash point over 187° F.	50,000	400,000
From and including 105° F. to and including 187° F.	10,000	200,000
Materials having a closed cup flash point of less than 105° F.	5,000	100,000

*When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet (at STP) permitted shall not exceed 300 times the quantities as listed above where the factor 300 is the volume in cubic feet occupied by one gallon of most liquids.

3. Water Pollution

No industrial activity shall discharge liquid or solid wastes into public waters in non-conformance with the Indiana Stream Pollution Control Act, Chapter 214, Acts of 1943, as amended, and the regulations promulgated there under – Plans and Specifications for proposed sewage and industrial waste treatment and disposal facilities shall be approved by the Indiana Stream Pollution Control Board.

4. Noise

- a. Any use established in an Industrial District after the effective date of this ordinance shall be so operated as to comply with the performance standards governing noise set forth herein. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing noise established herein.
- b. Sound levels shall be measured with a sound level meter and associated octave bank filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall

be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this ordinance, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

- c. At no point on the boundary of a Residential or Business District shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated as follows:

Octave Band Frequency (Cycles per Second)	Along Residential District Boundaries	Along Business District Boundaries
0 – 75	72	79
75 – 150	67	74
150 – 300	59	66
300 – 600	52	59
600 – 1,200	46	53
1,200 – 2,400	40	47
2,400 – 4,800	34	41
Above 4,800	32	39

C. Special Uses

The following special uses are permitted in accordance with procedures, regulations and standards set forth in this ordinance, and additional standards and requirements that may be designated by the Board. General development plans for approval by the Board may also be required. Such plans shall shown when applicable, utility installations, site improvements, location and architectural elevations, off-street parking and loading facilities, internal circulations, points of ingress and egress and similar improvements.

- 1) Mining of sand, gravel, and other aggregate, including topsoil.
- 2) Junk Yards

Auto wrecking yards, provided that all operations are conducted wholly within an enclosed building, or within an area enclosed on all sides with a solid wall, compact evergreen hedge, or uniformly painted board fence, not less than seven (7) feet in height; provided further that there shall be no burning except within a furnace or incinerator approved by the TOWN BOARD OF LIBERTY, TOWN BOARD OF WEST COLLEGE CORNER or the BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY.

D. Yards

Except as required herein under Regulations Along Zoning District Boundary Lines, and applicable performance standards, yards shall be provided in accordance with the following:

1. Front Yards

Not less than forty (40) feet in depth. Off-street parking shall not be permitted within the first twenty-five (25) feet of the front yard setback.

2. Side yards

a. Not less than forty (40) feet wide when adjoining a street.

b. Not less than ten (10) feet wide when adjoining an interior lot line.

3. Rear Yards

Not less than twenty (20) feet in depth, except when adjoining an alley or railroad right-of-way the rear yard may be measured from the center line of the alley or railroad right-of-way.

4. Transitional yards

a. Where a side lot line coincides with a side or rear lot line in an adjacent Agricultural, Residential or Business District, a yard shall be provided along such side lot line. Such yard shall be not less than twenty (20) feet in width.

b. Where a rear lot line coincides with a rear lot line in an adjacent Agricultural, Residential or Business District, a yard shall be provided along such rear lot line. Such yard shall be not less than thirty (30) feet in depth.

ARTICLE VIII – SUPPLEMENTARY REGULATIONS

Section 1. EXCEPTIONS, ADDITIONS OR MODIFICATIONS

The provisions of this ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

A. General

This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

The provisions of this ordinance regulating the use of land, buildings and structures shall not apply to publicly owned lands, buildings and structures.

Regardless of other provisions of this ordinance, there shall be, if required, additional lot area over the minimum lot area designated for any use in all districts to provide for sufficient ground area, unoccupied by a building, structure, or paving, for installation of proper systems of sewage treatment and water supply conforming with the standards and requirements of the UNION COUNTY HEALTH OFFICER and the Indiana State Board of Health. Plot plans accompanying building permit applications shall show clearly the proposed sewage treatment system and well locations.

B. Uses

1. Public Garages, Filling Stations, and Parking Areas

Plans for the erection or structural alteration of any public garage for more than five motor vehicles, or of a filling station, or of a parking area, shall be approved by the Board of Zoning Appeals. Said Board may require such change therein in relation to yards, landscape treatment, and location of pumps, building, floodlights, surfacing and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

2. Stripping of Top Soil

No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale, or for use other than on the premises from which the same shall be taken except in connection with a development project on such premises and the excavation or grading incidental thereto.

