

CHAPTER 153: AREA ZONING CODE

Section 153.01: SHORT TITLE

The ordinances, as amended, comprising Chapter 153 of the “Code of Ordinances of Fayette County, Indiana,” shall hereafter be referred to as the “Area Zoning Code of Fayette County, and the City of Connersville, Indiana - 1993,” or “Area Zoning Code.”

Section 153.02: ESTABLISHMENT OF DISTRICTS AND ZONE MAP

(A) **Districts and Designations.** For zoning purposes, the territory within the jurisdiction of the Fayette County Area Plan Commission is hereby classified and divided into districts with the following names and designations:

<u>District Designation</u>	<u>Type of District</u>
A-1	Prime Agriculture
A-2	Agriculture
RS	Residential Suburban
R-1	Single-Family Residence
R-2	Two-Family Residence
R-3	Multi-Family Residence
MS	Medical Services
LB	Local Business
PB	Planned Business
GB	General Business
1-1	Enclosed Industrial
1-2	Open Industrial
UD	Unit Development Plan
FP	Flood Plain

NOTE: The MS Medical Services District is also a Residence District.

(B) **Zone Map.** The Zone Map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the area covered by the districts. Notations, references, indications and other matters shown on the Zone Map are as much a part of this Code as if they were fully described herein.

Section 153.03: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zone Map, the following rules shall apply:

(A) **Centerlines of Streets and Boundaries.** Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys or railroad rights-of-way, or such lines extended.

(B) **Existing Lines.** Boundaries indicated as approximately following section lines, half-section and quarter-section lines, City or Town corporate limit lines, or platted lot lines shall be construed as following such lines.

(C) **Railroad Lines.** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(D) **Shore Lines and Waterways.** Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore lines. Boundaries indicated as approximately following the center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such center lines.

(E) **Use of Scale on Zone Map.** Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the Zone Map shall be determined by the scale of the Map.

(F) **Board May Determine.** Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by subsections (A) through (E) herein, the Board of Zoning Appeals shall interpret the district boundaries.

(G) **Vacations and Relocations.** The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries; provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

(H) **Lines Splitting Lots.** Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance comprising this Chapter, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

Section 153.04: APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Chapter within each district shall be minimum regulations, and they shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

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- (A) Regulations Apply. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (B) Lot Areas and Yards May Not Be Encroached Upon. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located, or in any other manner contrary to the provisions of this Code.
- (C) Yards are Separate. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (D) No Reduction in Yards. No yard or lot existing at the time of passage of the Ordinance comprising this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the said Ordinance shall meet at least the minimum requirements established by this Code.

Section 153.05: PROCEDURE RELATING TO AREAS WHICH MAY BECOME SUBJECT TO ZONING

Any additional territory which becomes subject to the rules and regulations of the Fayette County Area Plan Commission shall be automatically zoned A-I Prime Agriculture District unless otherwise changed by amendment to this Chapter; provided, that in the event of annexation of lands to the City of Connersville which are already within the jurisdiction of the Plan Commission, the zoning classification existing at the time of annexation shall remain unless changed by amendment procedures.

Section 153.06: GENERAL PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of the Ordinance comprising this Chapter shall comply with the following performance standards, except as otherwise set forth in this Chapter for Open and Enclosed Industrial Uses, in the interest of protecting the

public health, safety and welfare, and to lessen injury to property. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of the said Ordinance shall be so altered or modified to conflict with these standards.

- (A) Fire Protection. Fire-fighting equipment and prevention measures acceptable to the applicable Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
- (B) Electrical Disturbance. No use shall cause electrical disturbance adversely affecting radios, televisions or other equipment in the vicinity.
- (C) Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental; provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- (D) Vibration. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (E) Odor. No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.
- (F) Air Pollution. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- (G) Heat and Glare. No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.
- (H) Water Pollution. No use shall cause erosion or produce pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
- (I) Waste Matter. No use shall amass within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

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Section 153.07: NONCONFORMING BUILDINGS AND USES

The lawful use of a building or premise, existing at the time of the passage of the Ordinance comprising this Chapter, may be continued although such use does not conform to all the provisions of this Code, subject to the following conditions:

- (A) May Be Extended. A nonconforming use may be extended throughout a building provided the size of the structure is not increased.
- (B) May Be Changed. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided the size of the structure is not increased.
- (C) Use Cannot Be Changed To Nonconforming Use. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
- (D) No Building Erected On Nonconforming Use Premises. No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this Code.
- (E) Temporary Nonconforming Use. The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one (1) year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district. (See Sec. 153.34.)
- (F) Discontinuance of Nonconforming Use. In the event that a nonconforming use of any building or premises is discontinued, the use of the same shall hereafter conform to the uses permitted in the district in which it is located, and provided further that any nonconforming dwelling which may be removed from a lot, shall relocate on a lot in accordance with the provisions of this Code.
- (G) Damage to Nonconforming Use. If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be

continued which existed at the time of such partial destruction. It shall be the decision of the Executive Director as to percentage determinations.

In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently pursued to completion.

- (H) Honoring Previous Permits. Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which an Improvement Location Permit or a Building Permit has been heretofore issued, and the actual construction of which has been diligently pursued within ninety (90) days of the date of such Permit, and which entire building shall be completed according to such plans filed within three (3) years of such Permit. Actual construction is hereby defined to include the erection of construction materials in permanent position and fastened in a permanent manner.
- (I) Buildings May Be Made Safe. Nothing in this Code shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.
- (J) Nonconforming Use Resulting From Amendment. These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this Code.
- (K) Nonconforming Use in Flood Plain District. Any existing building, structure or use of land in the Flood Plain District which is not in conformance with this Chapter constitutes a Nonconforming Use. All applications to repair, extend or enlarge a nonconforming use in the FP District shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any resulting Improvement Location Permit or Building Permit issued by the Executive Director.

Section 133.08: NONCONFORMING LOT AREAS AND WIDTHS

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel included in a subdivision of record at the time of passage of the Ordinance comprising this Chapter, even though the lot does not have the minimum lot width or the minimum lot area specified for the district, provided that the lot size and lot width meet the minimum standards of the County Health Department, and provided further that the width of the lot, as measured

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at least seventy-five (75) percent of that required by the terms of this Chapter.

Section 153.09: A-1 PRIME AGRICULTURE DISTRICT

This district covers most of the northern portion of the County and is intended to protect and encourage agricultural uses of land by controlling indiscriminate development of urban—type uses. Residences are permitted on large lots with wide frontage, but residential subdivisions are not permitted. Generally, the prime agriculture district is located where the soil types are most conducive to agricultural operations. All types of agricultural uses or uses akin to agricultural operations are permitted, either outright or by special exception, depending upon their impact upon neighboring uses.

(A) Permitted Uses

- (1) Agricultural use.
- (2) Single-family dwelling
- (3) Manufactured home.
- (4) Applicable special exceptions set forth in Sec. 153.24.
- (5) Applicable contingent uses set forth in Sec. 153.23.
- (6) Accessory uses set forth in Sec. 153.33.
- (7) Temporary uses set forth in Sec. 153.34.
- (8) A Farmstead Lot of not less than one (1) acre with yard requirements the same as those required for a Single-family Dwelling located in the A-2 Agriculture District.

(B) Other Requirements for the A-1 District.

- (1) Lot and area, ground floor area, height, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 153.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 153.31.
- (4) Off-street parking space requirements are set forth in Sec. 153.36.
- (5) Sign requirements are set forth in Sec. 153.37.
- (6) See Sec. 153.26 for fence requirements and yard exceptions.

(C) Method for Reclassifying an A—1 District to a Residential District for Subdivision Purposes.

If an applicant for a residential subdivision of land, as set forth in the Subdivision Code proposed to be located in an area covered by an A-1 District, can demonstrate to the satisfaction of the Fayette County Plan Commission that such land is actually located in an area having primarily

Group III and/or Group IV Soils in accordance with the criteria and findings in the National Cooperative Soil Survey prepared by the United States Department of Agriculture Soil Conservation Service in cooperation with the Purdue Experimental Station and the Fayette County Soil and Water Conservation District, the Plan Commission may then initiate an amendment to the Zoning Code on its own motion in order the area proposed to be subdivided to be reclassified on the Zone Map to a Residential District, provided that certain other requirements have been met by the applicant.

- (a) The County road from which access is gained to the proposed subdivision is paved properly in accordance with the standards of the Fayette County Highway Department, or the applicant may pave such road at his expense;
 - (b) The plan for off-site drainage proposed meets the approval of the Fayette County Drainage Board, and the expense of the drainage will be borne by the subdivider (3 year bond); and
 - (c) The site is located on a sand hill or in a woods or in an area topographically or otherwise unfit for agricultural operations.
- (2) The general criteria of soils of Fayette County that have the best potential for home sites:
 - (a) Do not flood or pond.
 - (b) Moderately well-drained, well- drained, or excessively drained.
 - (c) Slopes of two percent (2%) to twelve percent (12%).
 - (d) Bedrock deeper than sixty (60) inches.
 - (e) Have an acceptable soil analysis.
 - (3) Criteria of soils included in prime farmland map units of Fayette County that do not qualify as prime farmland and that have the best potential for home sites:
 - (a) A soil that has an unfavorable texture and growing season for agronomic crops.
 - (b) A soil that has an inadequate and/or undependable water supply in the upper forty (40) inches of the soil; or the water table is not maintained or cannot be managed so that all of the soil horizons within forty (40) inches have adequate available water for plant growth during the cropping season.
 - (c) Soil that has coarse or moderately coarse texture in the surface and subsoil.

Section 153.10: A-2 AGRICULTURE DISTRICT

This district is located generally in agricultural areas where soil types are conducive to agricultural operations and where residential uses either have taken place and are anticipated to do so with a minimum lot area of one acre. Residential Subdivisions are not permitted. All types of

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agricultural uses or uses akin to agricultural operations may be permitted, either outright or by special exception, depending upon their impact upon neighboring uses.

(A) Permitted Uses

- (1) Agricultural use.
- (2) Single-family dwelling
- (3) Manufactured home.
- (4) Applicable special exceptions set forth in Sec. 153.24.
- (5) Applicable contingent uses set forth in Sec. 153.23.
- (6) Accessory uses set forth in Sec. 153.33.
- (7) Temporary uses set forth in Sec. 153.34.

(B) Other Requirements for the A-2 District.

- (1) Lot and area, ground floor area, height, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 153.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 153.31.
- (4) Off-street parking space requirements are set forth in Sec. 153.36.
- (5) Sign requirements are set forth in Sec. 153.37.
- (6) See Sec. 153.26 for fence requirements and yard exceptions.

Section 153.11: RS RESIDENTIAL SUBURBAN DISTRICT

This district is similar in many respects to the A-2 Agriculture District set forth in the Area Zoning Code of Fayette County. It is a transition district between rural farm areas and suburban residential areas, generally located in the expansion areas of the City of Connersville and the unincorporated Everton community.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling
- (3) Manufactured home.
- (4) Applicable special exceptions set forth in Sec. 153.24.
- (5) Applicable contingent uses set forth in Sec. 153.23.
- (6) Accessory uses set forth in Sec. 153.33.
- (7) Temporary uses set forth in Sec. 153.34.

- (B) Other Requirements for the RS District. Lot and area, ground floor area, height, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.

- (1) Lot and area, ground floor area, height, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 153.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 153.31.
- (4) Off-street parking space requirements are set forth in Sec. 153.36.
- (5) Sign requirements are set forth in Sec. 153.37.
- (6) See Sec. 153.26 for fence requirements and yard exceptions.

Section 153.12: R-1 SINGLE-FAMILY RESIDENCE DISTRICT

This district, although very suitable for agricultural uses in many locations, is designed to also permit low density single-family residential development, and is adaptable to urban and suburban locations.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling
- (3) Manufactured home.
- (4) Applicable special exceptions set forth in Sec. 153.24.
- (5) Applicable contingent uses set forth in Sec. 153.23.
- (6) Accessory uses set forth in Sec. 153.33.
- (7) Temporary uses set forth in Sec. 153.34.

(B) Other Requirements for the RS District.

- (1) Lot and area, ground floor area, height, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 153.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 153.31.
- (4) Off-street parking space requirements are set forth in Sec. 153.36.
- (5) Sign requirements are set forth in Sec. 153.37.
- (6) See Sec. 153.26 for fence requirements and yard exceptions.

Section 153.13: R-2 TWO-FAMILY RESIDENCE DISTRICT

This district is designed to accommodate two-family dwellings in areas where other multi-family housing would not be desirable. This district may also be used to provide a transition area between single-family residential areas and more intensively used areas.

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(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling
- (3) Two-family dwelling
- (4) Manufactured home.
- (5) Applicable special exceptions set forth in Sec. 153.24.
- (6) Applicable contingent uses set forth in Sec. 153.23.
- (7) Accessory uses set forth in Sec. 153.33.
- (8) Temporary uses set forth in Sec. 153.34.

(B) Other Requirements for the R-2 District.

- (1) Lot and area, ground floor area, height, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 153.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 153.31.
- (4) Off-street parking space requirements are set forth in Sec. 153.36.
- (5) Sign requirements are set forth in Sec. 153.37.
- (6) See Sec. 153.26 for fence requirements and yard exceptions.
- (7) Prior to the issuance of an Improvement Location Permit for the conversion of **an** existing single-family dwelling to a two-family dwelling, all provisions set forth herein for a two- family dwelling shall be met.

Section 153.14: R-3 MULTI-FAMILY RESIDENCE DISTRICT

The R-3 multi-family residence district is intended to provide for medium to high density residential areas. This district may be used as a transitional area between residential and nonresidential areas while at the same time providing for multi-family housing in a predominantly low density rural area.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling
- (3) Two-family dwelling
- (4) Multi-family dwelling.*
- (5) Manufactured home.
- (6) Applicable special exceptions set forth in Sec. 153.24.
- (7) Applicable contingent uses set forth in Sec. 153.23.
- (8) Accessory uses set forth in Sec. 153.33.
- (9) Temporary uses set forth in Sec. 153.34.

* Multi-Family Dwelling or Apartment for or occupied by more than four (4) families is a Special Exception in the R-3 District.

(B) Other Requirements for the R-3 District.

- (1) Lot and area, ground floor area, height, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 153.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 153.31.
- (4) Off-street parking space requirements are set forth in Sec. 153.36.
- (5) Sign requirements are set forth in Sec. 153.37.
- (6) See Sec. 153.26 for fence requirements and yard exceptions.
- (7) Prior to the issuance of an Improvement Location Permit for the conversion of **an** existing single-family dwelling to a two-family dwelling, all provisions set forth herein for a two- family dwelling shall be met.

Section 153.15: LB LOCAL BUSINESS DISTRICT

The local business district is designed to meet the day-to-day convenience shopping and service needs of persons living in nearby residential areas. Uses allowed in this district will, in general, be a less intense use than those allowed in the PB or GB districts.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Local business uses which are primarily of a retail or service nature and specifically classified or implied in the following categories of uses: (See note below.)
 - (a) Automobile service - including:
 1. Public garage, but not including major repair or body work.
 2. Sales room (including mobile home or trailer sales area).
 3. Repair (all indoors).
 - (b) Business service - including:
 1. Bank.
 2. Office building.
 3. Postal station.
 4. Telegraph office.
 5. Telephone exchange or public utility substation.

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4. Utility company business office.
 - (c) Clothing Service - including:
 1. Laundry agency.
 2. Self-service laundry and dry cleaning.
 3. Dry cleaning establishment using not more than three 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.
 4. Dressmaking.
 5. Millinery.
 5. Tailor and pressing shop.
 6. Shoe repair shop.
 - (d) Equipment service:
 1. Radio or television shop and sales.
 2. Electric appliance shop and sales.
 3. Record shop and sales.
 - (e) Food Service - including:
 1. Grocery.
 2. Meat market.
 3. Supermarket.
 4. Restaurant.
 5. Delicatessen.
 6. Cold storage lockers, for individual use.
 7. Bakery, provided floor area used for production shall not exceed seven hundred fifty (750) square feet.
 - (f) Personal service - including:
 1. Barber shop.
 2. Beauty shop.
 3. Physical fitness facility.
 4. Photographic studio.
 - (g) Retail service, retail stores, generally including:
 1. Drug store.
 2. Hardware or paint store.
 3. Stationer.
 4. News dealer.
 5. Show room and sales area for articles to be sold at retail.
 6. Apparel shop.
 8. Antique shop.
 7. Shoe store.
 8. Variety store.
 9. Toy store.
 10. Jewelry store.
 11. Flower or garden shop.
 12. Commercial greenhouse not exceeding 1000 sq. ft. in area.
 13. Gift shop.
 - (h) Business recreational uses - including
 1. Billiard room.
 2. Dancing academy.
 3. Tavern or night club, only in conformity with requirements of laws or ordinances governing such use.
 4. Bait sales.
 - (i) Club or Lodge (commercial).
 - (j) Farm implement (machinery) (new or used) sales and service area or building.
 - (k) Mortuary.
 - (l) Pet shop.
 - (m) Studio - Business (art, interior decorating, music, etc.).
 - (n) Accessory Building or use customarily incident to the above uses which may not have more than forty (40) percent of its floor area devoted to storage purposes, and provided that not more than five (5) persons are employed at one time or on any one shift in connection with such incidental use.
- *NOTE: Local business uses, categories (a) (1) through (m) shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.
- (7) Applicable special exceptions set forth in Sec. 153.24.
 - (8) Applicable contingent uses set forth in Sec. 153.23.
 - (9) Accessory uses set forth in Sec. 153.33.
 - (10) Temporary uses set forth in Sec. 153.34.
- (B) Other Requirements for the LB District.
- (1) For local business uses, each lot shall have at least forty (40) feet of frontage on a street. See Sec. 153.25 for front yard or setback and additional yard requirements for local business uses.
 - (2) For residential uses the lot area, ground floor area, height, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1. See Sec. 153.25 for front yard or setback and additional yard requirements.
 - (3) Height requirements are set forth in Sec. 153.31.
 - (4) Off-street parking space requirements are set forth in Sec. 153.36.
 - (5) See Sec. 153.26 for fence requirements.
 - (6) Sign requirements are set forth in Sec. 153.37.
 - (7) See Sec. 153.32 for Supplementary Business Standards.