3. Natural Production Uses

There may be permitted in any district, on approval of the Board, the excavation and sale of sand, gravel, clay, shale or other natural mineral deposit or the quarrying of any kind of rock formation. As a condition of approval, the Board may impose some or all of the following conditions:

- a. In the case of any open excavation there shall be a substantial fence with suitable gates completely enclosing the portion of the property in which the

excavation is located, and such fence shall be located at all points forty feet (40) or more distant from the edge of such excavation.

- b. The slope of the material in such sand, gravel or other pit shall not exceed the normal angle of repose of such material, and the plane of such angle of repose shall not come nearer than forty (40) feet to any property line or street line.
 - c. In the case of a quarry or other excavation in rock, there shall be a substantial fence, with suitable gates at all points distant forty (40) feet or more from the face of any quarry walls.
 - d. No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating the product of such quarry shall be permitted.
4. Trailers or Mobile Homes shall not be permitted in any district, other than agriculture, as an accessory building nor shall they be occupied for dwelling or lodging purposes except in an approved mobile home park. They may be used, however, as temporary office or storage space incidental to construction, only during the general period of construction, and only if located on the construction site.
5. Dwellings on Small Lots
Notwithstanding the limitations imposed by any other provisions of this ordinance, a dwelling may be erected on any lot separately owned or under contract of sale and containing at the time of the passage of this ordinance an area or width smaller than that required for a one-family dwelling, except that such lot shall not be less than forty (40) feet in width.

C. Height

1. Height Exceptions

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, penthouses, domes, and grain elevators; nor to chimneys, radio and television antennae, ventilators, skylights, water tanks, bulkheads, silos, windmills, similar features, and necessary mechanical appurtenances usually carried above the roof level.

2. Ornamental Features

The provisions of this ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament, and without windows, extending above such height limit not more than five (5) feet.

3. Height and Open Space

In any business or industrial district, any main building may be erected to a height in excess of that specified for the district provided each required front, side and rear yard is increased one foot for each foot of such additional height. In such districts in which certain yards may not be required any portion of a main building may be erected to a height in excess of that specified for the district, provided that such

portion of said building is set back from all street, lot, and required yard lines one foot for each one foot of such additional height.

4. Exceptions, Airport Districts

Notwithstanding the regulations contained in any part of this ordinance, no exception to the height limit shall be permitted in any district which is combined with an airport district, as may now exist or hereafter be adopted, except to the extent that the maximum height limit specified in such airport district exceeds the height limit specified in the use district.

D. Area

1. Reduced Lot Area

No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on said lot shall not thereafter be used until such building is altered, reconstructed, or relocated so as to comply with the area and yard requirements applicable thereto.

2. Visibility at Intersections

On a corner lot in any residence district no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street lines.

E. Yards

1. Terraces

A paved unroofed, unenclosed terrace shall not be considered in the determination of yard sizes or lot coverage.

2. Unenclosed Porches

An unenclosed, one-story porch, even though roofed, may project into a required front, side or rear yard area a distance not to exceed six feet (6') and shall not be considered in the determination of the size of yards or lot coverage; provided, however, that such a porch shall not be closer than five (5) feet at any point to any lot line, and that no building shall have such porches projecting into more than one required side yard.

3. Enclosed Porches

An enclosed porch shall be considered a part of the building in the determination of the size of yard or lot coverage.

4. Projecting Architectural Features

The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than two (2) feet into any required yard.

5. Fire Escapes

Open fire escapes may extend into any required yard not more than four (4) feet six (6) inches.

6. Front Yard Depth

In any residence district each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than ten (10) feet. Adjacent unimproved lots shall be considered as having a front yard depth as required for the district in which it is located.

7. Reduction in Rear Yards

When a lot is less than one hundred (100) feet deep at the time of the passage of this ordinance, such rear yard may be decreased one-quarter (1/4) of the distance that the lot depth is less than said one hundred (100) feet, provided, however, that no rear yard be less than twenty (20) feet in depth.