Section 153.16: PB PLANNED BUSINESS DISTRICT

This district is designed to encourage well-planned business uses, particularly with respect to unified design, safe ingress and egress, adequate and properly located parking and service facilities and convenient and safe pedestrian accessibility.

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- (A) General Provisions. All applications for any use in the PB Planned Business District shall include a development plan, and the following additional requirements shall be adhered to.
- (1) A greenbelt or lawn area at least twenty (20) feet in width and abutting the property line on the lot which is proposed in the PB District shall be provided on the particular side or rear of a lot where a PB District use adjoins an A-i, A-2, RS, R1, R-2, R-3 or MS District or land used for residential purposes. A planting screen consisting of suitable shrubbery shall be provided and maintained within the greenbelt or lawn area so as to provide a tight screen, effective at all times of the year. The locations and names of the shrubbery planting shall be indicated on the development plan or on a separate landscape plan which shall become a part of the application. The shrubbery may be planted informally or in a row and may include several varieties and sizes provided that the Board shall be satisfied that the shrubbery will screen any parking areas and expected ground activity from the view of the abutting property, and also that vision clearance at access points shall be provided for safety purposes.
 - (2) Off-street parking spaces and accessory uses such as filling stations pumps and islands, signs and light standards, and access drives may be located in the required front yard, but not within twenty (20) feet of the front lot line, provided that the access drives may connect with the frontal street, and provided also that the described twenty foot strip of land shall be maintained as a lawn area with occasional tree and shrub plantings.
 - (3) On properties fronting on state highways or on any other "arterial streets" (see definitions of "STREET, ARTERIAL" and "COMPREHENSIVE PLAN" in Sec. 153.43) as shown on the Thoroughfare Plan Map, the front yard shall have a depth of at least eighty (80) feet. Furthermore, a greenbelt or lawn area of at least twenty (20) feet in depth and abutting the front lot line of such properties shall be maintained as lawn except for prescribed access ways. (See Subsections (A) (1) and (A) (2), herein.) On through lots, building lines and greenbelts or lawn areas shall be provided as herein described. On all other types of streets the building line for uses proposed in the PB Planned Business District shall be established at least twenty-five (25) feet from the front lot line, and the side yard dimension on the side street side of a corner lot shall be at least twenty-five (25) feet measured from the side lot line which either exists or is proposed to exist as the line of a future street, provided that greenbelts or lawn areas are not required for those streets.
 - (4) Entrances and exists shall be located so as to minimize any adverse effect on adjacent properties.

Access driveways shall not be wider than forty (40) feet at their point of intersection with a street. The requirements of Sec. 153.32 (B) apply to traffic access points and service roads.

- (5) No structure or building, driveway, or accessory use shall be located closer than ten (10) feet to any side or rear lot line.
- (6) Locations of easements and proposed utility lines and structures for storm drainage, sanitary sewers, electric power, water mains, and so on, including a statement or indications concerning the approximate size or capacity and the proposed operation of utilities to be installed shall be included in the application.
- (7) The minimum number of off-street parking spaces and loading berths required for planned business uses shall be determined in accordance with the requirements set forth in Sec. 153.36. The requirements for off-street parking spaces and loading berths for other types of uses shall be the same as the requirements set forth in this chapter for the particular type of use.
- (8) Buildings may be erected to a height of forty-five (45) feet.
- (9) Except for the sales of gasoline or oil or other related products at filling stations, displays outside of buildings shall require the approval of the Executive Director or Board, as the case may be.
- (10) Outside storage, including continued storage of automobile, trucks, or trailers for hauling purposes, is not a permitted use in the PB District.
- (11) Except for Dwellings, more than one principal building and its accessory building(s) or use(s) shall be permitted on one lot in the PB District.
- (12) Any other authority required when applicable, such as State Board of Health and State Highway Department, shall accompany the application for any use in the PB District.

(B) Permitted Uses.

- (1) Local business uses.
- (2) General business uses, (A) (8) (b), (f), (g), (h),
- (3) Single-family dwelling.
- (4) Manufactured home.
- (5) Applicable special exceptions set forth in Sec. 153.25.
- (6) Applicable contingent uses set forth in Sec. 153.24.
- (7) Accessory uses set forth in Sec. 153.33.
- (8) Temporary uses set forth in Sec. 153.34.

(C) Other Requirements for the PB District.

- (1) For planned business uses, each lot shall have at least one hundred (100) feet of frontage on a street. See

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- Sec. 153.25 for front yard or setback and additional yard requirements for planned business uses.
- (2) For residential uses the lot area, ground floor area, height, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. (The requirements for residential uses in the PB District are the same as those in the RS District.) See Sec. 153.25 for front yard or setback and additional requirements.
 - (3) Height requirements are set forth in Sec. 153.31.
 - (4) Off-street parking space requirements are set forth in Sec. 153.36.
 - (5) See Sec. 153.26 for fence requirements.
 - (6) Sign requirements are set forth in Sec. 153.37.
 - (7) See Sec. 15332 for Supplementary Business Standards.
 - (8) See Figure 1 for additional business use requirements.

Section 153.17: GB GENERAL BUSINESS DISTRICT

This district provides sites for heavier types of business and commercial uses as well as enclosed industrial uses.

(A) Permitted Uses.

- (1) Agricultural uses.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Local business uses.
- (7) Planned business uses.
- (8) General business uses specifically stated or implied in the following categories:
 - (a) Local business uses.
 - (b) Roadside business uses.
 - (c) Storage warehouse.
 - (d) Wholesale establishment.
 - (e) Truck service center.
 - (f) Open sales lot.
 - (g) Passenger station.
- (9) Applicable special exceptions set forth in Sec. 153.24.
- (10) Applicable contingent uses set forth in Sec. 133.23.
- (11) Accessory uses set forth in Sec. 153.33.
- (12) Temporary uses set forth in Sec. 153.34.

(B) Other Requirements for the GB District.

1. For general business uses, each lot shall have at least forty (40) feet of frontage on a street. See 153.25 for front yard or setback and additional yard requirements for general business uses.

2. For residential uses, the lot area, height, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. See Sec. 153.25 for front yard or setback and additional yard requirements.
3. Height requirements are set forth in Sec. 153.31.
4. Off-street parking space requirements are set forth in Sec. 153.36.
5. See Sec. 153.26 for fence requirements.
6. Sign requirements are set forth in Sec. 153.37.
7. See Sec. 15332 for Supplementary Business Standards.

Section 153.18: MS MEDICAL SERVICES DISTRICT

The MS Medical Services District, although a residence district and is intended to provide for hospitals and sanitariums and related uses such as doctor's offices or clinics for human medical care or service in accordance with the special exception procedure. Residential uses are also permitted in accordance with R-3 Multi-family Residence District requirements.

(A) Permitted Uses.

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Multi-family dwelling.
- (4) Hospital, as a special exception.
- (5) Health Facility, as a special exception.
- (6) Clinic, as a special exception.
- (7) Pharmaceutical store, as a special exception:
- (8) Applicable special exceptions set forth in Sec. 153.24.
- (9) Applicable contingent uses set forth in Sec. 153.23.
- (10) Accessory uses set forth in Sec. 153.33.
- (11) Temporary uses set forth in Sec. 153.34.

(B) Other Requirements for the MS District.

- (1) Lot area, ground floor, height, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1, except as required for Special Exceptions 1.
- (2) Additional height requirements are set forth in Sec. 153.31.
- (3) Off-street parking space requirements are set forth in Sec. 153.36.
- (4) Sign requirements are set forth in Sec. 153.37.
- (5) See Sec. 153.25 for front yard or setback and additional yard requirements
- (6) See Sec. 153.26 for fence requirements.
- (7) Prior to the issuance of an Improvement Location Permit by the Executive Director, written approval of the building plans must have been received from the Fire Prevention and Building Safety Commission of

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the State of Indiana, for all residential structures of three or more units.

Section 153.19: 1-1 ENCLOSED INDUSTRIAL DISTRICT

The 1-1 Enclosed Industrial District is established to include most of the existing developments and provide for their expansion, and is one in which manufacturing, fabricating, processing, extraction, repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes is conducted entirely within enclosed buildings of any size, provided that such use shall conform to the performance standards set forth herein. Screening of storage, parking and loading areas is essential in this district as it is often located adjacent to residential areas and may serve as a buffer between the 1-2 Open Industrial Districts and business or residential districts. Business uses are not permitted in this district, and provided further that material storage (open) may be permitted as an exception.

(A) Permitted Uses.

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Manufactured home.
- (4) Enclosed industrial uses specifically stated or implied in the following categories.
 - (a) Enclosed industrial uses including processing, refining, repairing of goods, materials or products.
 - (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
 - (c) Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities; provided, however, such uses, except rights-of-way, shall not extend within twenty (20) feet of a residential district.
 - (d) Enclosed wholesaling, warehousing packaging, storage or distribution facilities (including commercial greenhouses).
 - (e) General offices associated with an industrial use, including service facilities for employees or guests; provided, however, any service facilities shall be entirely enclosed within a building.
 - (f) Printing, lithographing, publishing or photography establishments.
 - (g) Utility installations and facilities.
- (5) Applicable special exceptions set forth in Sec. 153.24.
- (6) Applicable contingent uses set forth in Sec. 153.23.
- (7) Accessory uses set forth in Sec. 153.33.
- (8) Temporary uses set forth in Sec. 153.34. (1)

(B) Other Requirements for the I-1 District

- (1) For enclosed industrial uses, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet. See Sec. 153.25 for front yard or setback and additional yard requirements and planting screen requirements for interchange business uses.
- (2) Height requirements are set forth in Sec. 153.31.
- (3) Off-street parking space requirements are set forth in Sec. 153.36.
- (4) The total floor area of the enclosed industrial building or buildings shall not exceed sixty percent (60%) of the lot area.
- (5) Sign requirements are set forth in Sec. 153.37.
- (6) See Figure 1 for additional industrial use requirements.

(C) Performance Standards for Enclosed Industrial Uses.

1. No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Fayette County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and by the City Council if the activity is proposed to be located in the City. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshall. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blast explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, terazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239.
2. The restrictions of this sub-section shall not apply to:
 - (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line;
 - (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
 - (c) conditions beyond the control of the user, such as fire, explosion, accidents, failure or breakdown of

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equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

3. Outdoor storage. Outdoor storage which is used as an accessory use to an enclosed industrial use in the I-1 district, may be permitted by the Board of Zoning Appeals provided the said storage is located behind the building line and in such a manner that it cannot be seen from the frontal street or a side street. Screen planting or fence or wall not to exceed eight (8) feet in height may be employed to screen storage areas from view.
4. Smoke. The emission of more than seventy (70) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one (1) hour period during any twenty-four (24) hour period, this rate may be increased to eighty (80) smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing and fire cleaning.
5. Particulate Matter. The rate of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds of effluent gas. Not more than fifty percent (50%) by weight of particles larger than 44 microns (325 mesh) shall be allowed.
6. Odor. Any activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residence district boundary line.
7. Poisonous and Injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of ten percent (10%) of the threshold limit set for the fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry," issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists, latest issue.

- (8) Glare and Heat. No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.
- (9) Vibration. Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet from a business district boundary.
- (10) Noise. At no point one hundred twenty-five (125) feet from the boundary of an I-1, 1-2, or GB district, which permits an enclosed industrial use, shall the sound pressure level of any operation or plant (other than background noises produced by sources not

under the control of this Code) exceed the decibel limits in the Octave Bands designated as follows:

ENCLOSED INDUSTRIAL USE

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District Boundaries
0 to75	75	80
75 to 150	70	75
150to300	65	70
300to600	59	64
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

- (11) Fire Hazards. The storage, utilization or manufacture of solid materials or products shall conform to the provisions of this Code.

Section 153.20: 1-2 OPEN INDUSTRIAL DISTRICT

The 1-2 Open Industrial District is one which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes, and shall be used so as to comply with the performance standards set forth herein. This district is established for existing industries and the expansion of older industrial areas wherever possible. In instances of close business or residential proximity, buffer treatment is required.

(A) Permitted Uses.

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Enclosed industrial uses permitted in the I-1 district.
- (4) Open industrial uses specifically stated or implied in the following categories, provided that if they are located within one hundred fifty (150) feet of a residence or business district, they shall be contained wholly within an area enclosed on all sides with a compact wall, compact evergreen planting screen or uniformly painted board or metal fence not less than

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six (6) feet in height, except for the off-street parking and loading of delivery vehicles which are incidental thereto (unless otherwise provided herein).

- (a) Open industrial uses, including storage, processing, refining, fabricating, extraction, repairing, dismantling, assembling, cleaning, testing or repairing of goods, materials or products within buildings and/or in open areas.
- (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
- (c) Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities; provided, however, such uses, except rights-of-way, shall not extend within twenty (20) feet of a residential district.
- (d) Enclosed wholesaling, warehousing, packaging, storage or distribution facilities (including commercial greenhouse).
- (e) General offices associated with an industrial use, including service facilities for employees or guests; provided, however, any service facilities shall be entirely enclosed within a building.
- (f) Printing, lithographing, publishing or photography establishments.
- (g) Utility installations and facilities.
- (h) Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages.
- (i) Manufacture and assembly of glass, plastic and rubber products, implements.
- (j) Manufacture of colors, dye, paint and other coatings (excluding tar products).
- (k) Machine, welding, tool and die shops, electroplating operations.
- (l) Manufacture of cloth, jewelry and leather products.
- (m) Biological, medical and cosmetic manufacturing.
- (n) Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical.
- (o) Manufacture and assembly of marine, office, household appliances, furniture, communication and automobile equipment, air conditioning, heating and refrigeration equipment.
- (p) Can and container manufacture, processing and milling of forest products.
- (q) Dyeing and cleaning works, and services such as linen suppliers, freight movers, and communication and canteen operations.
- (r) Upholstering and leather goods manufacture.
- (s) Cannery, bottling, processing and packaging of food and beverages, granaries, grain processing and starch manufacturing.

- (t) Radio, facsimile, and television towers, including broadcasting studios and radio or television business offices.
- (u) Creosote manufacturing and treatment, and bulk storage of petroleum products.
- (v) Foundries, smelting operations, metal forging, fabricating, rolling and stamping operations.
- (w) Boiler tank manufacturing and structural steel fabricating, general manufacturing and assembly plants.
- (x) Railroad equipment manufacturing, repair and service yards.
- (y) Manufacture of detergents and soaps, pharmaceutical and paper products.
- (z) Manufacture of malt products, brewing, distillation of liquid and spirits, poultry hatchery.
- (aa) Monument works and stone cutting.
- (bb) Thermal, electric and steam power plants.
- (cc) Concrete mixing, production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.
- (dd) Sand, gravel, or aggregate washing, screening or processing.
- (ee) Slaughterhouse.

- (5) Applicable special exceptions set forth in Sec. 153.24.
- (6) Applicable contingent uses set forth in Sec. 153.23.
- (7) Accessory uses set forth in Sec. 153.33.
- (8) Temporary uses set forth in Sec. 153.34.

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(B) Other Requirements for the 1-2 District.

- (1) Lot and area requirements are set forth in Figure 1, Lot and Yard Requirements, and provide that for open industrial use, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet. See Sec. 153.25 for front yard or setback and additional yard requirements and planting screen requirements.
- (2) Height requirements are set forth in Sec. 153.31.
- (3) Off-street parking space requirements are set forth in Sec. 153.36.
- (4) See Sec. 153.25 for additional front yard requirements.
- (5) The total floor area of the building or buildings shall not exceed eighty percent (80%) of the lot area.
- (6) Sign requirements set forth in Sec.

(C) Performance Standards for Open Industrial Uses.

- (2) No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Fayette County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and by the City Council if the activity is proposed to be located in the City. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshall. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, terazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239.
- (3) The restrictions of this sub-section shall not apply to:
 - (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line;
 - (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
 - (c)

conditions beyond the control of the user, such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

- (4) Smoke. The emission of more than ninety (90) smoke units per hour per stack and emissions in excess of Ringelmann No. 3 are prohibited, except that for one hour period during the twenty-four (24), this rate may be increased to one hundred twenty (120) smoke units per hour per stack, still at Ringelmann No. 3, for the purposes of process purging, soot blowing and fire cleaning.
- (5) Particulate Matter. The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 02 pounds per one thousand (1,000) pounds effluent gas. For open industrial use, not more than fifty percent (50%) by weight of particles larger than 44 microns (325 mesh) shall be allowed.
- (6) Odor. Any activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residence district boundary line.
- (7) Poisonous and Injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:
 - (a) The emission from any source shall not cause at or beyond any lot line concentrations of toxic and/or injurious fumes and gases in excess of twenty-five percent (25%) of an open industrial use of the threshold limit as set for the fume or gas in question in the Threshold Limit Values for Toxic Materials in Industry issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists, latest issue.
 - (b) The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.
- (7) Glare and Heat. No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.
- (8) Vibration.
 - (a) Any use creating intense earthshaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least two hundred fifty (250) feet., or at least one hundred fifty (150) feet from a business district boundary.
 - (b) Earth-shaking vibrations at the industrial property line shall not be in violation of this Code as long as the vibration is not perceptible without the aid of instruments.

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- (9) Noise. At no point one hundred twenty-five (125) feet from the boundary of a 1-2 district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the Octave Bands designated below

OPEN INDUSTRIAL USE

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District Boundaries
0 to75	75	81
75 to 150	70	76
150to300	66	72
300to600	62	68
600 to 1200	57	63
1200 to 2400	53	59
2400 to 4800	49	55
Above 4800	45	51

Sound levels shall be measured with a sound level meter and associated octave band analyzer or filter, manufactured in compliance with standards prescribed by the American Standards Association.

- (10) Fire Hazards. The storage, utilization or manufacture of solid materials or products shall conform to the provisions of this Code.

Section 153.21: FP FLOOD PLAIN DISTRICT

(A) Statutory Authorization, Findings of Fact, Purpose, and Objectives.