8. Rear Yard – Accessory Building

An accessory building not exceeding twenty (20) feet in height may occupy not more than thirty (30) percent of a required rear yard, provided that no accessory building shall be closer than three (3) feet to a side or rear lot line.

Section 2. TRANSITION REQUIREMENTS

1. Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

2. Side Yard and Rear Yard Transition

Where a lot in a business or industrial district abuts a lot in a residence district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residence district.

3. Front Yard Transition

Where the frontage on one side of a street between two streets which intersect therewith is zoned partly as residence and partly as business or industrial, the front yard depth in the business or industrial district shall be equal to the required front depth of the residence district.

4. Corner Lot Transition

On every corner lot in a residence district there shall be provided on the side street a side yard equal in depth to the front yard depth on said side street.

Section 3. PLANNED UNIT DEVELOPMENT

To establish a more flexible procedure for the approval of development plans for large tracts of land and to encourage good planning practices through the submission of such development plans, the Board may authorize the issuance of Improvement Location Permits for a unit development in any zone where such development is deemed desirable to the public convenience and welfare and is in harmony with the various elements or objectives of the Comprehensive Plan; and if its location, plan and the character of development are first approved by the Commission. In the exercise of its approval, the Commission may recommend to the Board such conditions regarding the location, character and other features of the proposed buildings or structures or uses as it may deem advisable in the furtherance of the purposes of this ordinance.

Tracts of land as herein described to be used for R-Zone, L-B Zone, G-B Zone, or I-Zone purposes may be developed as a unit; e.g., group housing, shopping center or industrial district. Any parcel of land, including any interior streets, which is proposed as a development designed as a unit may be deemed to be one lot.

To be considered a unit development, the parcel of land must include at least:

1. Five (5) acres if used only for R-Zone or only for L-B or G-B Zone purposes.
2. Ten (10) acres if used only for I-Zone purposes, or a combination of R-Zone and L-B and G-B Zone purposes.
3. Fifteen (15) acres if used for combinations of L-B and G-B Zone and I-Zone purposes.

Where a unit development consists of two or more buildings on a plot of ground not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this ordinance to the individual building units in such unit development, the application of such requirements may be varied, provided that:

1. The nature of such variance will not result in a development inharmonious with the character of the surrounding neighborhood.
2. If residential use is involved, there may be a twenty (20) percent relaxation of the lot area per family and the standard of open space as required in the zone in which the proposed unit development is to be located.

If the Board approves plans for a proposed unit development, Improvement Location Permits and Certificates of Occupancy shall be issued in conformance with such approved plans, even though the use of the land and the location of the buildings with

respect to each other do not conform to the regulations for the districts in which the unit development is located.

Section 4. OFF-STREET PARKING

The following off-street parking spaces shall be provided and satisfactorily maintained, by the owner of the property, for each building which, after the effective date of this ordinance, is erected, enlarged or altered for use for any of the following purposes:

1. Dwelling
At least two parking spaces for each dwelling unit in the building or buildings.
2. Auditorium, Stadium, Theater, Church or other places of public assemblage
At least one parking space for each four (4) seats provided for its patrons, based on maximum seating capacity.
3. Hotel
At least one parking space for each three (3) guest sleeping room.
4. Motel
At least one parking space for each guest sleeping room
5. Restaurant or other eating space
Parking spaces in a number equal to one-third (1/3) of the total seating capacity, except when it is in a building which provides parking space, in which case the number of places already provided may be taken to be available for the restaurant or other eating place.
6. Hospital, Sanitarium or Nursing Home
At least one parking space for each five (5) patients.
7. Retail Stores, Service Establishments and Repair Shops
At least one parking space for each one hundred twenty (120) square feet of store floor area devoted to sales.
8. Offices, Office Buildings, Banks and other Financial Institutions
At least one parking space for each three hundred (300) square feet of office floor area.
9. Industrial or Manufacturing Establishments
At least one parking space for each four hundred (400) square feet of gross floor area, exclusive of areas used only for storage.
10. Bowling Alleys
At least four (4) parking spaces for each alley.
11. Amusement Enterprises, Exhibition Halls, Auction Barns, and places of public assembly without fixed seats
At least one parking space for each one hundred (100) square feet of floor area in public use.
12. Funeral Homes and Mortuaries
At least one parking space for each fifty (50) square feet of floor area in service rooms.
13. Laundromats
At least one parking space for each two machines.