- (1) *Statutory Authorization.* The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Fayette County and the Common Council of the City of Connersville do hereby adopt the following floodplain management regulations.
- (2) *Findings of Fact.* The flood hazard areas of Fayette County and the City of Connersville are subject to periodic inundation which results in loss of life and

property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- (a) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

- (3) *Statement of Purpose.* It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
- (f) Make federally subsidized flood insurance available for structures and their contents in the City and County by fulfilling the requirements of the National Flood Insurance Program.

- (4) *Objectives.* The objectives of this ordinance are:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood

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prone areas in such a manner as to minimize flood blight areas, and;

- (g) To ensure that potential homebuyers are notified that property is in a flood area.

(B) Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(1) A *Zone* means portions of the Special Flood Hazard Area (SFHA) in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

- (a) Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.
- (b) Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)
- (c) Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
- (d) Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
- (e) Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.
- (f) Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal

flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

- (2) *Accessory structure* (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
- (3) *Addition* (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.
- (4) *Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.
- (5) *Area of shallow flooding* means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (6) *Base Flood Elevation* (BFE) means the elevation of the one-percent annual chance flood.
- (7) *Basement* means that portion of a structure having its floor sub-grade (below ground level) on all sides.
- (8) *Building* - see "Structure."
- (9) *Community* means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.
- (10) *Community Rating System* (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.
- (11) *Critical facility* means a facility for which even a slight chance of flooding might be too great.

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Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

- (12) *Development* means any man-made change to improved or unimproved real estate including but not limited to:
- (a) construction, reconstruction, or placement of a structure or any addition to a structure;
 - (b) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
 - (c) installing utilities, erection of walls and fences, construction of roads, or similar projects;
 - (d) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
 - (e) mining, dredging, filling, grading, excavation, or drilling operations;
 - (f) construction and/or reconstruction of bridges or culverts;
 - (g) storage of materials; or
 - (h) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

- (13) *Elevated structure* means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- (14) *Elevation Certificate* is a certified statement that verifies a structure's elevation information.
- (15) *Emergency Program* means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.
- (16) *Encroachment* means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- (17) *Existing Construction* means any structure for which the "start of construction" commenced before effective date of the community's first floodplain ordinance.
- (18) *Existing manufactured home park or subdivision* means a manufactured home park or subdivision for

which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

- (19) *Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (20) *FEMA* means the Federal Emergency Management Agency.
- (21) *Five-hundred year flood* (500-year flood) means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.
- (22) *Flood* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- (23) *Flood Boundary and Floodway Map* (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.
- (24) *Flood Hazard Boundary Map* (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.
- (25) *Flood Insurance Rate Map* (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- (26) *Flood Insurance Study* (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.
- (27) *Floodplain* means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.
- (28) *Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (29) *Floodplain management regulations* means this ordinance and other zoning ordinances, subdivision

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regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

- (30) *Flood Protection Grade* (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)
- (31) *Flood proofing* (dry flood proofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the flood proofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.
- (32) *Flood proofing certificate* is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.
- (33) *Floodway* is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- (34) *Freeboard* means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.
- (35) *Fringe* is those portions of the floodplain lying outside the floodway.
- (36) *Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
- (37) *Hardship* (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- (38) *Highest adjacent grade* means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.
- (39) *Historic structure* means any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.
- (40) *Increased Cost of Compliance* (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.
- (41) *Letter of Map Amendment* (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.
- (42) *Letter of Map Revision* (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- (43) *Letter of Map Revision Based on Fill* (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA’s determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.
- (44) *Lowest adjacent grade* means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.
- (45) *Lowest floor* means the lowest of the following:
- (a) the top of the lowest level of the structure;
 - (b) the top of the basement floor;
 - (c) the top of the garage floor, if the garage is the lowest level of the structure;
 - (d) the top of the first floor of a structure elevated on pilings or pillars;
 - (e) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
 - (f) the top of the floor level of any enclosure, other than a basement, below an elevated structure

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where the walls of the enclosure provide any resistance to the flow of flood waters unless:

- i) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
 - ii) such enclosed space shall be usable solely for the parking of vehicles and building access.
- (46) *Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- (47) *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (48) *Map amendment* means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).
- (49) *Map panel number* is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)
- (50) *Market value* means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.
- (51) *Mitigation* means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.
- (52) *National Flood Insurance Program (NFIP)* is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.
- (53) *National Geodetic Vertical Datum (NGVD)* as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- (54) *New construction* means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.
- (55) *New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.
- (56) *Obstruction* includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- (57) *One-hundred year flood (100-year flood)* is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".
- (58) *One-percent annual chance flood* is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".
- (59) *Participating community* is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.
- (60) *Physical Map Revision (PMR)* is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and plan metric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.
- (61) *Post-FIRM construction* means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.
- (62) *Pre-FIRM construction* means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

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- (63) *Probation* is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.
- (64) *Public safety and nuisance*, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- (65) *Recreational vehicle* means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.
- (66) *Regular program* means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.
- (67) *Regulatory flood* means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Subsection (C) (2) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".
- (68) *Repetitive loss* means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.
- (69) *Section 1316* is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.
- (70) *Special Flood Hazard Area (SFHA)* means those lands within the jurisdictions of the County subject to inundation by the regulatory flood. The SFHAs of the County generally identified as such on the Flood Insurance Rate Map of the County dated September 1, 1988, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of the County generally identified as such on the Flood Insurance Rate Map prepared for Connersville by the Federal Emergency Management Agency and dated August 1, 1995, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).
- (71) *Start of construction* includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (72) *Structure* means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.
- (73) *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (74) *Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work

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performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

- (75) *Suspension* means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.
- (76) *Variance* is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
- (77) *Violation* means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- (78) *Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- (79) *Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.
- (80) *X zone* means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.
- (81) *Zone* means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.
- (82) *Zone A* (see definition for A zone)
- (83) *Zone B, C, and X* means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

(C) General Provisions.

- (1) *Lands to Which This Ordinance Applies.* This ordinance shall apply to all SFHAs within the jurisdiction of Fayette County and the City of Connersville.
- (2) *Basis for Establishing Regulatory Flood Data.* This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.
- (a) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs delineated as an "A Zone" on the FIRM of the County dated September 1, 1988, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- (b) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs delineated as an "A Zone" on the FIRM of the City dated August 1, 1995, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- (3) *Establishment of Floodplain Development Permit.* A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.
- (4) *Compliance.* No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.
- (5) *Abrogation and Greater Restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (6) *Discrepancy between Mapped Floodplain and Actual Ground Elevations.*
- (a) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and

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the actual ground elevations, the elevation provided on the profiles shall govern.

- (b) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
 - (c) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.
- (7) *Interpretation.* In the interpretation and application of this ordinance all provisions shall be:
- (a) Considered as minimum requirements;
 - (b) Liberally construed in favor of the governing body; and,
 - (c) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (8) *Warning and Disclaimer of Liability.* The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Fayette County, the City of Connersville, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.
- (9) *Penalties for Violation.* Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Fayette County. All violations shall be punishable by a fine not exceeding \$2,500.00.
- (a) A separate offense shall be deemed to occur for each day the violation continues to exist.
 - (b) The Fayette County Area Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
 - (c) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(D) Administration.

- (1) *Designation of Administrator.* The Board of commissioners of Fayette County hereby appoints the Executive Director or Zoning Administrator for the Fayette County Area Plan Commission to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator, or Administrator.
- (2) *Permit Procedures.* Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:
 - (a) *Application stage.*
 - i) A description of the proposed development;
 - ii) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
 - iii) A legal description of the property site;
 - iv) A site development plan showing existing and proposed development locations and existing and proposed land grades;
 - v) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD);
 - vi) Elevation (in NGVD) to which any non-residential structure will be flood proofed;
 - vii) Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;
 - (b) *Construction stage.* Upon placement of the lowest floor; or flood proofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or flood proofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood proofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted.) The permit holder shall correct

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deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

- (3) *Duties and Responsibilities of the Floodplain Administrator.* The Floodplain Administrator and/or designated staff are hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (a) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (b) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (c) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Subsection (E)(5) and (7) of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (d) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (e) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (f) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and flood proofing data for all buildings constructed subject to this ordinance.
- (g) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (h) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

- (i) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Subsection (D)(2);
- (j) Verify and record the actual elevation to which any new or substantially improved structures have been flood proofed, in accordance with Subsection (D)(2);
- (k) Review certified plans and specifications for compliance.
- (l) Stop Work Orders
 - i) Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (m) Revocation of Permits
 - i) The administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - ii) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(E) Provisions for Flood Hazard Reduction.

- (1) *General Standards.* In all SFHAs the following provisions are required:
 - (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
 - (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
 - (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

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- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
 - (i) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and,
 - (j) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.
 - (k) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - i) The excavation shall take place in the floodplain and in the same immediate watershed in which the authorized fill or structure is located;
 - ii) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same immediate watershed in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;
 - iii) The fill or structure shall not obstruct a drainage way leading to the floodplain;
 - iv) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and,
 - v) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this section.
- (2) *Specific Standards.* In all SFHAs, the following provisions are required:
- (a) In addition to the requirements of Subsection (E) (1), all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - i) Construction or placement of any new structure having a floor area greater than 400 square feet;
 - ii) Structural alterations made to:
 - (i) an existing (previously unaltered structure), the cost of which equals or exceeds 50% of the value of the pre-altered structure (excluding the value of the land);
 - (ii) any previously altered structure
 - iii) Reconstruction or repairs made to a damaged structure that are valued at more than 50% of the market value of the structure (excluding the value of the land) before damaged occurred;
 - iv) Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - v) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - vi) Reconstruction or repairs made to a repetitive loss structure.
 - (b) *Residential Construction.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Subsection (E)(2)(d).

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- (c) *Non-Residential Construction.* New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all "A Zones" may be flood proofed in lieu of being elevated if done in accordance with the following:
- i) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, and rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Subsection (D) (3) (j).
 - ii) Flood proofing measures shall be operable without human intervention and without an outside source of electricity.
- (d) *Elevated Structures.* New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the follow minimum criteria:
 - (i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
 - (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (iv) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - (v) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - (vi) where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.
- (e) *Structures Constructed on Fill.* A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
- i) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - ii) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
 - iii) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - iv) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - v) The top of the lowest floor including basements shall be at or above the FPG.
- (f) *Standards for Structures Constructed with a Crawlspace.* A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:
- i) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 - ii) Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the

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- openings shall be no more than one foot above grade; and
 - iii) The interior grade of the crawlspace must be at or above the base flood elevation; and
 - iv) The interior height of the crawlspace measured from the interior grade of the crawlspace
 - v) to the top of the foundation wall must not exceed four feet at any point; and
 - vi) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
 - vii) Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and
 - viii) Utility systems within the crawlspace must be elevated above the flood protection grade.
- (g) *Standards for Manufactured Homes and Recreational Vehicles.* Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
- i) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (i) outside a manufactured home park or subdivision;
 - (ii) a new manufactured home park or subdivision;
 - (iii) an expansion to an existing manufactured home park or subdivision; or
 - (iii) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
 - ii) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
 - iii) Recreational vehicles placed on a site shall either:
 - (i) be on site for less than 180 days; and,
 - (ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - (iii) meet the requirements for “manufactured homes” as stated earlier in this section.
- (3) *Standards for Subdivision Proposals.*
- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
 - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.
- (4) *Critical Facility.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.
- (5) *Standards for Identified Floodways.* Located within SFHAs, established in Subsection (C) (2), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in

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a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Subsection (E) of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the Fayette County Area Planning Commission shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

- (6) *Standards for Identified Fringe.* If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Subsection (E) of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.
- (7) *Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.*

- (a) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in the floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper construction in a floodway permit or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Subsection (E) of this ordinance have been met.

- (b) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Subsection (E) of this ordinance have been met.

- (c) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

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(F) Variance Procedures

(1) *Designation of Variance and Appeals Board.* The Board of Zoning Appeals as established by the Board of Commissioners of Fayette County shall hear and decide appeals and requests for variances from requirements of this ordinance.

(2) *Duties of Variance and Appeals Board.* The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Superior or Circuit Court as provided in IC 36-7-4-1003.

(3) *Variance Procedures.* In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other subsections of this ordinance, and;

- (a) The danger of life and property due to flooding or erosion damage;
- (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (c) The importance of the services provided by the proposed facility to the community;
- (d) The necessity to the facility of a waterfront location, where applicable;
- (e) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (f) The compatibility of the proposed use with existing and anticipated development;
- (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (i) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (j) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) Conditions for Variances.

- (a) Variances shall only be issued when there is:
 - i) A showing of good and sufficient cause;
 - ii) A determination that failure to grant the variance would result in exceptional hardship; and,
 - iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create

nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(b) No variance for a residential use within a floodway subject to Subsection (E) (5) or (7) of this ordinance may be granted.

(c) Any variance granted in a floodway subject to Subsection (E) (5) or (7) of this ordinance will require a permit from the Indiana Department of Natural Resources.

(d) Variances to the Provisions for Flood Hazard Reduction of Subsection (E)(2), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) Variances may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.

(g) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Subsection (F)(5)).

(h) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Subsection (F)(5)).

(5) *Variance Notification.* Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(a) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;

(b) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

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The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

- (6) *Historic Structure.* Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
- (7) *Special Conditions.* Upon the consideration of the factors listed in Subsection (F), and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (G) Severability. If any subsection, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.
- (H) Effective Date. This ordinance shall take effect upon its passage by the Board of Commissioners.

Passed and enacted by the Board of Commissioners of Fayette County, Indiana on the 1st day of November, 2005.

This ordinance shall take effect upon its passage by the Common Council.

Passed and enacted by the Common Council of the City of Connersville, Indiana on the 7th day of November, 2005.

Section 153.22: UD UNIT DEVELOPMENT PLAN DISTRICT

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and new demands in the housing market, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of Fayette County and the City of Connersville.

(A) Statement of Purpose.

- (1) To encourage a more creative approach in land and building site planning.
- (2) To encourage an efficient, aesthetic and desirable use of open space.
- (3) To promote variety in the physical development pattern of the community.
- (4) To achieve flexibility and incentives for residential development which will produce a wider range of choice.
- (5) To encourage renewal of older areas where new development and restoration are needed to revitalize the areas.
- (6) To permit special consideration of property with unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.
- (7) To recapture by-passed land so poorly planned and developed as to be a public liability.
- (8) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

(B) Applicability.

- (1) The provisions of this section shall apply to a tract of land of at least three (3) acres in area for undeveloped areas within the jurisdiction of the Commission; provided that said provisions may apply to a proposed development in which the primary or entire use is business or enclosed industrial use when such proposal is deemed to be in the best interests of the County and City.
- (2) The provisions of this section shall apply only to proposed new developments and shall not apply to any part of an area contained within a Subdivision previously approved (and recorded) in accordance with the requirements of Chapter 152, Area Subdivision Code, prior to the time of passage of the ordinance comprising this Chapter, or any Unit Development Plan which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous ordinance; provided, however, that a petitioner may, upon application and approval of the Commission, become subject to all the benefits and burdens of this section, subject to such rights as shall have been vested in the owners of the area affected by development under such ordinance; provided further that any plat shall first be vacated.
- (3) Uses permitted in a residential unit development plan may include and shall be limited to:
 - (a) Dwelling units in detached, semidetached, attached or multi-storied structures or any combination thereof.

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- (b) Non-residential uses of a religious, cultural, recreational and business or enclosed industrial character, which uses are an integral part of a residential development logically oriented to and coordinated with the total planned unit. Such uses shall be planned and gauged primarily for the service and convenience of the anticipated population of the unit development.
 - (c) No business use, nor any building devoted primarily to a business use or enclosed industrial use, shall be built or established prior to the residential buildings or uses it is designated or intended to serve.
- (4) The basic land unit of a unit development is the block, parcel, tract, combination of lots, or acreage, and not the lot; provided, however, divisible geographic sections of the entire planned unit development may be designated.
- (a) A proposed unit development plan shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed, or equal to the requirements of this Code.
 - (b) Before approval of a preliminary unit development plan, a determination of land use intensity shall be declared, and the Commission shall make a finding that said intensity is consistent with the Comprehensive Development Plan of current adoption and the best interest of the County and the incorporated towns.
- (C) Procedure. The authorization of a unit development plan shall be subject to the procedures expressed herein after receiving approval for a Unit Development District.
- (1) Upon a petition of the owners of property of fifty percent (50%) or more of the area involved in the petition, or upon a petition initiated by the Commission, a preliminary plan for any area proposed for development as a unit development plan shall be first presented to the Executive Director. At such presentation, three (3) copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for advice:
- (a) Proposed dimensioned layout to scale not to exceed 100' = 1" of any streets, buildings, open space, property divisions and other elements basic to the proposed use in relationship to site conditions.
 - (b) Proposed locations, amounts and types of non-residential uses within the area proposed to be developed.
 - (c) Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent development features.
 - (d) The preliminary plan may be an approximate drawing, but it shall include any other graphic mediums which will explain the features to be contained within the development of engineering feasibility.
 - (e) If the unit development plan is to supersede an original plat or subdivision being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plan, the new plan being clearly shown in solid lines.
 - (f) The plan shall show the boundary lines of adjacent subdivided and unsubdivided land and the existing zoning of the area proposed to be developed, as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.
 - (g) An enumeration of covenants, in general terms, proposed to be made a part of the unit development plan.
 - (h) A statement expressing the order and estimated time of development.
- (2) Within fifteen (15) days after such presentation, the Executive Director shall consult with the petitioner regarding the preliminary plan. After such consultation, the petitioner may make modifications to the petition which are deemed appropriate.
- (3) Application for approval of the planned development shall then be submitted to the Commission with a letter of recommendation from the Executive Director, accompanied by six (6) copies of the preliminary plan (with modifications, if any) and any other desired supporting documents at a regular meeting of the Commission as a petition for amendment of the Area Zoning Code and subject to the procedures applicable thereto. The Commission may approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Unit Development Plan" and be signed by the president and secretary of the Commission, and one copy shall be permanently retained in the office of the Commission.
- (4) The approved preliminary unit development plan shall then be certified to the Board of County Commissioners of Fayette County, or the City Council of the City of Connersville, as the case may be, for adoption as a "UD" Unit Development Plan District pursuant to the laws governing amendment of the Zoning Code.