All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board may permit the parking spaces to be on any lot within one hundred (100) feet of the building, if it determines that it is impractical to provide parking on the same lot with the building. The requirements set forth in Paragraphs 3, 4, 6, and 7 first above may be waived by the Board when the Board determines that more than seventy-five (75) percent of the privately owned lands within one hundred (100) feet of the building to be erected, enlarged, or altered are improved with buildings regularly occupied and used.

For uses not specified above, parking spaces shall be provided a number equal to the number required for the listed use which is most similar, as determined by the Board.

For the purposes of this ordinance, a parking space shall be an area ten (10) feet wide and twenty (20) feet long, exclusive of driveways, and each parking space shall be accessible from a street without having to pass over another space. Each space and access thereto shall be paved with either concrete or macadam surfacing and satisfactorily maintained by the owner of the property.

Section 5. OFF-STREET LOADING

On the same premises with every building or structure erected hereafter and occupied for manufacturing, storage, warehouse, market, hotel, mortuary, laundry, dry cleaning or other uses involving the receipt or distribution of material by vehicle, there shall be provided and maintained on the lot adequate space for vehicles while 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 foot by thirty-five foot (12' x 35') loading space with a fourteen foot (14') height distance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of floor area or land areas 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 recommendations.

Section 6. NON-CONFORMING USES

The lawful use of any building, structure, or land existing at the time of the enactment of this ordinance may be continued, except as otherwise herein provided, although such use does not conform with the provisions of this ordinance.

1. Unsafe Structures

Any structure or portion thereof except a sign or advertising device, declared unsafe by proper authority may be restored to a safe condition.

2. Alterations

A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost the assessed value of the building unless such building is changed to a conforming use.

3. Extension

A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.

4. Construction Approved Prior to Ordinance

Nothing herein contained shall require any change in plans, construction or designated use of a building for which an Improvement Location Permit has been heretofore issued and the construction of which shall have been diligently prosecuted and which entire building shall be completed according to such plans as filed within one year from date of this ordinance.

5. Restoration

A building damaged by fire, explosion, windstorm or similar causes to an extent of not more than fifty (50) percent of its fair market value, may be reconstructed in the same location, provided that reconstruction shall begin within one year of the date of the damage and shall be carried on without interruption.

6. Abandonment

Whenever a non-conforming use has been discontinued for a period of six (6) months, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance.

7. Changes

Once changed to a conforming use no building or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to a use of the same or higher classification, and when so changed to a higher classification.

8. Displacement

No non-conforming use shall be extended to displace a conforming use.

9. Notwithstanding any other provisions of this ordinance any automobile wrecking yard or other junk yard, or any billboard, non-conforming sign or advertising device, in existence in any residence district at the date of enactment of this ordinance shall at the expiration date of two (2) years from such sate, become a prohibited and unlawful use and shall be discontinued.

10. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any non-conforming uses existing therein.

11. Temporary Permits

The Board may authorize, by written permit, in a residential district for a period of not more than one year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.

Section 7. SIGNS

A. General Provisions

1. No sign shall be erected or maintained at any location where by reason of its position, working, size, shape, color or illumination it may obstruct, obscure, impair, or interfere with the view of, or be confused with any authorized traffic control device, signal, or sign.
2. No part of any sign attached to the exterior wall of a building shall be erected to a height in excess of six (6) feet above the roof line or parapet line of such building.
3. No illuminated sign shall be permitted within fifty (50) feet of any Residence District unless it is so designed that it does not reflect or shine light onto said district.
4. No part of any free-standing sign shall be erected to a height greater than that specified for other structures in the district in which it is located; rooftop signs shall not extend more than twenty (20) feet above the roofline no shall such sign be located closer to an exterior wall than a distance equal to the height such sign extends above the roof.
5. The minimum setback of free-standing signs from street rights-of-way shall not be less than:

AREA OF SIGN (square feet)	MINIMUM SETBACK (feet)
5	2
5 – 14.9	10
15 – 49.9	20
50 – 99.9	30
100 – 149.9	60
150 or more	10

6. The area of a sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message.
7. No pennants, banners, flags, spinners, or similar devises shall be permitted, and, except as specifically provided for herein, no moveable signs shall be permitted.
8. Each permitted or required parking area that has a capacity of more than five (5) cars shall be permitted one sign, not more than two (2) square feet in area, designating each entrance or exit; and one sign, not more than twelve (12) square feet in area, identifying or designating the conditions of use of such parking area for each twenty-five (25) spaces.