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- (5) Upon adoption by the respective authority, the planned development shall be returned to the Plan Commission which shall thereafter exercise continuing jurisdiction. Before any development takes place, the Commission shall approve a detailed site plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditional upon finding by the Commission that the detailed site plan is consistent with the approved Preliminary Unit Development Plan. The approved detailed site plan shall be stamped "Approved Detailed Unit Development Plan" and be signed by the President of the Commission, and one (1) copy shall be permanently retained in the office of the Commission.
- (a) Approval of a detailed site plan shall be obtained within one (1) year after adoption by the Board of County Commissioners or the City Council, unless the Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest; provided, however, only the "Approved Detailed Unit Development Plan" shall be required within the said one (1) year period, and platting for recording purposes of all or an appropriate part of the Unit Development Plan may be undertaken in sections or phases at a later time.
- (b) An "Approved Detailed Unit Development Plan" may mean and be designated the same as a Plat which has been granted Secondary Approval in accordance with the requirements of Chapter 152, Area Subdivision Code.
- (c) A refusal by the Commission to approve a detailed site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval.
- (d) In the event that approval of a detailed site plan is not obtained with the one (1) year period or an approved extension of time, the Commission shall initiate an amendment of the Area Zoning Code so that the land will be zoned into the category or categories it held before being reclassified as a "UD" District.
- (6) The Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Commission may allow the petitioner to submit partial detailed site plans which correspond to the phases involved. Such partial detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire unit development plan.
- (7) Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Commission shall handle such matters in accordance with its regular procedures in accordance with law.
- (8) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the Commission in accordance with the provisions of Chapter 152, Area Subdivision Code, and the petitioner has, at least twenty-four (24) hours in advance, notified the Executive Director of his intention to begin such work, in order that inspections may be made as the work progresses.
- (9) In the exercise of its continuing jurisdiction, the Commission may from time to time modify the "Approved Detailed Unit Development Plan" in a manner consistent with the "Approved Preliminary Unit Development Plan," to allow for changed circumstances and conditions unforeseen at the time of its original approval.
- (10) All development shall be in conformity with the "Approved Detailed Unit Development Plan." In the exercise of its continuing jurisdiction, the Commission shall take cognizance of any material deviations from the "Approved Detailed Unit Development Plan" and take appropriate enforcement action.
- (11) Approval by the Commission shall expire after a period of five (5) years from the approval of a Detailed Unit Development Plan, unless the development is fifty percent (50%) completed in terms of public improvements, including streets, parks, walkways and utility installations, in which instance an extension of time may be granted by the Commission not to exceed five (5) successive periods of two (2) years each.
- (12) AU proceedings brought under this section shall be subject to the Rules of Procedure of the Commission, where not inconsistent with the procedure otherwise stated herein, except that notice for proceedings related solely to approval and modification of a detailed unit development plan.
- (D) Abandonment or Expiration. Under the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the Approved Detailed Unit Development Plan for twenty-four (24) consecutive months, or under the expiration of five (5) years from the approval by the Commission of a Detailed Unit Development Plan for a development which has not been completed or the expiration of an extension granted by the Commission), the Commission shall initiate an

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amendment to the Area Zoning Code so that the land will be zoned (or reclassified) into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

(E) Recording. An Approved Detailed Unit Development Plan and modifications thereof shall be recorded in the appropriate plat books in the Office of the Fayette County Recorder within two (2) years after approval by the Commission.

(F) Permit. No Improvement Location Permit shall be issued, for a "UD" District by the Executive Director unless all recording required by Sec. 153.22 (E) has been effected, and no Certificate of Occupancy shall be issued for a "UD" District unless the Approved Detailed Unit Development Plan, with modifications, if any, is adhered to, all in compliance with the purposes of the Code of Ordinances of Fayette County, Indiana, when the improvement is located in the unincorporated area; and by the Code of Ordinances of the City of Connersville, when the improvement is located within the City.

(G) Covenants and Maintenance.

(1) Covenants shall be required by the Commission as an ingredient for stability and longevity of the Unit Development Plan, and shall set forth, in detail, provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the County or City, and in such event the County or City shall take those remedial steps provided for in such provisions.

(2) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes whenever necessary in conformity with the Comprehensive Plan of current adoption. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Commission a modified detailed site plan for such land consistent with the Approved Preliminary Unit Development Plan. Such modified detailed site plans,

when approved, shall be treated in the same manner as approved detailed site plans for an entire Unit Development Plan.

(3) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Unit Development Plan. Such development standards may include, but are not limited to, requirements as to the following:

- (a) Lot area.
- (b) Floor area.
- (c) Ratios of floor space to land area.
- (d) Area in which structures may be built (building area), including areas for cluster type residential development without lot lines.
- (e) Open space.
- (f) Setback lines and minimum yards.
- (g) Building separations.
- (h) Height of structures.
- (i) Signs.
- (j) Off-street parking and loading and unloading areas.
- (k) Design standards.
- (l) Phasing of development.

(4) The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 152, Area Subdivision Code.

(5) Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Unit Development Plan, and, in such instance, legal assurance shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

(6) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(7) All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. Said private streets shall be developed in accordance with the

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standards set forth in Chapter 152, Area Subdivision Code.

(H) Limitation on Rezoning. The Commission shall not initiate any amendments to the Zoning Code concerning the property involved in the Unit Development Plan before completion of the development as long as development is in conformity with the Approved Detailed Unit Development Plan and proceeding in accordance with the time requirements imposed herein.

Section 153.23: CONTINGENT USES

A Contingent Use is one which is likely or liable, but not certain, to occur and which is not inappropriate to the principal uses of the district in which it may be located.

(A) Contingent Uses Permitted. Contingent uses set forth below, including accessory buildings and uses, are permitted in the districts indicated herein, subject to the provisions herein, and in this Code:

TYPE OF USE	DISTRICTS IN WHICH USE IS PERMITTED
Boarding House or Lodging House	R-2, R-3, MS, LB, and GB
Church or Temple	All except 1-2 and FP
Educational Institution (except college or university building)	All except 1-2 and FP
Farm House or Farm Dwelling	All except 1-2 and FP, R-3, LB, and GB
Fraternity, Sorority, and Student co-ops	All except A-1, A-2, RS, R-1, R-2, and MS
Lodge or private club, which is of a noncommercial character	A-1, A-2, RS
Farm seasonal worker housing, tenant	All
Municipal, County or Governmental Building	All except R-1, R-2, R-3
Plant Nurseries, Truck Gardens	I-1 and 1-2
Public Utility installation – terminal facility	R-3, MS, LB, and GB
Tourist Home	

*NOTE: All uses proposed to be located in the UD Development Plan District and the FP Flood Plain District are subject to the procedures and approvals set forth in Sec. 153.22 and Sec. 153.21, respectively. Also see Sec. 153.24, Special Exceptions, for specific uses with more restrictive standards.

(B) Other Requirements for Contingent Uses.

- (1) The front yard setback and side and rear yard requirements for contingent uses shall be as follows:
 - (a) For contingent uses proposed to be located in the A-i, A-2, RS, R-1, R-2, MS and R-3 districts, the requirements shall be the same as those for a single-family dwelling.
 - (b) For contingent uses proposed to be located in the LB and GB districts, the requirements shall be the same as those for a multifamily dwelling.
 - (c) For contingent uses proposed to be located in the PB district, the requirements shall be the same as those for a planned business use in the PB district, provided that the special exception procedure shall not apply to a contingent use.
 - (d) For contingent uses proposed to be located in the I-i and 1-2 districts, the requirements shall be the same as those for an enclosed industrial use.
 - (e) For contingent uses proposed to be located in the FP district, the Executive Director shall determine the adequacy of the setback distances.

- (2) Height requirements are set forth in Sec. 153.31.
- (3) Off-street parking space requirements are set forth in Sec. 153.36.
- (4) Sign requirements are set forth in Sec. 153.37.
- (5) Ground floor area for a farm house or farm dwelling shall be the same as that required for a single-family dwelling.
- (6) See Sec. 153.25 for additional front yard requirements.
- (7) See Sec. 153.26 for fence requirements.

(C) Development Disabilities Residential Facilities Permitted.

Development Disabilities Residential Facilities are permitted in any district where dwellings are permitted, provided that the licensing and regulation of such facilities shall be accomplished through the Developmental Disabilities Residential Facilities Council of the State of Indiana, in accordance with the requirements of I.C. 1C1j2.1 and I.C. 1G-31.L

Section 153.24: SPECIAL EXCEPTIONS

(A) Definition and Basis of Approval. Special Exceptions are uses publicly or municipally operated and those uses traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

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- (1) A special exception or any use not otherwise set forth in this Code that fits the definition set forth in subsection (A), herein, may be approved in zones as specified in this section. The use approved shall be subject to any regulations or requirements imposed as a part of the special exception, in addition or in place of the other regulations or requirements of this Code. The provisions of a special exception shall replace and supersede the provisions of the base zone, effective upon either construction of any facilities approved as a part of the special exception or upon beginning of operation of the use or uses specified, whichever occurs first. The provisions shall remain in effect until such time as the special exemption use ceases to operate. Immediately prior to reuse of the structures or facilities used for the special exception, the provisions of the special exception shall become invalid and the regulations and requirements of the base zone shall again be in effect.
 - (2) Any significant changes (as determined by the Board) in the use of a special exception or any construction of new facilities or structures, or major additions to existing facilities or structures (as determined by the Board) shall be subject to approval by the Board of Zoning Appeals, using the same process as was used for the original approval.
 - (3) Any use permitted under Section 153.07 NONCONFORMING BUILDING AND USES if said use has been discontinued for a period of more than two (2) years and if said nonconforming building or use would not be suitable for any other purpose other than that permitted under Section 153.15, LOCAL BUSINESS DISTRICT (LB).
- (B) Procedure for Approval. Upon receipt of an application for a Special Exception, the Executive Director shall refer the application to the Commission for public hearing. After said hearing (and any necessary deferrals), the Commission shall forward a recommendation based upon the findings set forth below, of either approval or denial, (or no recommendation if agreement is not reached) along with all necessary stipulations, to the Board of Zoning Appeals for public hearing and final approval or denial of the petition.
- (1) Upon such hearings, if the Commission/Board finds that all of the following apply:
 - (a) the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare;
 - (b) the special exception 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 neighborhood;
 - (c) the establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - (d) adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - (e) adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
 - (f) the establishment, maintenance, or operation of the special exception will not contravene the principals of reinvestment, revitalization, and the avoidance of unintended consequences as set forth in the Fayette County Comprehensive Plan
 - (g) the Board shall direct the Executive Director to issue an Improvement Location Permit for such Special Exception; otherwise, the Board shall direct the Executive Director to reject the application. The findings of the Board and its order to the Executive Director shall be in writing.
 - (2) The Board may impose additional conditions to assure that the special exceptions will conform to the intent of this Code. These additional conditions may include, but are not limited to, the provisions of the following:
 - (a) Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
 - (b) Refuse and service areas.
 - (c) Special screening and buffering with reference to type, dimensions, and character.
 - (d) Signs and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 - (e) Additional setback distances, yards and other open space.
 - (f) General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.
 - (g) A Development Plan in the event such a plan is not already required for a particular special exception set forth in subsection (E) herein, or for a use determined by the Board to be a special exception which is not otherwise set forth in this Code. (See Subsection (A) (1), herein.)
 - (h) The Executive Director may require a land survey if he determines it is necessary for the proper identification of the boundaries of the Special Exception.

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- (3) If the nature of this special exception involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the special exceptions which most closely relates to the primary use; provided that the requirements of the related uses will be met.
 - (4) Any person, to whom is issued an Improvement Location Permit for a special exception, who fails to commence construction within twelve (12) months after such permit is issued, or who fails to carry to completion the total Development Plan thereof within three (3) years after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such Improvement Location Permit revoked.
 - (5) The holder of an Improvement Location Permit for a special exception may apply to the Board at any time for an alteration, change, amendment or extension of the application or Development Plan upon which such Permit was based.
 - (a) Upon receipt of such application, the Board shall proceed as in the case of original applications for an Improvement Location Permit for a special exception.
 - (b) In the event the Board shall approve and order such application or Development Plan changed, altered, amended or extended, it shall notify the Executive Director who shall issue an amended Improvement Location Permit accordingly.
- (C) Existing Use May Be a Conforming Use. An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a Conforming Use, provided such use meets the minimum lot area requirements set forth herein. Any expansion of such special exception involving the enlargement of a building, structure, and land area devoted to such use, shall be subject to the requirements and procedures described in this section.
- (D) Temporary Certificates. Whenever a special exception has been approved and is of such a nature that the applicant desires to complete the structure and improvements shown in the Development Plan by stages, the applicant may make application for a Temporary Certificate of Occupancy for any portion of the plan that has been completed.

(E) Special Exceptions and Districts Where They May Be Permitted. The following uses shall require approval as special exceptions. They shall be subject to the specific conditions imposed and approved by the Board of Zoning Appeals:

<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>PAGE NO.</u>
(1)	<u>Rural Directional Sign</u>	LB, PB, GB, I-1, 1-2, A-1 and A-2	42
(2)	Airport	A-1, A-2, I-1 and 1-2	36
(3)	Anhydrous Ammonia or similar liquefied fertilizers, storage and distribution (commercial)	A-1 and A-2	36
(4)	Artificial Lake of three (3) or more acres	All	36
(5)	Assembly Halls and Grounds	A-2, R-3, LB, PB, GB, I-1, and 1-2	36
(6)	Auction Arena or Sales Yard (excluding livestock)	A-2, PB, and GB	37
(7)	Bed and Breakfast	R-3, LB, PB, and GB	37
(8)	Bottled gas storage and distribution yard	A-2, I-1, and 1-2	38
(9)	Building Material Supply Yard (open)	GB and I-1	38
(10)	Bulk Fuel Storage or Petroleum Tank Farm (commercial)	I-1	39
(11)	Cemetery or Crematory	All	39
(12)	Charitable Institutions	A-2, R-2, R-3, MS, LB, PB, and GB	39
(13)	Clinic	MD, LB, PB, and GB	39
(14)	College or University building	A-2, R-1, R-2, R-3, MS, LB PB, GB	39
(15)	Commercial Greenhouse	A-1, A-2, LB, PB, and GB	39
(16)	Contractor's Storage Yard	A-2, GB and I-1	40
(17)	Day Care Center or Child Development	LB, PB, GB, MS, and 1-2	40
(18)	(1) (Large) Family Day Care Home (2) (Small) Family Day Care Home	R-3, MS, LB, PB and GB A-1, A-2, R-1, R-2, R-3, MS, LB, PB, and GB	40 41
(19)	Farm Implement (Machinery) Sales and Service Area or Building (New or Used)	A-1, A-2, LB, PB, GB, and 1-2	42
(20)	Filling Station, automobile car wash, and roadside restaurant	LB, PB, GB, and 1-2	42
(21)	Game Preserves	A-1, A-2, and FP	42
(22)	Golf Course or Country Club	All	42
(23)	Golf Driving Range	A-2, PB, 1-2 and 1-2	43
(24)	Grain Elevators and Related Uses	A-1, A-2, PB, I-1 and 1-2	43
(25)	Health Facility, including Nursing Homes and Retirement Homes	R-3, MS, LB, PB, and GB	43
(26)	Heliport	All except RS, R-1 and R-2	43
(27)	Hospital	MS	43

(28)	Junk Yard	I-1 and 1-2	44
(29)	Kennel	A-1, A-2, and 1-1	44
(30)	Manufacturing, Storage or Use of Explosives	I-1 and 1-2	44
(31)	Mining Operation (i.e. sand or gravel pit, borrow pit, topsoil removal and storage areas)	A-1, A-2, RS, I-1, 1-2, and FP	44
(32)	Mobile Home Park	A-2, R-3, LB, PB, and GB	44
(33)	Multi-Family Dwelling or Apartment designed for or occupied by more than four (4) families	R-3, LB, PB, GB, MS	47
(33 ½)	Non Conforming Building and Uses	All	57
(34)	Outdoor Commercial Recreational Enterprise	A-2, PB, GB, 1-1, 1-2 and FP	47
(35)	Outdoor Theater	A-2, PB, and GB	47
(36)	Penal or Correctional Institution	A-2, GB, 1-1, and 1-2	48
(37)	Planned Business Use in the PB District	PB	48
(38)	Private Club or Lodge which is of a non-commercial character	A-1, A-2, MS and R-S	48
(39)	Private Recreational Development (i.e. picnic grounds, fraternal organizations,	A-2, R-2, R-3, LB, PB, GB and FP	48
(40)	Produce Stands, Direct Sale		53
(40a)	Seasonal Produce Stand	A-1. A-2. R-1. R-2. R-3, RS	
(40b)	Year Round Produce Stand	A-1. A-2	
(41)	Produce Stands. Resale		53
(41a)	Resale Produce Stand. Green Grocer	GB	
(41b)	Transient >produce Stand GB	GB	
(42)	Public Camp	A-2, and FP	49
(43)	Public or Commercial Sanitary Fill or Garbage Disposal Plant	A-1, A-2, I-1, and 1-2	49
(44)	Public or Employee Parking Area	A-2, R-2, and MS	49
(45)	Public Park or Public Recreational Facilities	All	49
(46)	Public Water Wells, water stations, filtration plant, reservoirs and storage tanks	All	49
(47)	Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities	All, except I-1 and 1-2	50
(48)	Raising and Breeding of Non-Farm Fowl or Animals (commercial) except Kennel	A-1, A-2	50
(49)	Recreational Vehicle Park	A-2 and I-1	50
(50)	Restricted Commercial Farm Enterprises	A-1, A-2, RS, I-1 and 1-2	53
(51)	Riding Stable	A-1, A-2, RS, PB, and I-1	54
(52)	Sales Barn for Livestock (Resale)	A-1, A-2, and I-1	

(53)	Seasonal Hunting and Fishing Lodge	A-1, A-2, and FP	54
(54)	Sewage Treatment Facility (Primary Use)	All, except R-1, R-2, R-3 and MS	54
(55)	Shooting Range, outdoor	A-1, A-2, and FP	55
(56)	Slaughter House with holding pens	A-2 and I-1	55
(57)	Special School	R-3, MS, LB, PB, GB, and 1-2	55
(58)	Stadium, Coliseum, Athletic Field	All, except A-1	55
(59)	Storage of disabled vehicles, Temporary	GB and I-1	56
(60)	Studio, Business (Art, interior decorating, music, etc.)	R-3	56
(61)	Telephone exchange or public utility substation	A-1, A-2, and 1-1	56
(62)	Transmission lines for gas, oil, electricity or other utilities (Major lines)	All	56
(63)	Transmission (Radio, TV, etc.) Miscellaneous Tower(s)	All	56
(64)	Veterinary Hospital for Small Animals	A-2	56
(65)	Wholesale Produce Terminal, or Truck Freight Terminal	GB, I-1, and 1-2	56
(66)	Wind Energy Conversion Systems	See part VI District Regulations of the Wind Energy Systems Siting Regulations beginning on <u>Section 153.24 SPECIAL EXCEPTIONS (F) Other Requirements for Special Exceptions (66)</u> of this ordinance	57
(67)	<u>Concentrated Feeding Operation (CFO)</u>	A1, A2	

(F) Other Requirements for Special Exceptions. Following are specific requirements for special exceptions: (The special exceptions are referred to by name and number indicated in Subsection (E) herein.)

(1)	<p>Rural Directional Sign</p> <p>The Development Plan shall include: an elevation drawing of the proposed sign with dimensions and the information to be included on the sign. a plan view showing the location of the proposed sign and the distance from the sign to the public right-of-way, name of the adjacent right-of-way: distance to the side property lines, distance to the intersection and direction to turn, name of property owner on which the sign is to be placed: a signed letter from the property owner if property is not owned by petitioner: and a permit from the Indiana Department of Transportation for any proposed sign along Indiana Routes 1, 44 and 121.</p>
(2)	<p>Airport or Heliport.</p> <p>(a) Minimum Lot Area. - 80 acres for Airport.</p> <p>(b) Minimum distance from Residential District or Use. - 100 feet.</p> <p>(c) Fence. - 6 foot wire mesh where accessible to public.</p> <p>(d) Screen Planting. - Screen Planting - 6 feet height by 6 feet width where abutting residential use; tight screen, effective at all times of the year.</p> <p>(e) Parking. - 1 per employee, plus 1 per 3 seats in waiting room.</p> <p>(f) Development Plan shall be submitted with application.</p> <p>(g) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.</p> <p>(h) Height. - 35 feet or as required by appropriate State or Federal agency.</p> <p>(i) Prior F.A.A. and State of Indiana approval.</p>
(3)	<p>Anhydrous Ammonia or Similar Liquefied Fertilizers, Storage and Distribution (Commercial).</p> <p>(a) Minimum yards. - Front - 300; Side (each) - 300; Rear- 300.</p> <p>(b) Minimum distance of Parking Area or Loading Berth from Residential district or Use. - 300 feet.</p>

	<ul style="list-style-type: none"> (c) Fence. - 6 foot wire mesh fence where accessible to public. (d) Drainage shall be controlled so that liquefied fertilizers shall not drain off the premises. (e) Development Plan to be submitted with application. (f) Federal Regulations for primary and secondary storage and containment of fertilizers and pesticides shall be observed.
(4)	<p>Artificial Lake of 3 or more acres.</p> <ul style="list-style-type: none"> (a) Fence. - 6 foot wire mesh fence where accessible to public. (b) Development Plan to be submitted with application. (c) Approval Required. - Approval by Natural Resources is required.
(5)	<p>Assembly Halls and Grounds.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area - 1 Acre. (b) Minimum Yards - Front Yards (Standard); Side - (each) 20; Rear 15. (c) Parking. - As determined by the Board. Determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements. (d) Noise should be confined to the premises. (d) Development Plan to be submitted with application. (e) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (f) Security (whenever necessary) shall be furnished by applicant. (g) Height. - Maximum height of structure – 35 feet.
(6)	<p>Auction Arena or Sales Yard (excluding livestock).</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - 2 acres. (b) Minimum Yards. - Front - 50 feet; Side (each) - 40 feet; Rear - 40 feet. (c) Parking Space. - One per 2 employees, plus 1 per each 400 square feet of display, sales and auction area. (d) Noise shall be confined to the premises. (e) Entrance. - Not more than one entrance from street. (f) Development Plan to be submitted with application. (g) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (e) Height. - Maximum height of structure - 35 feet.
(7)	<p>Bed and Breakfast.</p> <ul style="list-style-type: none"> (a) Intent. - To provide temporary travelers' accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing structure designed for and occupied as a single family residence. (b) Type of Structure. - The use shall be allowed only in older residential structures which are recognized as architecturally, historically or culturally significant, and which, through renovation and use as a Bed and Breakfast, will contribute significantly to the ambiance, character or economic revitalization of a neighborhood. The exterior appearance of the structure shall not be altered from its single-family character, and no exterior alterations, other than those necessary to ensure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast. (c) Spacing Requirement. - No rooming house, boarding house, or bed-and-breakfast may be located within 400 feet of the facility. The 400 foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures. (d) Outward Modifications. - Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located. (e) Intensity of Use. - The Bed and Breakfast use should remain incidental to the primary residential use of the property which will allow reconversion back to a single-family residential use. (f) Number of Bedrooms. - A maximum of five lodging or bedrooms shall be made available for rent. A bed and breakfast home having more than five bedrooms for rent may be approved if the home is designated as a historic landmark. There must be at least five hundred square feet of gross (interior) floor area for each rental unit. The potential rental units would be determined by dividing the gross floor area of the structure by 500 square feet. (g) Interior Design Modifications. - Any interior modification shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, moldings, chair rails, or light fixtures. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes. The architectural integrity and arrangement of the existing interior spaces must be maintained, and the number of guest rooms shall not be increased, except as may be required to meet health, safety, and sanitation requirements. (h) Preparation of Food. - The kitchens in small Bed and Breakfasts generally are not built to commercial kitchen standards. Food service should be limited to breakfast for the guests. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. Individual rooms that are

	<p>rented shall not contain cooking facilities.</p> <p>(i) Property Owners Must Reside. - The owner or lessee of the property shall operate the Bed and Breakfast facility and reside in the home.</p> <p>(j) Fourteen Day Rental Limit. - Room rentals to families or individuals shall not exceed 14 consecutive days. Only short- term lodging may be provided. Monthly rentals shall be prohibited.</p> <p>(k) Detrimental Conditions Not Permitted. - The proposed use of the property will not create noise, light or traffic conditions detrimental to the neighboring residents, and no receptions, private parties or activities for which a fee is paid shall be permitted.</p> <p>(l) Parking. - Off-street parking shall be provided by the resident owner: one (1) off-street parking space for every two (2) guests in addition to the parking required for single-family occupancy.</p> <p>(m) Signage. - Signage shall be limited to one (on premise) wall sign not to exceed three (3) square feet of sign area. Sign wording shall consist of the name of the occupant or establishment located on premises, and/or description of service rendered. Establishment shall be referred to as a "Bed and Breakfast" or "Bed and Breakfast Inn."</p> <p>(n) License shall be obtained as required by law.</p> <p>(f) Development Plan to be submitted with application.</p>
(8)	<p>Bottled Gas Storage and Distribution.</p> <p>(a) Minimum Yards. - Front - 300; Side (each) - 300; Rear - 300.</p> <p>(b) Development Plan to be submitted with application.</p> <p>Safety. - All laws and care shall be observed by the applicant.</p>
(9)	<p>Building Material Supply Yard (open).</p> <p>(a) Minimum Yard. - Front - 80; Side (each) - 100; Rear - 100.</p> <p>(b) Entrance. - Not more than one entrance from street.</p> <p>(c) Development Plan to be submitted with application.</p> <p>(d) Screening. - Building materials and vehicles shall be screened or located in such a manner so that they will not be visible from the frontal street or adjacent residentially used or zoned property.</p> <p>(e) Parking. - One per two employees, plus 1 per vehicle operated by establishment, plus 1 per 800 square feet of storage area.</p> <p>(f) Height. - Maximum height of structure - 35 feet.</p>
(10)	<p>Bulk Fuel Storage or Petroleum Tank Farm (commercial).</p> <p>(a) Minimum Yards. - Front - 80; Side (each) 100; Rear - 100.</p> <p>(b) Entrance. - Not more than one entrance from street.</p> <p>(c) Development Plan to be submitted with application.</p> <p>(d) Safety. - All laws and care shall be observed by applicant.</p>
(11)	<p>Cemetery or Crematory.</p> <p>(a) Minimum Area. - 10 acres.</p> <p>(b) Minimum Yards. - Front - standard; side (each) - 40 feet; Rear - 40 feet.</p> <p>(c) Landscape Plan. - Plan of landscape development to be submitted with application. (May be submitted with Development Plan.)</p> <p>(d) Screen Planting. - Screen planting - 6 foot height by 6 foot width - where abutting residential use. Effective at all times of year.</p> <p>(e) Development Plan to be submitted with application.</p> <p>(f) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.</p> <p>(g) Parking. - One per each 2 employees, plus one per each 5 acres of area.</p> <p>(h) Height. - Maximum height of structure - 35 feet.</p>
(12)	<p>Charitable Institution.</p> <p>(a) Minimum Area - Same as required in district.</p> <p>(b) Minimum Yards. - Same as required in district.</p> <p>(c) Development Plan to be submitted with application.</p> <p>(d) Parking. - As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.</p>
(13)	<p>Clinic.</p> <p>(a) Minimum Lot Area. - 15,000 square feet.</p> <p>(b) Minimum Yards. - Front - standard; Side (each) - 10; Rear - 30.</p> <p>(c) Screen Planting. - Screen planting - 6 foot height by 3 foot width where abutting residential use. Effective at all times of the year.</p> <p>(d) Entrance. - Not more than one entrance from street (other than an emergency entrance).</p> <p>(e) Parking. - 1 per 2 employees, plus 3 per doctor.</p>
(14)	<p>College or University Building.</p> <p>(a) Development Plan to be submitted with application.</p>

	(b) Parking. - 1 per 3 students or staff members.
(15)	Commercial Greenhouse. - (a) Minimum Lot Area. - 25,000 square feet. (b) Minimum Yards. - Front - 100; Side (each) - 40 feet; Rear - 40 feet. (c) Parking Areas and Loading. Berth Minimum Distance from Residential District or Use. 50 feet. (d) Entrance. - Not more than one entrance from street.
(16)	Contractor's Storage Yard. (a) Same requirements as (9) Building Material Supply Yard (open).
(17)	Day Care Center or Child Development (a) Minimum Area. (c) One hundred (100) square feet of play area provided on same lot as use for each child in attendance. (d) Thirty-five (35) square feet of suitable indoor space per session per child shall be provided, also. (b) Open/Recreational Space. (1) Outdoor play area shall be grassed and enclosed by a forty-two (42) inch high chain link fence. Any entry gate shall be securely fastened. (2) Outdoor play areas shall be adequately separated from vehicular circulation and parking safety. (c) General Safety. (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials. (2) Garages shall not be used as designated play areas. (d) Parking. One space for each adult attendant, plus two additional spaces. (e) General Standards. (1) No noise shall be audible beyond the lot lines. (2) Hours of operation may be restricted by the Board. (b) Traffic Standards. (1) Day care centers shall create no unsafe conditions for picking up and dropping off children. (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility. (g) License Required. Applicant must obtain Day Care Center License from the Indiana Department of Public Welfare.
(18)	(1) (Large) Family Day Care Home. (a) Minimum Area. (1) 100 square feet of outdoor play area provided on same lot as use for each child in attendance. (2) 35 square feet of suitable indoor space per session per child shall be provided, also. (b) Open/Recreational Space. (1) Outdoor play area shall be grassed and enclosed by a forty-two (42) inch high chain link fence. Any entry gate shall be securely fastened. (2) Outdoor play areas shall be adequately separated from vehicular circulation and parking safety. (c) General Safety. (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials. (2) Garages shall not be used as designated play areas. (e) Parking. One space for each adult attendant, plus two additional spaces. (e) General Standards. (1) No noise shall be audible beyond the lot lines. (2) Hours of operation may be restricted by the Board. (c) Traffic Standards. (1) Day care centers shall create no unsafe conditions for picking up and dropping off children. (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility. (d) Spacing Requirements. No facility shall be located closer than 600 feet to another large family day care home. (e) Signs. One sign, not exceeding four square feet and five feet in height may be used to identify the center. (f) No Sales. No goods, chattel, wares, or merchandise offered for sale therein, except in the LB, PB and GB and 1-2 districts. (g) License Required.

	<p>Applicant must obtain Day Care Home License from the Indiana Department of Public Welfare.</p> <p>(2) (Small) Family Day Care Home.</p> <p>(a) Minimum Area.</p> <p>(1) 100 square feet of outdoor play area provided on same lot as use for each child in attendance.</p> <p>(2) 35 square feet of suitable indoor space per session per child shall be provided, also.</p> <p>(b) Open/Recreational Space.</p> <p>(1) Outdoor play area shall be grassed and enclosed by a forty-two (42) inch high chain link fence. Any entry gate shall be securely fastened.</p> <p>(2) Outdoor play areas shall be adequately separated from vehicular circulation and parking safety.</p> <p>(d) General Safety.</p> <p>(1) No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.</p> <p>(2) Garages shall not be used as designated play areas.</p> <p>(d) Parking.</p> <p>One space for each adult attendant, plus two additional spaces.</p> <p>(e) General Standards.</p> <p>(1) No noise shall be audible beyond the lot lines.</p> <p>(2) Hours of operation may be restricted by the Board.</p> <p>(f) Traffic Standards.</p> <p>(1) Day care centers shall create no unsafe conditions for picking up and dropping off children.</p> <p>(2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.</p> <p>(g) Spacing Requirements.</p> <p>No facility shall be located closer than 600 feet to another large family day care home.</p> <p>(h) Signs.</p> <p>One sign, not exceeding four square feet and five feet in height may be used to identify the center.</p> <p>(i) No Sales.</p> <p>No goods, chattel, wares, or merchandise offered for sale therein, except in the LB, PB and GB and 1-2 districts.</p> <p>(j) License Required.</p> <p>Applicant must obtain Day Care Home License from the Indiana Department of Public Welfare.</p>
(19)	<p>Farm Implement (Machinery) Sales and Service Area or Building (New or Used).</p> <p>(a) Development Plan to be submitted with application.</p> <p>(b) Dead Storage. - No dead storage, repair work or dismantling on the lot.</p> <p>(c) Height. Maximum height of structure - 35 feet.</p> <p>(d) Adequacy of Sewers. - Approval required.</p> <p>(e) Special Setback Requirements. - Used machinery may be placed temporarily in the rear of the building line in the sales lot, provided that new machinery may be placed temporarily in front of the building line in the PB District, but not closer than 20 feet to the front lot line in the PB District.</p> <p>(f) Parking. - One per 2 employees, plus 1 per vehicle operated by the establishment, plus 1 per 1,000 square feet of display and sales area.</p>
(20)	<p>Filling station, automobile car wash, and roadside restaurant.</p> <p>(a) Minimum lot area – 1/2 acre.</p> <p>(b) Minimum yards. - Same as local business use in respective district except for PB District.</p> <p>(c) Landscape plan in which filling station is proposed to be located. Plan of landscape development to be submitted with application. (May be combined with development plan.)</p> <p>(d) Fence. - Four-foot wire mesh abutting residential use.</p> <p>(e) Screen Planting. - Six-foot height by six-foot width; where abutting residential use: tight screen, effective at all times of the year.</p> <p>(f) Parking Spaces. - As determined by the Board. The determination shall be based on the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.</p> <p>(g) Development Plan to be submitted with application.</p> <p>(h) Signs and lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.</p> <p>(i) Dead storage. - No sales, dead storage, repair work, or dismantling on the lot.</p> <p>(j) Adequacy of Sewers. - Approved by Executive Director that sewers are adequate.</p>
(21)	<p>Game Preserve.</p> <p>(a) Development Plan to be submitted.</p> <p>(b) Fence. - Adequate wire where accessible be mesh fence to public.</p>
(22)	<p>Golf Course or Country Club.</p> <p>(a) Minimum Yards. - Front - standard; side (each) - 40; Rear-40.</p>

	<ul style="list-style-type: none"> (b) Minimum Distance of Parking Area from Residential District or Use. - 20 feet. (c) Screen Planting. - Screen planting - 6 foot height by 6 foot width - where abutting residential use, effective at all times of the year; or an alternative planting, acceptable to the Board. (d) Entrance. - Not more than one entrance from street. (e) Setback from Interior Drives. - 40 feet. - (f) Parking Spaces. - 30. (g) Development Plan to be submitted with application. (h) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (i) Adequacy of Sewers. Approval required. (j) Height. - Maximum height of structure 35 feet.
(23)	<p>Golf Driving Range.</p> <p>Golf Driving Range Requirements same as (22) Golf Course or Country Club except the number of parking spaces shall be 20.</p>
(24)	<p>Grain Elevators and Related Uses.</p> <ul style="list-style-type: none"> (a) Development Plan to be submitted with application. (b) Noise. - Noise shall be confined to the limits set forth in Section 153.19, (C), 10. (c) Height. - Maximum height of structure - 135 feet.
(25)	<p>Health Facility, including Nursing Homes and Retirement Homes.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - 40,000 square feet, but not less than 1,000 square feet per person cared-for occupant. (b) Minimum Yards. - In the PB District: Front - 80'; Side 40'; Rear. 40'. In other districts: same as requirements for single-family dwelling. (c) Landscape Plan. - Plan to landscape development to be submitted with application. (May be combined with Development Plan.) (d) Screen Planting. - Screen Planting - 6 foot height by 6 foot width where abutting residential use; tight screen, effective at all times. (e) Parking Spaces. - 1 per each 5 patients or occupants, plus 1 per each staff member or supervisor doctor, plus 1 per each 3 employees. (f) Development Plan to be submitted with application. - Height. Maximum height of structure -35 feet. (g) State Approval Required. Facility must be licensed by the State Board of Health in accordance with I.C. 16-10-2. (Some types of facilities do not require licensure.) (h) Adequacy of Sewers. - Approval required.
(26)	<p>Heliport.</p> <ul style="list-style-type: none"> (a) Spacing. - Use permitted not closer than 200 feet to a residential use. (b) Fence. - Four-foot wire mesh abutting residential use. (c) Parking Spaces. - One per employee plus one per three seats in waiting room. (d) Development Plan to be submitted with application. (e) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (f) Height. - As required by appropriate state or federal agency.
(27)	<p>Hospital.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - 3 acres. (b) Minimum Yards. - Front - 40; Side (each) - 40; Rear - 40. (Abutting residential use). (c) Minimum Distance of Parking Area from Residential District or use. - 25 feet. (d) Minimum Distance of Loading Berth from Residence District or Use. (e) Parking Spaces. - 1 per 4 beds, plus 1 per doctor, plus 1 per 3 employees on largest shift, plus 1 per hospital vehicle. (f) Development Plan. Development Plan to be submitted with application. (g) Height. - 70 feet. (h) Adequacy of Sewer. - Approval required.
(28)	<p>Junk Yard.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area - 5 acres. (b) Minimum yards. Front - 50; side -40; rear - 40. (c) Spacing. Use permitted not closer than 200 feet to a residential use. (d) Entrance. Not more than one entrance from street. (e) Fence. Solid wall or solid painted fence 8 feet high except along railroad right-of- way or 8 foot wire mesh fence covered and maintained with thick ivy growth. (f) Parking spaces. 1 per 2 employees. (g) Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (h) Height. Maximum height of structure - 25 feet.