9. One "For Sale" or "For Rent" sign not more than twelve (12) square feet in area for each dwelling unit, garage, or other quarters, buildings, structures or land.
10. One sign, not more than twenty (20) square feet in area, pertaining to the sale of agricultural products raised on the premises.
11. Signs established by, or by order of, and governmental agency.
12. One sign, not more than twelve (12) square feet in area for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development is actively under way.
13. For an event of public interest such as a county fair, or church event, one sign, not over twenty-four (24) square feet in area and located upon the site of the event shall be permitted. Such sign shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such event. Also directional signs, not more than three (3) square feet in area, show public interest. Such signs shall not be erected more than fourteen (14) days before the even in question and shall be removed immediately after such event.
14. For each real estate development that has been approved in accordance with the Subdivision Ordinance, one sign, not over three hundred (300) square feet in area, advertising the sale of property in such subdivision shall be permitted, but only when located on some portion of the subdivision being advertised for sale. Such sign may be illuminated, but no flashing, intermittent, or animated illumination is permitted. Each sign shall be maintained only during such time as some portion of the land advertised for sale remains unsold. Permits for such signs shall be issued for one year periods and may be renewed for additional one year periods to allow time for reasonable display.
15. No sign which does not conform to the provision of this section shall be replaced, enlarged or structurally reinforced so as to extend its useful life.

B. Residential Districts

1. A name plate which shall not exceed one square foot in area is permitted for each dwelling unit of a single-family, or row house structure; such nameplate shall indicate nothing other than name and/or address of the occupant, and/or customary home occupation. No other sign shall be allowed.
2. Multiple-family residences and residential projects of all types may display identification signs indicating nothing other than name and/or address of the premises and/or the name of the management. Such sign shall not exceed (6) square feet in area.
3. For uses other than those listed in paragraphs 1 and 2, above, bulletin boards or identification signs indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises; such signs shall not exceed twelve (12) square feet in area.

4. For each use of paragraphs 2 and 3 above, eligible to display a sign, only one sign per street frontage shall be permitted; except that uses occupying extended frontages shall be permitted one such sign per five hundred (500) feet of frontage or major fraction thereof.

C. Local and General Business Districts

1. Residential uses shall be subject to the provisions of Section B.
2. Each public recreation, community facility, or clinic use, shall be permitted one bulletin board or identification sign, not to exceed twelve square feet, except that uses occupying extended frontages shall be permitted one such sign per five hundred (500) feet of frontage or major fraction thereof.
3. Each primary use other than those listed in paragraphs 1 and 2 sign shall be permitted according to the number and net area of signs set forth below:

District	Number of Signs	Net Area (each)
L-B	1	40 square feet
G-B	2	60 square feet

However, one additional sign shall be permitted for each fifty (50) lineal feet of stone front in excess of fifty (50) feet.

4. No sign shall project over a lot line and no sign shall project into a required yard by more than two (2) feet, except in those blocks where twenty-five percent of the frontage is already occupied by business uses and where overhanging signs are already established. Signs may project to within two (2) feet of an established curb line but in no event shall a sign extend more than six (6) feet beyond the face of the building.

D. Industrial

Each use shall be permitted identification signs on the lot only as incidental uses, not to exceed two signs and the total area of all signs shall not exceed three hundred (300) square feet.

BUILDING INSPECTION ORDINANCE NO. 73-2

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF UNION COUNTY, INDIANA CONCERNING THE INSPECTION OF BUILDINGS IN SAID COUNTY TO ASSURE CONFORMANCE WITH APPLICABLE BUILDING CODES OF THE STATE OF INDIANA AND THE APPOINTING OF A BUILDING INSPECTOR FOR SAID COUNTY FOR SAID PURPOSE AND THE ESTABLISHMENT OF FEES TO BE PAID BY PERSONS FOR WHOM SUCH INSPECTIONS ARE PERFORMED.

Section 1 The Union County Zoning Enforcement Officer is hereby designated to perform the functions and to be also known by the title of “Building Inspector”.

Section 2 The Union County Building Inspector shall be responsible for inspecting all buildings or new additions to existing buildings hereafter constructed in Union County, Indiana for the purpose of assuring that said buildings comply with all applicable Indiana laws, building standards and building codes as prescribed either through the statutes of the State of Indiana or through the Indiana Administrative Building Council.

Section 3 The Union County Building Inspector is hereby authorized to issue Compliance Certificates stating that such buildings or additions comply with applicable codes and laws in reference to electrical, plumbing, mechanical, heating or other particular parts or components in the construction of said building or addition for one and two family dwellings, to issue occupancy releases for all such buildings and additions in said County certifying that they comply with all applicable codes and laws and are substantially complete and ready for occupancy, and to cooperate with the Indiana Administrative Building Council in the inspection of buildings in this county.

Section 4 Upon application for a building permit to erect a new building or make and addition to an existing building, the applicant shall state if said building or addition will contain any electrical wiring or plumbing. At that time, the applicant shall pay into the County general fund the sum of \$10.00 as an inspection fee if said building or addition will contain electrical wiring and an additional \$10.00 inspection fee if said building or addition shall contain plumbing. Thereafter, said applicant shall be responsible to notify the building inspector at such times as individual components in the building or addition are ready for inspection and shall be entitled to have said building or addition inspected by the Building Inspector to determine compliance with all applicable codes and laws without further charge.

Section 5 The Building Inspector shall be allowed mileage at the rate approved by the County Commissioners for each mile actually traveled in the course of making said inspections.

Section 6 No building or addition to a building constructed hereafter shall be used or occupied until an occupancy release has been issued for it by the Building Inspector.

ARTICLE VIII – Continued

Section 8. ADOPTION OF REGULATIONS BY REFERENCE

- A.** The following rules, regulations and codes are hereby adopted by reference as the rules and regulations governing the construction and alteration of buildings and structures in the County of Union, Indiana.
- 1) Construction Rules and Regulations, Volume I, 1980 Edition of the State of Indiana (660 IAC 1-1.1) originally published as (3 IR 2148) which identifies, amend and incorporates therein the Uniform Building Code, 1979 Edition, and the Uniform Building Code Standards, 1979 Edition.
 - 2) Indiana Electrical Rules, 1981 Edition (660 IAC 7) originally published as (4 IR 798) which identifies, amends and incorporates therein the National Electrical Code, 1981 Edition.
 - 3) Indiana Plumbing Rules, 1981 Edition, (660 IAV 9) originally published as (4 IR 2398) which identifies, amends and incorporates therein the Uniform Plumbing Code, 1979 Edition.
 - 4) Indiana Mechanical Rules, 1981 Edition, (660 IAC 8) originally published as (4 IR1828) which identifies, amends and incorporates therein the Uniform Mechanical Code, 1979 Edition.
 - 5) One and Two Family Dwelling Code of Indiana, (660 IAC 3-1) originally published as (4 IR 916) which identifies, amends and incorporates therein the One and Two Family Dwelling Code, 1979 Edition.
 - 6) Indiana Energy Conservation Rules and Regulations for New Building Construction, Volume V, 1979 Edition. (660 IAC 4) (1980 Supp.) published under that title.
 - 7) Swimming Pool Code (660 IAC 5) (1979 Supp.) published as the Indiana Swimming Pool Code, 1978 Edition.
- B.** Any amendment, modification, revision, or substitution, by the State of Indiana, affecting the above rules, regulations or codes shall become, upon adoption by the State of Indiana, a part of this ordinance.
- C.** Copies of this Code and rules, regulations, and codes adopted herein by reference are on file as required by law in the office of The Area Planning Commission.

ARTICLE IX – ADMINISTRATION AND ENFORCEMENT

Section 1. PERMITS AND CERTIFICATES

The administration and enforcement of this ordinance is hereby vested in the Area Plan Commission; the Area Board of Zoning Appeals; and the Zoning Enforcement Officer. No Improvement Location Permit or Certificate of Occupancy shall be issued for any purpose except in compliance with the provisions of this ordinance.