(29)	<p>Kennel.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - 2 acres. (b) Minimum Yards. - Front - 150; Side (each) - 150; Rear - 150. (c) Screen Planting. - Screen planting- 6 foot height by 6 foot width - where abutting residential use; effective at all times of the year. (d) Entrance. - Not more than one entrance from street. (e) Development Plan to be submitted with application. (f) Noise. - Use shall be operated in a manner to insure minimum noise beyond the premises. (g) Parking. - One per 2 employees, plus 1 per 500 square feet of front area used in a waiting room; plus 1 per 5 boarder animals, based upon maximum number of animals. (h) Height. - Maximum height of structure - 25 feet.
(30)	<p>Manufacturing, Storage, or use of Explosives.</p> <ul style="list-style-type: none"> (a) Development Plan to be submitted with application if use involves manufacturing or storage of explosives. (b) Approval of Board of County Commissioners or City Council required.
(31)	<p>Mining Operation (i.e. sand or gravel pit, quarry, borrow pit, topsoil removal and storage areas).</p> <ul style="list-style-type: none"> (a) Minimum Yards. Front - 150; Side (each) - 150; Rear - 150. (b) Minimum Distance from Residence District or Use – 300 ft. (c) Fence. 6 foot woven wire, fence where accessible to public. (d) Screen Planting. Screen planting -6 foot height by 3 foot width where abutting residential use; effective at all times of the year. (e) Entrance. No more than one entrance from street. (f) Development Plan. Development plan to be submitted with application. (g) Special. - Sec I.C. 35 7 4 110 Miscellaneous provisions; use and alienation of mineral resources and forest outside urban areas.
(32)	<p>Mobile Home Park.</p> <ul style="list-style-type: none"> (a) State Requirements. All State requirements shall be observed (See I.C. 13-7-1, 410 IAC 6-6, and 327 IAC 8-81 for requirements.) In addition to State Department of Health requirements, the requirements listed below shall be adhered to. (b) Development Plan to be submitted with application. (c) Area. A mobile home park shall have an area of not less than five acres. (d) Soil. The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 153.39(T).) The site shall not be subject to unpredictable or sudden flooding, subsidence, or erosion. Exposed ground surfaces shall be paved, covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. Exposed ground surfaces shall be graded and equipped to drain all surface water in a safe, efficient manner. (e) Smoke, Noise, and Odor. The proposed site shall not be exposed to objectionable smoke, noise, odor or other adverse influences. (f) Screening. A dense planting screen not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant. (g) Use. No part of any park shall be used for nonresidential purposes, except such uses that may be for the benefit of and well-being of park residents and for the management and maintenance of the park; provided, however, that this shall not prohibit the sale of a mobile home located on a mobile home slab on a mobile home lot and connected to the appropriate utilities; provided further, however, that a mobile home sales business may be allowed in the mobile home park upon a showing that said business, and its location, is in the best interest of the public health, safety, morals and general welfare, as determined by the Board of Zoning Appeals. (h) Side, rear, and front yards. The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a minimum of 60 feet in depth. (i) Separation. Mobile homes shall be separated from each other and from all other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinets, carport, windbreak, and porch having a floor area exceeding 25 square feet and an opaque roof or top, shall be considered to be part of the mobile home. (j) Mobile home lot area and width. Each mobile home lot shall contain a minimum of 4,000 square feet in area, and shall be at least 40 feet in width. (k) Parking. Each mobile home lot shall contain two automobile parking areas, each of which has minimum dimensions of 10 feet in width by 20 feet in length. (l) Mobile home slab. Each mobile home lot shall contain a mobile home slab. The area of the slab shall be improved to provide adequate support for the placement and tie-down of the mobile home so that it is secure

	<p>against uplift, sliding, rotation, and overturning. The slab shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces. The slab shall be provided with anchors and tie-downs such as cast-in place concrete “dead men,” eyelets imbedded in concrete foundation or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the slab and each shall be able to sustain a minimum tensile strength of 2,800 pounds.</p> <p>(m) Distance required. There shall be a distance of at least 15 feet between the mobile home slab and an abutting interior park drive.</p> <p>(n) Recreation area. Each park shall provide a recreational area or areas equal in size to at least 8 percent (8%) of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.</p> <p>(o) Streets and Drives. A mobile home park shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Such access shall be provided by interior private streets or driveways or other means approved by the Board. No direct access from a front or side street to a mobile home lot shall be permitted except by approved entrances and exits. The park entrance shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be allowed on the park entrance driveway for a distance of 100 feet from its point of beginning, unless the park entrance drive has a minimum width of 36 feet. Interior driveways, except minor driveways, shall have a minimum width of 22 feet, measured from back to back of curb if provided. Minor driveways shall have a minimum width of 10 feet. Minor driveways having mobile homes abutting on both sides are not acceptable unless the said minor driveways are less than 500 feet long. Minor driveways serving more than 15 mobile homes are unacceptable. Dead-end driveways shall not exceed 1,000 feet in length, and shall be terminated at the closed end with a turnaround having an outside roadway diameter of at least 60 feet.</p> <p>(p) Interior Driveway Construction and Design Standards.</p> <ol style="list-style-type: none"> (1) Pavements. All driveways shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavements edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Driveway surfaces shall be maintained so as to be free of cracks, holes, and other hazards. (2) Grades. Grades of all driveways shall be sufficient to ensure adequate surface drainage, but shall not have a grade in excess of 8 percent (8%); provided, however, that short runs having a maximum grade of 12 percent (12%) may be permitted if traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves. (3) 3. Intersections. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersections streets. Intersections of more than two streets at one point shall be avoided.
(33)	<p>Multi-Family Dwelling or Apartment designed for or occupied by more than four (4) families.</p> <ol style="list-style-type: none"> (a) Environmental impact statement. An impact analysis evaluating the expected economic, social, and fiscal impact on the surroundings or on the community, demonstrating that the proposed development will not adversely affect governmental financial conditions or the community’s man-made or natural environment. (b) Development Plan to be submitted with application. (c) Lot and Yard Requirements including height requirements are the same as those required for a Multi-Family Dwelling on Figure 1. (d) Parking Spaces. 1.5 for each dwelling unit.
(33 ½)	<p>(33 1/2) Nonconforming Structures and Uses</p> <ol style="list-style-type: none"> (a) Development Plan to be submitted with application (b) Other Requirements <p>All requirements set forth in Section 153.07 shall be observed with the exception Subparagraph (f).</p>
(34)	<p>Outdoor Commercial Recreational Enterprise.</p> <ol style="list-style-type: none"> (a) Minimum Yards. - Front - Standard; Side - 40 feet; Rear - 40 feet. (b) Minimum Distance between parking area and residential district or use. - 50 feet. (c) Entrance. - Not more than two entrances from street. (d) Noise shall be confined to the premises. (e) Landscape Plan to be submitted with application. (May be combined with the Development Plan.) (f) Fence. - 6 foot wire mesh where accessible to public. (g) Screen Planting. - Screen Planting - 6 foot height by 6 foot width where abutting residential use - tight screen, effective at all times. (h) Setback from interior drives. - 40 feet. (i) Parking Spaces. - 1 per 3 employees plus 1 per 500 square feet of use area. (j) Development Plan to be submitted with application. (k) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (l) Height. - Maximum height of structure - 60 feet. <p>Adequacy of Sewers. - Approval required.</p>

(35)	<p>Outdoor Theater.</p> <ul style="list-style-type: none"> (a) Minimum Yards. - Front - 100 feet; side - 75 feet; rear - 40 feet; abutting residential use. (b) Fence. - 4 foot wire mesh abutting residential use. (c) Development Plan to be submitted with application. (d) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (e) Height. - Maximum height of structure - 65 feet. (f) Adequate Sewer. - Approval required.
(36)	<p>Penal or Correctional Institutions.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - 200 acres. Medium Security Facility - 15 acres. (b) Minimum Yards. - Front - 100 feet; side (each) 100 feet; rear 100 feet. (c) Minimum distance from residential use – 300 feet. (d) Parking Spaces. - As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements. (e) Development Plan to be submitted with application. (f) Height. - Maximum height of structure - 65 feet. (g) Adequacy of Sewers. - Approval required.
(37)	<p>Planned Business Use in the PB District.</p> <ul style="list-style-type: none"> (a) Development Plan shall be submitted with application. (b) Other Requirements. See Sec. 153.16 and Figure 1 for other requirements.
(38)	<p>Private Club or Lodge, which is of a Non-commercial character in the A-1, A-2, and RS Districts.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - Front, side and rear - Standard in A-1 and A-2, 1/2 acre in RS. (b) Minimum Yards. - Front Standard; side (each) 25; rear - 25. (c) Parking Spaces. - One per six active members. (d) Development Plan to be submitted with application. Height. - Maximum height of structure - 25 feet.
(39)	<p>Private Recreational Development (i.e. picnic grounds, fraternal organizations, etc.).</p> <ul style="list-style-type: none"> (a) Minimum Yards. - Front - Standard; side (each) 40 feet; rear - 40 feet. (b) Minimum distance between parking area and residential district or use. - 25 feet. (c) Entrance. - Not more than one entrance from street. (d) Landscape Plan to be submitted with application. (May be combined with Development Plan.) (e) Screen Planting. - 6 foot height by 3 foot width when abutting residential use; tight screen, effective at all times. (f) Parking Spaces. - One per each six members, or as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements. (g) Development Plan to be submitted with application. (h) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (i) Height. - Maximum height of structure - 25 feet. Noise. - Noise shall be confined to the premises.
(40)	<p>(40) Produce Stands. Direct Sale Exemptions’</p> <ul style="list-style-type: none"> (a) Farm Stand (b) Farmers Market (c) Registered with an officially recognized Farmers Market. Must be actively selling at the Farmers Market. Must abide by conditions outlined below in (40a) and (40h).” <p>(40a) Seasonal Produce Stand</p> <ul style="list-style-type: none"> (a) Land Use - primary property use is Residential (b) Parking - all parking must be off-street (c) Signs - removable sign, maximum size 16 square feet. must be removed when no sales activity is occurring, must be setback 5 feet from edge of the public right-of- way (d) Lighting - no artificial lighting allowed (e) Hours of operation - dawn to dusk (f) Development Plan — must be submitted with application and must include: sales area, drive, sign location and parking area <p>(40b) Year Round. Produce Stand</p> <ul style="list-style-type: none"> (a) Land Use - primary property use is Residential (b) Parking - all parking must be off-street (c) Signs - removable sign, maximum size 16 square feet. must be removed when no sales activity is occurring, must be setback 5 feet from edge of the public right-of- way (d) Lighting - no artificial lighting allowed

	<ul style="list-style-type: none"> (e) Hours of operation - dawn to dusk (f) Development Plan - must be submitted with application and must include: sales area, drive, sign location and parking area
(41)	<p>(41) Produce Stands. Resale Exemptions:</p> <ul style="list-style-type: none"> (a) Farm Stand (b) Farmers Market (c) Registered with an officially recognized Farmers Market and sells produce at that location. Must abide by conditions outlined below in (41 a) and (41 b).” <p>(41a) Resale Produce Stand. Green Grocer</p> <ul style="list-style-type: none"> (a) Land Use - primary property use is business. may not be located on residential property (b) Parking - all parking must be off-street (c) Sign - removable sign. maximum size 16 square feet. must be removed when no sales activity is occurring, must be setback 5 feet. from edge of right-of- way. (d) Lighting - artificial lighting allowed, must meet all Indiana Electric Code requirements for outdoor lighting and wiring. (e) Hours of operation - standard business hours maintained by area businesses (f) Written agreement with owner of property to sell produce at that location (g) Development Plan must be submitted with application and must include: sales area, drive, sign location and parking area. <p>(41b) Transient Produce Stand</p> <ul style="list-style-type: none"> (a) Land Use — primary property use is business. may not be located on residential property (b) Parking - all parking must be off-street (c) Sign — removable sign, maximum size 16 square feet. must be removed when no sales activity is occurring the must be setback 5 feet from edge of right-of-way (d) Lighting — artificial lighting allowed, must meet all Indiana Electric Code requirements for outdoor lighting and wiring (e) Hours of operation — standard business hours maintained by area businesses (f) Written agreement with owner of property to sell produce at that location. (g) Transient business license from the City of Connersville or from Fayette County.
(42)	<p>Public Camp.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - 5 acres. (b) Minimum Yards. - Front - 100; side (each) - 40; rear - 40. (c) Minimum distance between parking area and residential district or use. - 25 feet. (d) Screen Planting. - 6 foot heights by 3 foot width effective at all times of the year. (e) Entrance. - Not more than one entrance from street. (f) Parking. - One per campsite plus one per cabin. (g) Development Plan to be submitted with application. (h) Maximum heights of structure 25 feet. (i) Adequacy of Sewers. Approval required.
(43)	<p>Public or Commercial Sanitary Fill or Garbage Disposal Plant.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area - 10 acres. (b) Minimum Yards - Front 300; side (each) - 300. (c) Fence. - 6 foot wire mesh. (d) Screen Planting. - 6 foot width abutting residential use. (e) Entrance. - Not more than one entrance from street. (f) Development Plan to be submitted with application. (g) State Requirements. - All State requirements for solid waste disposal shall be met.
(44)	<p>Public or Employee Parking Area.</p> <ul style="list-style-type: none"> (a) Four (4) foot high masonry wall along front line and such other boundaries the Board considers necessary to protect residential property, except an approved entrance and exit. (b) Entrance. - Not more than one entrance from street. (c) Development Plan to be submitted with application.
(45)	<p>Public Park or Public Recreational Facility.</p> <ul style="list-style-type: none"> (a) Landscape Plan to be submitted with application. (May be combined with Development Plan.) (b) Development Plan to be submitted with application. (c) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (d) Adequacy of Sewers. - Approval required.

(46)	<p>Public Water Wells, Water Stations, Filtration Plants, Reservoirs and Storage Tanks.</p> <ul style="list-style-type: none"> (a) Storage Tanks. - Proximity to residence district or use 100 feet. (b) Development Plan to be submitted with application. (c) Health Laws. - All applicable health laws and standards shall be adhered to.
(47)	<p>Railroad or other Mass Transportation Rights-of-Way and Trackage, including public transportation terminal, Passenger Stations, Shelter Stations, and Layover Areas for transit vehicles, and off-street parking facilities.</p> <ul style="list-style-type: none"> (a) Entrance. - Not more than one entrance from street. (b) Parking for Passenger Station. - One per 10 seats in waiting room plus 1 per 2 employees of connected retail use (if any). (c) Development Plan to be submitted with application. (d) Adequacy of Sewers. - Approval required. (e) Height. - Maximum height of structure - 45 feet.
(48)	<p>Raising and Breeding of Non-Farm Fowl and Animals, except Kennel.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - 3 acres. (b) Minimum Yards. - Front - 100; side (each) 100; rear -100. (c) Development Plan to be submitted with application. (d) Screen Planting. - 6 foot height by 3 foot width when abutting residential use, effective at all times of the year. (e) Entrance. - Not more than one entrance from street. (f) Height. - Minimum height of structure - 25 feet. (g) Adequacy of Sewers. - Approval required.
(49)	<p>Recreation Vehicle Park.</p> <ul style="list-style-type: none"> (a) Development Plan to be submitted with application. (b) Minimum Lot Area. - 5 acres. (c) Density. - Each recreational vehicle park shall have not more than 25 recreational vehicle spaces per acre of gross site area. (d) Separation. - Recreational vehicles shall be separated from each other and from all other buildings and structures by at least 5 feet. An accessory structure, such as an awning, cabana, storage cabinet and porch, shall be considered to be a portion of the recreational vehicle. (e) Parking. - One automobile parking space shall be provided for each recreational vehicle. No parking shall be permitted in the front yard of the park tract of land. (f) Accessory Uses. - Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses. (g) Term of stay in park and limitation of use. - Except as otherwise provided herein, each recreational vehicle shall not be used for habitation in the same recreational vehicle park for longer than 180 days in any one calendar year, and shall not be used as a permanent residence. (h) Access. - Recreational vehicle parks shall have direct access to an arterial or major thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park. Only one principal entrance from a major thoroughfare may be provided. (h) Condominium Parks Permitted. - The sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed in a recreational vehicle park. Accordingly, an affirmative statement as to whether or not the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed and shall be included in the application. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then the development plan shall additionally include the number of individual lots to be sold, and the rights and responsibilities of the individual lot owners and the park developers in the part and its management. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then a plat of the recreational vehicle park shall accompany the development plan. (Condominiums regulated by I.C. 32-1-6 may not be regulated by Chapter 152: Area Subdivision Code.) (i) Soil and Water. - The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 153.39(T).) (j) Smoke, Noise, and Odor. - The proposed site shall not be exposed to objectionable smoke, noise, odors or other adverse influences. (k) Screening. - A dense planting screen not less than 6 feet high after five full growing seasons and which at maturity is not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type of fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant. (l) Side, Rear, and Front Yards. - The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a