A. Improvement Location Permit

1. Within the jurisdictional area of the Area Plan Commission no building, structure, improvement, or use of land may be altered, changed, placed, erected or located on platted or unplatted lands, unless the building, structure, improvement or use, and its location, conform with this ordinance, and an Improvement Location Permit for such building, structure, improvement, or use has been issued.
2. The Zoning Enforcement Officer shall issue an Improvement Location Permit, upon written application, when the proposed building, structure, improvement, or use and its location conform in all respects to this ordinance.
3. Every application for an Improvement Location Permit shall be accompanied by a site plan, drawn to scale, showing the location of the building, structure, improvement, or use to be altered, changed, placed, erected or located, the dimensions of the lot to be improved, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Application for an Improvement Location Permit for new construction or for alteration of an existing building shall be accompanied by a fee as fixed by the Board of Commissioners of said County and failure to obtain a permit before construction begins shall require the said fee to be doubled.
4. Any decision of the Zoning Enforcement Officer concerning the issuance of an Improvement Location Permit may be appealed to the Board by any person claiming to be adversely affected by such decision.

B. Certificate of Occupancy

1. No land shall be occupied or used and no building hereafter erected, altered or extended, shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Zoning Enforcement Officer, stating that the building or proposed use thereof complies with the provisions of this ordinance.
2. Pending the issuance of such a Certificate, a temporary Certificate of Occupancy may be issued for a period of not more than six (6) months during the construction of the building or of alteration. Such temporary Certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the local public agency relating to the use of occupancy of the land or building or any other matter covered by this ordinance, and such temporary Certificate shall not be issued except

under such restrictions and provisions as will adequately insure the safety of the occupants.

3. No non-conforming use shall be renewed, changed, or extended without a Certificate of Occupancy having first been issued.
4. All Certificates of Occupancy shall be applied for coincident with the application for an Improvement Location Permit. Said certificate shall be issued within five (5) days after the erection or alteration shall have been approved as complying with the provisions of this ordinance.
5. The Zoning Enforcement Officer shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.
6. No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for a Certificate for Occupancy.

C. Interpretation, Conflict with Other Laws

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE X – THE AREA BOARD OF ZONING APPEALS

Section 1. CREATION

The Area Board of Zoning Appeals as heretofore established under the provisions of Article VII, Chapter 138, Acts of 1957, as amended, is hereby continued.

Section 2. RULES, POWERS AND DUTIES

For reasons of reiteration and the reduction of reference to said Chapter 138, certain rules, powers, and duties as stated therein are restated with non-conflicting modifications

Section 3. PROCEDURE

All meetings of the Board shall be held at the call of the Chairman or at such times as the Board may determine. Any person may testify at a hearing in person or by agent or attorney. The Board shall keep minutes of its hearing, and proceedings and shall show the vote of each member upon each question, or if absent or failing to vote indicating such fact; record findings and conditions attached to the granting of an appeal for a variation or a petition for a special use. All rules and regulations, orders, requirements, decisions, and determinations of the Board shall be filed in the office of the Board and shall be a public record.

Section 4. AUTHORITY

The Board shall:

1. Hear and determine appeals from and review any order, requirement, decision or determination made by the Zoning Enforcement Officer, subject to the standards established herein.
2. Hear and determine petitions for special uses subject to the standards established herein.
3. Hear and interpret the zoning district map(s) and the boundaries of such districts subject to standards herein established (Article III, Section 2) upon request by the Commission, the Zoning Enforcement Officer, or an aggrieved or interested party.
4. Hear and interpret the terms, conditions, requirements and provisions of this ordinance in such a way as to carry out the purpose and intent of this ordinance.
5. Permit the continuance of a non-conforming use, building, or structure that has ceased or discontinued for a period of six (6) months, provided that the owner of the building or premises devoted to said use can show proof that the intent was not to discontinue.

Section 5. APPEALS FOR VARIATIONS, HOW TAKEN

1. An appeal taken from the requirement, decision, or determination of the Zoning Enforcement Officer shall be filed with the Board. The appeal shall specify the grounds thereof and shall be filed within such time and in such form as may be prescribed by the

Board. The Zoning Enforcement Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

2. Hearings of Appeal

The Board shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the affected parties as determined by the Board. Parties taking the appeal shall assume the cost of public notice and due notice to interested parties. The appellant shall furnish proof of publication of legal notice and proof of due notice to interested parties to the Board for its records. Notice of time and place of public hearing shall be published as required in Chapter 138, Acts of 1957, as amended.