	<p>minimum of 60 feet in depth.</p> <p>(m) Illumination. - Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 03 foot candle and that potentially hazardous locations, steps, and stepped ramps, will have an average level of illumination of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.</p> <p>(n) Barbecue Pits, Fireplaces, Stoves, and Incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.</p> <p>(o) Refuse Handling. - The storage, collection and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in airtight, watertight, rodent- proof containers, which shall be located no more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at least once weekly. 'Where suitable collection service is not available from municipal or private agencies, the mobile home park owner shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Officer. Refuse incinerators, if provided, shall be constructed in accordance the engineering plans and specifications which shall be reviewed and approved by the Health Officer or other authority having jurisdiction. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the park.</p> <p>(p) Electrical Distribution System. - Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of 3 feet between overhead wiring and any mobile home, service building or other structure. All direct burial conductors or cables shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volt AC, 100 amperes. Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1, as amended. Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the mobile home is more than 100 amperes. The recreational vehicle shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug or with pressure connectors. All exposed non-current carrying metal parts of vehicles and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.</p> <p>(q) Insect and Rodent Control. - Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Health Officer. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumbar, pipe, and other building material shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.</p> <p>(r) Water and Sewage. - The water supply and sewage disposal shall meet the minimum requirements of the State Board of Health.</p> <p>(s) State Requirements. - All State requirements shall be observed</p>
(50)	<p>Restricted Commercial Farm Enterprise.</p> <p>(a) Development Plan. Development Plan shall be submitted with application.</p> <p>(b) Dead Storage. No sales, dead storage, repair work or dismantling on the lot.</p> <p>(c) Parking Spaces. As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements.</p> <p>(d) Signs and Lighting. Signs and artificial lighting require Board approval.</p>

	(e) Maximum Height of Structure. Same as per zoning district regulations
(51)	Riding Stable. (a) Minimum Lot Area. - Two (2) acres, plus 5,000 square feet per horse over four (4) horses. (b) Minimum Yards. - Front, each side and rear yards, 100 feet each. (c) Screen Planting. - 6-foot height by 3-foot width when abutting residential use. (d) Entrance. - Not more than one entrance from street. (e) Parking. - One per two employees, plus one per two horses. (f) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (g) Waste Disposal. - Disposal of wastes shall meet the approval of the State Board of Health. (h) Development Plan shall be submitted with application. (i) Height. - Maximum height of structure. 35 feet.
(52)	Sales Barn for Livestock. (Resale) (a) Minimum Yards. - Front, each side, and rear yards; 300 feet each. (b) Minimum Distance from residential district or use. - 300 feet. (c) Minimum Distance between parking area and residential district or use. - 300 feet. (d) Entrance. - Not more than one entrance from street. (e) Parking. - One per 2 employees, plus one per each 400 square feet of display and sales area. (f) Development Plan shall be submitted with application. (g) Height. - Maximum height of structure - 45 feet. (h) Waste Disposal. - Disposal of waste shall meet the approval of the State Board of Health.
(53)	Seasonal Hunting and Fishing Lodge. (a) Parking Spaces. - One per member or as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking requirements. (b) Development Plan to be submitted with application.
(54)	Sewage Treatment Facility (Primary Use). (a) Development Plan shall be submitted with application. (b) Health Approval Required. - Approval by the State Board of Health required.
(55)	Shooting Range, outdoor. (a) Minimum Yards. - Front, each side, and rear yards: 300 feet each. (b) Screen Planting. - 6 foot height by 6 foot width. (c) Entrances. - Not more than one entrance from street. (d) Development Plan to be submitted with application.
(56)	Slaughter House with holding pens. (a) Minimum Lot Areas. - 5 acres. (b) Minimum Yards. - Front, each side, and rear yards: 300 feet each. (c) Minimum distance from residential district or use: - 300 feet. (d) Minimum distance of parking area from residential district: - 50 feet. (e) Animals kept temporarily. - Live animals may not be held overnight. (f) Entrance. - Not more than one entrance from street. (g) Development Plan to be submitted with application. (h) Adequacy of Sewers. - Approval required. (i) Adequate Disposal Methods. - Dead animals and offal shall be disposed of in a manner satisfactory to the Board. (j) Parking. - One per two employees, plus four additional spaces. (k) Height. - Maximum height of structure: 35 feet.
(57)	Special School. (a) Minimum Lot Area. - 10,000 square feet. (b) Minimum Yards. - Front 25 feet; each side 10 feet; rear 10 feet. (c) Fence. - 4 foot wire mesh around play area. (d) Parking Spaces. - One per 3 employees plus 1 per 6 students. (e) Height. - Maximum height of structure 35 feet. (f) Adequacy of Sewers. - Approval required. (g) Development Plan to be submitted with application.
(58)	Stadium, Coliseum, Athletic Field. (a) Minimum Lot Area. - 5 acres. (b) Minimum Yards. - Front - Standard; each side 50 feet; rear 50 feet. (c) Minimum Distance of parking area from residential district or use. - 25 feet.

	<ul style="list-style-type: none"> (d) Screen Planting. - 6 foot height by 6 foot width when adjacent to Residential Use. (e) Entrances. - Not more than 2 from street. (f) Parking. - One space for each 4 seats in the grandstand, plus 3 per 4 employees. (g) Development Plan to be submitted with application. (h) Height. - Maximum height of structure 45 feet. (i) Adequacy of Sewers. - Approval required.
(59)	<p>Storage of Disabled Vehicles, Temporary.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. 1/2 acre. (b) Minimum Yards. Standard use. (c) Minimum distance of parking area from residential district or use. 25 feet. (d) Fence. 6 foot solid painted fence. (e) Screen Planting. 6 foot height by 3 foot width where abutting residential use. (f) Entrance. Not more than one from street. (g) Development Plan. Development Plan to be submitted with application.
(60)	<p>Studio Business (Art, Interior Decorating, Music, Etc.).</p> <ul style="list-style-type: none"> (a) Parking Spaces. - As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy' estimated, plan parking load requirements. (b) Development Plan to be submitted with application.
(61)	<p>Telephone Exchange or Public Utility Substation in the A-1, A-2, and I-1 District.</p> <ul style="list-style-type: none"> (a) Screen Planting. - Screen Planting - adequate for purpose as determined by Board. (Also along abutting street.) (b) Entrance. - Not more than one entrance from street. (c) Parking Space. - One per employee at or working out of site. (d) Development Plan to be submitted with application. (e) Adequacy of Sewers. - Approval required.
(62)	<p>Transmission Lines for Gas, Oil, Electricity or Other Utilities (Major lines).</p> <ul style="list-style-type: none"> (a) Development Plan to be submitted with application.
(63)	<p>Transmission Towers (Radio, TV, etc. and Micro Wave Towers).</p> <ul style="list-style-type: none"> (a) Development Plan. Development Plan shall be submitted with application. (b) Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (c) Height. As required by the appropriate State or Federal agency.
(64)	<p>Veterinary Hospital for Small Animals.</p> <ul style="list-style-type: none"> (a) Parking. One space per 2 employees, plus 1 per doctor, plus two per examining rooms. (b) Development Plan. Development Plan shall be submitted with application. (c) Height. Maximum height of structure - 35 feet.
(65)	<p>Wholesale Produce Terminal or Truck Terminal.</p> <ul style="list-style-type: none"> (a) Minimum Lot Area. - 10 acres. (b) Minimum Yards. - Front - 100 feet; side (each) 75 feet abutting residential use, otherwise 35 feet; rear 40 feet. (c) Minimum Distance from residential district or use - 100 feet. (d) Minimum distance of parking from residential district - 100 feet. (e) Fence. - 6 foot height wire mesh fence. (f) Screen Planting. - 6 foot height by 3 foot width where abutting residential use; tight screen, effective at all times. (g) Entrance. - Not more than one entrance from street. (h) Parking Spaces. - One per two employees on largest shift. (i) Development Plan to be submitted with application. (j) Signs and Lighting. - Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board. (k) Height. - Maximum height of structure 45 feet. (l) Adequacy of Sewers. - Approval required. (l) Thoroughfares. - Thoroughfares must be adequate.
(66)	<p>Wind Energy Conversion Systems</p> <p>I. TITLE, PURPOSE AND INTENT</p> <p>(A) <u>Title</u>. This Ordinance shall amend the "Fayette County, Indiana Connersville, Indiana Area Zoning Code and be known, cited and referred to as the Fayette County Wind Energy Siting Ordinance.</p> <p>(B) <u>Purpose</u>. The purposes of this Ordinance are to:</p> <ul style="list-style-type: none"> (1) To assure that any development and production of wind-generated electricity in Fayette County is safe and effective;

- (2) To facilitate economic opportunities for local residents;
- (3) Promote the supply of wind energy in support of Indiana’s alternative energy sources potential and other such economic development tools.

(C) Intent. It is the intent of the Wind Energy Conversion Systems (WECS) siting regulations to provide a regulatory scheme for the construction and operation of WECS in the county; subject to reasonable restrictions these regulations will preserve health and safety of the public.

II. DEFINITIONS

(A) Applicant. The entity or person who submits to the County an application for the siting of any WECS or thereafter operates or owns a WECS.

(B) Financial Assurance. Reasonable assurance from a credit-worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit or combinations thereof.

(C) Operator. The entity that is responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

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

(E) Substation. The equipment that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility’s transmission lines.

(F) Swept Area. The diameter of the least circle encompassing all blades for a WECS.

(G) Switching Station. An apparatus/structure in the system similar to a substation but not necessarily increasing voltage into the grid.

(H) Wind Energy Conversion System (“WECS”). All equipment together that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, electrical cabling, switching stations, meteorological towers, communications facilities and other equipment as related to the WECS project.

- (1) *Commercial WECS/Large Wind System.* A WECS with a name plate capacity (manufacturer’s rating) of more than 100 kilowatts per wind tower or a total height of more than 140 feet, or a swept area of more than 40 feet. Any WECS meeting one or more of these criteria shall be considered a Large Wind System / Commercial WECS constructed for the purpose to generate electricity for the commercial sale on the electrical grid.
- (2) *Micro-WECS.* A building mounted wind system with a nameplate capacity of 10 kilowatts or less and projects no more than 15 feet above the highest point of the roof; for the general purpose of providing energy to residential users, small businesses and farm operations.
- (3) *Noncommercial WECS/Small Wind System.* A WECS that has a nameplate capacity less than, or equal to 100 kilowatts per wind tower and a total height of 140 feet or less, and a swept area of 40 feet or less with the primary of supplying energy to energy users such as commercial businesses, factories, schools, single and two-family.

(I) WECS Project. All permanently installed equipment access roads, drainage systems and wind farm collection system included in the WECS application.

(J) WECS/Wind Tower. Monopole, freestanding or guyed structure that supports the energy capture, conversion, storage and transfer components of a WECS. These wind towers are not attached to any building.

(K) WECS/Wind Tower Height. The distance from the rotor blade at its highest point to the top surface of the WECS foundation.

(L) Wind Farm. Two or more large wind systems on a single property or aggregated properties that are part of the same WECS project.

(M) Wind Farm Collection System. All the low-voltage wiring and cabling connecting any wind turbine with another wind turbine or to a place where voltage is stepped up, commonly known as a substation or switching station.

III. APPLICABILITY

The provisions of these Wind Energy Conversion Systems Siting Regulations are applicable to those districts which allow WECS, governing the siting of WECS and substations that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use.

IV. PROHIBITION

No entity shall construct, operate, or locate within Fayette County a WECS without having fully complied with the provisions of the Wind Energy Conversion Systems Siting Regulations

V. CONFLICT WITH OTHER REGULATIONS

Nothing in the Wind Energy Conversion Systems Siting Regulations is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration (FAA) rules and regulations and shall comply with the notification requirements of the FAA. Nor are they intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or provision of law. In the vent that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provision that is more restrictive or that imposes higher standards shall govern.

VI. DISTRICT REGULATIONS

- (A) Location. Commercial, non-commercial, and micro-WECS will be permitted, or not permitted, in various zoning districts as prescribed in this section and by the Official Schedule of Uses (Figure 2).
- (B) Height. Any “non-commercial WECS” or meteorological tower greater than 100 feet in height shall require a special exception use permit. “Non-commercial WECS” exceeding 200 feet in total height shall be prohibited. For a “commercial WECS” there is no height limitation except for those height limitations imposed by FAA rules and regulations.
- (C) Horizontal extension. The furthest extension of a WECS (including guy wires) shall not extend into required yards (setbacks) or closer than 12 feet to any structure, or right-of-way easement for any above ground telecommunications, electrical transmission or distribution line.
- (D) Commercial WECS / Large Wind System. A Commercial WECS is permitted by Special Exception in the A1 and A2 zoning Districts.
- (E) Micro WECS. A Micro WECS is allowed as a permitted use in all zoning districts.
- (F) Non-commercial WECS / Small Wind System.
 - (1) *50 feet or less in height.* A Non-commercial WECS 50 feet or less in height is allowed as a permitted use in the A1, A2, I1 and I2 zoning districts. A Non-Commercial WECS 50 feet or less in height is allowed as a Special Exception in LB, GB RS, R1, R2, R3 and MS zoning districts properties larger than 1 acre or more in size with a maximum of one Non-Commercial WECS per dwelling unit on properties of which the primary use is “one or two-family residential.”
 - (2) *More than 50 feet in height.* A Non-commercial WECS more than 50 feet in height is permitted as a special exception in all zoning districts on properties larger than 2 acres or more in size with a maximum of one Non-Commercial WECS per dwelling unit on properties of which the primary use is “one or two-family residential.”
- (G) Meteorological Towers. Meteorological towers for the purpose of gathering wind data 50 feet or less in height are a permitted use in A1 and A2 districts and as a special exception in all other zoning districts. Meteorological towers more than 50 feet in height are permitted only as a special exception in all zoning districts.

VII. Setback Requirements

A. Minimum Setbacks for WECSs and Meteorological Towers

COMMERCIAL WIND ENERGY CONVERSION SYSTEM	
Distance from a...	Minimum Setback Distance
Property line measured from the center of the proposed WECS to the property line.	1.1 times the total height (where the blade tip is at its highest point) from non-participating land owners. The setback may be waved (in writing) by participating land owners for WECS on their property.
Residential dwellings, measured from the center of the center of the proposed WECS to the nearest corner of the structure.	1,000 feet from non-participating land owners. The setback may be waved (in writing) by participating land owners for WECS on their property but under no circumstances may be located nearer than 1.1 time the total height provided that the distance is no less than

	350 feet..
Road right-of-way, measured from the center of the proposed WECS to the edge of the right-of-way.	1.1 times the total height (where the blade tip is at its highest point) provided that the distance is no less than 350 feet.
Other rights-of-way, such as railroads and utility easements , measured from the center of the proposed WECS to the edge of the right-of-way.	1.1 times the total height (where the blade tip is at its highest point) provided that the distance is no less than 350 feet.
Public conservation lands, public parks, measured from the center of the proposed WECS to the nearest point of the public conservation or park land.	750 feet
Wetlands measured from the center of the proposed WECS to the nearest point of the wetland in question.	As determined by a permit obtained from the Army Corps of Engineers.
Whitewater River	One-half mile from the center of the proposed WECS to the shoreline.
Streams as identified on FEMA Flood Hazard Maps and all other drainage ways under the authority of the Fayette County Drainage Board.	150 feet from each stream or drainage ditch bank or 150 feet to each side of the centerline of a drainage tile.
Incorporated limits of a municipality measured from the center of the proposed WECS to the corporate limits.	1,500 feet
NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM and MICRO WECS	
Distance from a...	Minimum Setback Distance
Property line measured from the center of the proposed WECS to the property line.	1.1 times the total height (where the blade tip is at its highest point) provided that the distance is no less than 150 feet.
Neighboring residential dwellings, measured from the center of the center of the proposed WECS to the nearest corner of the structure.	1.1 times the total height (where the blade tip is at its highest point) provided that the distance is no less than 150 feet.
Road right-of-way, measured from the center of the proposed WECS to the edge of the right-of-way.	1.1 times the total height (where the blade tip is at its highest point) provided that the distance is no less than 150 feet.
Other rights-of-way, such as railroads and utility easements , measured from the center of the proposed WECS to the edge of the right-of-way.	1.1 times the total height (where the blade tip is at its highest point) provided that the distance is no less than 150 feet.
Public conservation lands, public parks, measured from the center of the proposed WECS to the nearest point of the public conservation or park land.	One quarter of a mile
Wetlands measured from the center of the proposed WECS to the nearest point of the wetland in question.	One quarter of a mile
Whitewater River or its subsidiaries measured from the center of the proposed WECS to the shoreline.	One quarter of a mile
METEOROLOGICAL TOWERS	
Distance from a...	Minimum Setback Distance
Property line measured from the center of the meteorological tower to the property line.	1.1 times the total height provided that the distance is no less than 150 feet.
Neighboring residential dwellings, measured from the center of the center of the meteorological tower to the nearest corner of the structure.	1.1 times the total height.
Road right-of-way, measured from the center of the meteorological tower to the edge of the right-of-way.	1.1 times the total height provided that the distance is no less than 150 feet.
Other rights-of-way, such as railroads and utility easements, measured from the center of the meteorological	1.1 times the total height provided that the distance is no less than 150 feet.

tower to the edge of the right-of-way.

- (H) Reciprocal Residential Setback. The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within 1,000 feet of a “commercial WECS”.
- (I) Future Road Rights-of-Way. The setback shall be measured from future rights-of-way if a planned road improvement or expansion is known at the time of the application.
- (J) Substations and Accessory Facilities. Minimum setback standards and feeder lines shall be consistent with standards for essential services.

VIII. SAFETY DESIGN AND INSTALLATION STANDARDS

(A) Equipment Type

- (1) *Turbines.* All turbines shall be constructed of new, commercially available equipment.
- (2) *Meteorological Towers.* Meteorological towers may be guyed
- (3) *Used, experimental or proto-type equipment.* Experimental or proto-type equipment still in testing may be approved by the Board of Zoning Appeals per the Special Exception Use process established by this ordinance.