3. Standards for Variance

The Board, after public hearing, may vary the terms of this ordinance, but no such variation shall be granted except upon a determination and finding that:

- a. The grant will not be injurious to the public health, safety, and general welfare.
- b. The use or value of the land or area adjacent to the property included in the variance will not be adversely affected.
- c. The need for the variance arises from some condition peculiar to the property involved and does not exist in similar property in the same district.
- d. The strict application of the terms of this ordinance will constitute an unusual and unnecessary hardship as applied to the property in which the variance is sought.
- e. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.
- f. That such variance is the minimum departure from the strict application of the provisions of this ordinance which will afford relief.
- g. The Board shall not grant a variation from a use district or classification.
- h. A variance or special use permit may be transferable to another party, providing occupancy is not changed.

4. The Board, in granting an appeal, may prescribe any reasonable conditions applying thereto that it may deem necessary in carrying out the general purpose of this ordinance.

Section 6. SPECIAL USES

It is recognized that there are certain uses, which because of their unique characteristics, unusual size, infrequent occurrence, safety hazard, effect on surrounding property, cannot be classified in any particular district, without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at a specific location. Such uses fall into two categories:

1. Uses publicly operated or traditionally associated with a public interest.
2. Uses private in character but of such nature that their operation may give rise to problems of their impact on neighboring property or public facilities.

Section 7. PETITIONS FOR SPECIAL USE, HOW TAKEN

1. Petitions for a special use shall be taken, processed, heard and determined in the same manner and procedure as required for a variation. However, the Board may permit special uses only in the districts in which they are listed (Articles IV thru VII).

2. Standards for Special Use

No special use shall be granted unless the Board shall find:

- a. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
- b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the general area.
- c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

3. Conditions and Guarantees

Prior to the granting of any special use, the Plan Commission may recommend and the Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section. In all planned unit developments and all mobile home parks the findings and recommendations of the Plan Commission shall be required. In all cases in which special uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

ARTICLE XI – AMENDMENT, SEVERABILITY, PENALTY

Section 1. AMENDMENTS

All amendments to this ordinance shall be made in conformance with the provisions of Chapter 138, Acts of 1957, General Assembly of Indiana. Any proposed amendment shall be submitted to the Plan Commission for report and recommendation prior to any action thereon by the appropriate legislative body. If the Plan Commission recommends against the enactment of any proposed amendment, it shall become effective only by a three-fourths (3/4) vote of the appropriate legislative body.

Section 2. SEVERABILITY

The several sections and provisions of this ordinance are deemed severable. Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 3. REMEDIES

The Plan Commission, the Board of Zoning Appeals, the Zoning Enforcement Officer, or any designated enforcement officer or any person, firm or corporation jointly or severally aggrieved, may bring suit for injunction in the Circuit Court to restrain an individual or governmental unit from violating the provisions of this ordinance. The Commission or the Board may also institute a suit for mandatory injunction directing an individual, a corporation, or a governmental unit to remove a structure erected in violation of any of the provisions of this ordinance. Any building erected, raised, or converted, or land or premises used in violation of any of the provisions of this ordinance is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under law.

Section 4. COMPLAINTS OF VIOLATIONS

Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereof. All such complaints must be in writing and shall be filed with the Zoning Enforcement Officer who shall properly record such complaint and immediately investigate and report thereon to the complainant.

Section 5. REPEAL OF CONFLICTING ORDINANCES

Ordinance No. 10, the ZONING ORDINANCE OF THE TOWN OF LIBERTY, INDIANA, is hereby repealed. All other ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of their inconsistency, repealed.

Section 6. VIOLATION AND PENALTIES (Amended 9-15-75)

Any building erected, raised or converted, or land or premises used in violation of any provision of this Ordinance is hereby declared to be a common nuisance and the owner of such building, land or premises shall be liable for maintaining a common nuisance. Any person, firm or corporation and any contractor, architect or engineer violating any provision of this Ordinance or any amendment or supplement thereto, shall be fined not less than Ten (\$10.00) dollars nor more than Three Hundred (\$300.00) dollars. Each and every day during which such violation is permitted to be maintained may be deemed a separate offense. The Planning and Zoning Commission, through its' Attorney is hereby empowered to bring an action in Union Circuit Court to collect these penalties.