(B) Industry Standards and Other Regulations. All WECS shall conform to applicable industry standards. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party

(C) Controls and Brakes. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection. All mechanical brakes shall be operated in a fail-safe mode

(D) Electrical Components

- (1) *Standards.* All electrical components of all WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.
- (2) *Electrical Collection Cables.* All electrical collection cables between each WECS shall be located underground unless they are located on public or utility rights-of-way or with prior approval by the Fayette County Area Board of Zoning Appeals.
- (3) *Transmission Lines.* All transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards, or of a greater depth as negotiated with the land owner, or the land owner’s designee until the same reach the property line or a substation adjacent to the property line.

(E) Color and Finish. In addition to all applicable FAA requirements the following shall apply.

- (1) *Wind Turbine and Towers.* All wind turbines and towers and blades shall be painted white or gray or another non-reflective, unobtrusive color. Blades may be black to facilitate deicing.
- (2) *Exceptions.* Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

(F) Warnings

- (1) *Towers, Transformers and Substations.* For all “commercial WECS” a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
- (2) *Guy Wires and Anchor Points.* For all guyed towers, visible and reflective, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to eight (8) feet above the ground. In addition, visible fencing not less than four (4) feet in height shall be installed around anchor points of guy wires.
- (3) *Noncommercial and Micro-WECS.* For all “noncommercial or micro-WECS” a sign or signs shall be posted warning of high voltage at a height of five (5) feet on towers and accessory structures, “no trespassing” signs shall be attached to any perimeter fence, emergency contact information, a clearly labeled manual electrical and/or over speed shutdown switch(es).

(G) Climb Prevention. All commercial WECS tower designs shall include features to deter climbing or be protected

by anti-climbing devices such as:

- (1) Fences with locking portals at least six feet in height; or
- (2) Anti-climbing devices 15 feet vertically from the base of the WECS Tower.
- (3) Locked WECS Tower doors.

(H) Blade Clearance. The minimum distance between the ground and any protruding blade(s) utilized on all WECS shall be 15 feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

(I) Lighting.

- (1) *Intensity and Frequency.* All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration (FAA) permits and regulations.
- (2) *Strobe Lights.* Red strobe lights shall be required for night-time illumination to reduce harm to migrating birds. Red pulsating incandescent lights are expressly prohibited.
- (3) *Shielding.* Except with respect to lighting required by the FAA, all lighting shall be shielded so that no glare extends beyond the boundaries of any WECS.

(J) Materials Handling, Storage and Disposal.

- (1) *Solid Wastes.* All solid waste whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site promptly and disposed of in accordance with all applicable federal, state and local laws.
- (2) *Hazardous Materials.* All hazardous materials or waste related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable federal, state and local laws.

IX. OTHER APPLICABLE STANDARDS

(A) Guyed Wire Anchors. No guyed wire anchors shall be allowed within any required road right-of-way setback.

(B) Sewer and Water. All WECS shall comply with the existing septic and well regulations as required by the Fayette County Health Department and/or the State of Indiana Department of Public Health.

(C) Noise and Vibration. Noise level of non-commercial WECS shall be no greater than 60 decibels measured from the nearest residence. This level may only be exceeded during short-term events such as utility outages and/or severe windstorms. All other noise and vibration levels shall be in compliance with all county, state and federal regulations.

(D) Utility Interconnection. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of electrical utility, as amended from time to time.

(E) Feeder Lines. With the exception of setback distances, feeder lines installed as part of any WECS shall not be considered essential service. To wit, all communications and feeder lines installed as part of any WECS shall be buried underground.

(F) Dust Control. Reasonable dust control measures will be required by the County during construction of the WECS.

(G) Other Appurtenances. No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with the express, written permission by the Board of Zoning Appeals.

(H) Avoidance and Mitigation of Damages to Public and Private Infrastructure. Prior to construction an applicant, owner, or operator proposing to use any county road(s) for the purpose of transporting commercial WECS or substation parts and/or equipment for the construction, operation or maintenance to the WECS project area shall comply with the following requirements.

- (1) *Identification of Roads and Services.* Identify all roads and services to the extent that any proposed routes that will be used for construction and maintenance purposes shall be identified. These roads shall be included in the transportation plan submitted as a Special Exception Submission Requirement which must

be approved by the Fayette County Highway Department prior to the issuance of any Improvement Location Permit. If the route includes a public road it must be approved by the Fayette County Highway Department. The County Highway Department shall conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage as part of its approval of the transportation plan.

- (2) *Road Repairs.* Any road damage caused by the construction of project equipment, the installation of same, or the removal of same, shall be repaired to the satisfaction of the Fayette County Highway Department Superintendent and shall conform to the officially adopted County infrastructure construction standards. The Superintendent may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a professional engineer may be required by the Fayette County Board of Commissioners to insure the county that future repairs are completed to the satisfaction of County. The cost of bonding is to be paid by the applicant.
- (3) *Drainage System Damage.* The owner/operator shall be responsible for repairs of any damage to public drainage systems or private drainage systems including field tiles stemming from construction, operation or maintenance of a commercial WECS within sixty days of the date damage occurred or was otherwise discovered.
- (4) *Storm Water Management.* Newly constructed commercial WECS access roads may not impede the flow of water.
- (5) *Signage.* These sign requirements are in addition to Section 153.37 Signs.
 - (1) *Surface Area.* No sign shall exceed 16 square feet in surface area.
 - (2) *Height.* No sign shall exceed 8 feet in height.
 - (3) *Manufacturer's or Owners Company Name and/or Logo.* The manufacturers or owners company name and/or logo may be placed upon the compartment containing the electrical equipment.
 - (4) *Development Signs.* No more than 2 identification signs relating to the development shall be located on the project site.
 - (5) *Other Signs and Logos.* No other advertising signs or logos shall be placed or painted on any WECS.

X. OPERATION AND MAINTENANCE

- (A) Physical Modifications. Any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Prior to making any physical modification the owner or operator shall confer with Area Plan Commission/Building Department staff to determine whether the physical modification requires re-certification.
- (B) Inspections. Inspections, at a fee to be determined from time to time by the Fayette County Area Plan Commission and paid by the applicant, may be made by the Fayette County Area Plan Commission/Building Department, or by a qualified inspector for equipment of this type selected by the Fayette County Area Plan Commission/Building Department, no more than once annually to certify the safety and maintenance of the WECS, and accessory structures.
- (C) Interference. No WECS shall be constructed so as to interfere with any county, state or federally owned and operated microwave transmissions. The applicant, owner and/or operator shall minimize and if necessary mitigate interference with electromagnetic communications such as radio, telephone, microwaves, or television signals caused by any WECS. In addition the applicant, owner, and/or operator shall:
 - (1) *Notification of existing communication tower owners.* The applicant shall identify and notify the operators of all existing communication tower owners within 2 miles of the proposed WECS upon application to the county for permits.
 - (2) *Mitigating interference following a complaint.* If after construction of the WECS, the tower owner or operator receives a written complaint related to interference with local broadcast residential television, telecommunication, communication or microwave transmissions, the owner or operator shall take reasonable steps to mitigate said interference.
 - (3) *Failure to remedy a complaint.* If the interference is not remedied within 90 days the WECS shall remain inactive until the interference is remedied. Remedies may include relocation or removal.
- (D) Declaration of Public Nuisance. Any WECS thereof declared to be unsafe by the Fayette County Area Plan Commission/Building Department by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in these regulations.
- (E) Operation and Maintenance Summaries and Report. The owner or operator of a commercial WECS shall submit on an annual basis, a summary of the operation and maintenance reports to the Fayette County Area Plan

Commission. The Owner or Operator shall also make available operation and maintenance report as the County reasonably requests.

- (F) Access to the Site and Facility. The Fayette County Area Plan Commission/Building Department staff, along with licensed third party professionals retained by the County for the specific purpose of conducting inspections of the commercial WECS shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner or operator, or his agent, on the premises where a commercial WECS has been constructed, to inspect all parts of said commercial WECS installation and to require that repairs or alterations be made. The owner or operator of a commercial WECS may retain a licensed 3rd party professional engineer familiar with commercial WECS systems to prepare and submit to Fayette County Area Plan Commission/Building Department staff a written report which addresses the repairs or alterations requested, and which suggests alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary, within 30 days after receiving notice from the Fayette County Area Plan Commission/Building Department staff that repairs or alterations are requested, or within a longer period of time mutually acceptable to both parties Fayette County Area Plan Commission/Building Department staff will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report. In the event of a dispute between the Fayette County Area Plan Commission/Building Department staff and the owner or operator, or operator's 3rd party professional engineer, as to the repairs or alterations which are required, the decision of the Fayette County Area Plan Commission/Building Department shall be final.
- (G) As-Built Plans Requirement. Where upon the completion of all development, the exact measurements of the location of utilities and structures erected during the development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as built plans), as amended, to the Executive Director with exact measurements shown. Two sets on either CD or DVD discs of the geographic data included in the as-built drawings in a GIS format and database approved by the Fayette County Surveyor's office shall be submitted to the Executive Director. The Executive Director, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, shall date and sign said as-built plans for the project, which the applicant, owner, or operator shall then record.
- (H) Change in Ownership. It is the responsibility of the owner or operator listed in the application to inform the Executive Director of all changes in the ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

XI. DECOMMISSIONING PLAN

To be submitted with the Special Exception Application the applicant, owner, and/or operator must formulate a decommissioning plan outlining the anticipated means and cost of removing a WECS at the end of their serviceable life or upon becoming a discontinued or abandoned use to ensure that the WECS is properly decommissioned. A decommissioning Plan shall include at a minimum, language to the following:

- (A) Assurance. Assurance that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned.
- (B) Cost Estimates. The applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable experience with decommissioning WECS.
- (C) Financial Assurance. Applicant shall provide financial assurance after the BZA approves a Special Exception petition and prior to the issuance of the Improvement Location Permit in the amount at least equal to said demolition and removal contractor cost estimate through use of a bond, letter of credit or other security acceptable to the County, for the cost of decommissioning each tower constructed under the permit. Said security will be released when each tower is properly decommissioned as determined by the Fayette County Area Plan Commission/Building Department.
- (D) Discontinuation and Abandonment
 - (1) *Discontinuation.* All WECS shall be considered a discontinued use after one year without energy production unless a plan is developed and submitted to the Fayette County Area Plan Commission/Building Department outlining the steps and schedule for returning the WECS to service.
 - (2) *Abandonment by the Property Owner.* In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Fayette County Area Plan Commission/Building Department representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly

decommissioned within one year of expiration or earlier termination of the project.

- (3) *Removal.* An applicant's obligations shall include removal of all physical material pertaining to the project improvements to a depth of 48" beneath the soil surface within 365 days of the discontinuation or abandonment of the facility, and restoration of the project area to as near as practicable the condition that existed immediately before construction of such improvements by the owner or by Fayette County at the owner's expense.
- (4) *Written Notices.* Prior to implementation of the existing procedures for the resolution of such default(s), the Fayette County Area Plan Commission shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- (5) *Unresolved Defaults.* If the County determines at its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.
- (6) *Costs Incurred to County.* If the County removes a tower and appurtenant facilities it may sell the salvage to defray the costs of removal. By approval, the permittee or grantor grants a license to Fayette County to enter the property to remove a tower to the terms of an approved decommissioning plan.

XII. LIABILITY INSURANCE

The Owner or Operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and name Fayette County as an additional insured with dollar limits per occurrence, in the aggregate, and a deductible which is suitable to the County.

XIII. WECS APPLICATION SUBMISSION REQUIREMENTS AND PROCEDURES

Permits and variances shall be applied for and reviewed under the procedures established by this Ordinance, except that applications for a WECS shall also include the following information.

(A) Commercial WECS Special Exception Application. An application for a commercial WECS special exception shall include the following information:

- (1) *Contact Information of Project Applicant.* The name, address and phone number of all applicants, as well as a description of the applicant's business structure and overall role in the proposed project.
- (2) *Contact Information of Project Owner.* The name, address and phone number of all owners, as well as a description of the owner's business structure and overall role in the proposed project., including documentation of land ownership or legal control of property on which the WECS is proposed to be located.
- (3) *Contact Information of Project Operator.* The name, address and phone number of all operators, as well as a description of the operator's business structure and overall role in the proposed project
- (4) *Legal Description.* The legal description, address and general location of all parcels included in the project.
- (5) *Project Description.* WECS project description, including to the extent possible, information on each wind turbine proposed, including:
 - (a) Number of WECS towers
 - (b) Type of WECS
 - (c) Name plate generating capacity of each WECS
 - (d) Tower height(s)
 - (e) Rotor diameter(s)
 - (f) Total height(s)
 - (g) Anchor base
 - (h) The means of interconnecting with the electrical grid
 - (i) The potential equipment manufacturer(s)
 - (j) All related accessory structures
- (6) *Site Plan.* Three copies of the site plan drawn to scale and submitted on 36"x24" sheets of paper, velum, or mylar. The site plan for a commercial WECS shall include the following information:
 - (a) Property lines, including identification of adjoining properties
 - (b) The proposed location for each WECS and substation including the dimensional representation of each tower base and footings
 - (c) The latitude and longitude of each individual wind turbine (for GIS mapping)
 - (d) WECS access roads
 - (e) Substations
 - (f) Electric cabling
 - (g) Ancillary equipment
 - (h) Primary structures within one-quarter mile of all proposed WECS
 - (i) Required setback lines

	<ul style="list-style-type: none"> (j) Location of all public roads, which abut, or traverse the proposed site (k) The location of all above ground utility lines within a distance of 2 times the height of any proposed WECS structure (l) The location of any historic, or heritage sites as recognized by the Division of Historic Preservation and Archaeology of the Indiana Department of Natural Resources within 1 mile of a proposed WECS. (m) The location of any wetlands based on a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines within one mile of a proposed WECS. (n) Any other item reasonably requested by the Board of Zoning Appeals. <p>(7) <i>Topographic Map.</i> A topographic map, or map with similar data, of the project site showing the location of all WECS towers, and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site.</p> <p>(8) <i>Proposed Transportation Plan.</i> Identify all roads and services to the extent that any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road it must be approved by the Fayette County Highway Department. As part of the approval the applicant shall conduct a pre-construction baseline survey acceptable to the County Highway Superintendent to determine existing road conditions for assessing potential future damage or locations of road improvements necessary to access WECS project sites. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facility.</p> <p>(9) <i>Proposed Drainage Plan.</i> A drainage plan developed in consultation with the Fayette County Drainage Board and the Fayette County Surveyor.</p> <p>(10) <i>Proposed Erosion Control Plan.</i> An erosion control plan developed in consultation with the Natural Resources Conservation Services.</p> <p>(11) <i>Proposed Utility Plan.</i> A utility plan drawn to the same scale as the site plan identifying the location of all underground utility lines associated with the proposed WECS project.</p> <p>(12) <i>FAA permit application.</i> Verification of application of entire WECS project area submitted to FAA.</p> <p>(13) <i>Location of all known WECS within five miles of the proposed WECS.</i></p> <p>(14) <i>Location of all known communications towers within five miles of the proposed WECS.</i></p> <p>(15) <i>Decommissioning Plan.</i> A decommissioning plan as prescribed by this chapter Section XI.</p> <p>(B) <u>Application for Commercial WECS Improvement Location Permit.</u> Following the issuance of the special exception permit the following additional information is required for the issuance of an Improvement Location Permit and any associated building permits.</p> <ul style="list-style-type: none"> (1) <i>Contact Information of Project Applicant.</i> The name, address and phone number of all applicants. (2) <i>Contact Information of Project Owner.</i> The name, address and phone number of all owners. (3) <i>Contact Information of Project Operator.</i> The name, address and phone number of all operators. (4) <i>Contact information of Property Owner.</i> The name, address and phone number of the property owner on which an individual WECS tower will be located. (5) <i>Legal Description.</i> The legal description, address and general location of all parcels on which an individual WECS tower will be located. (6) <i>Construction drawings.</i> Three sets of construction and design documents including all structural, electrical component and accessory structures prepared by a qualified licensed engineer. (7) <i>Engineering Certification.</i> For all WECS, the manufacture's engineer or another qualified registered professional engineer shall certify, as part of the building permit application that the turbine, foundation, and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the tower showing compliance with applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. Industry Standards Certificate of Design Compliance referenced in section VIII of this WECS siting regulation. (8) <i>Transportation Plan.</i> As approved by the Fayette County Board of Commissioners. (9) <i>Drainage Plan.</i> As approved by the Fayette County Drainage Board. (10) <i>Erosion Control Plan.</i> Approved Rule 5 compliant erosion control plan (11) <i>Dust Control Plan.</i> This plan shall include reasonable dust control measures during the construction of a commercial WECS. (12) <i>Utility Plan.</i> As approved by the electric utility operating the transmission lines included in the WECS project. (13) <i>FAA application.</i> Copy of letter from the FAA approving the application. <p>(C) <u>Non-Commercial WECS Special Exception Application.</u> An application for a non-commercial WECS special exception shall include the following information:</p> <ul style="list-style-type: none"> (1) <i>Contact Information of Project Applicant.</i> The name, address and phone number of all applicants, as well as a description of the applicant's business structure and overall role in the proposed project. (2) <i>Contact Information of Property Owner.</i> The name, address and phone number of the property
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owner/business owner.

- (3) *Contact Information of Project Contractor(s)*. The name, address and phone number of all contractors and the role of each contractor in the proposed project
- (4) *Legal Description*. The legal description and address of the parcel on which the WECS is located.
- (5) *Project Description*. A WECS project description, as per the special exception project description requirements of Section XIII (A) (5) (a-j). , including to the extent possible, information on each wind turbine included in the project:
- (6) *Site Plan*. Three copies of the site plan drawn to scale and submitted on 36"x24" sheets of paper, velum, or mylar which shall include the following information:
 - (a) Property lines, including identification of adjoining properties
 - (b) Roads adjacent to the property on which the proposed WECS is to be located
 - (c) The proposed location for each WECS including the dimensional representation of each tower base and footings.
 - (d) Required setback lines
 - (e) Any other item reasonably requested by the Board of Zoning Appeals.

(D) Non-Commercial WECS / Micro WECS Improvement Location Permit Application. An application for a non-commercial WECS or Micro WECS improvement location permit application shall include the following information:

- (1) *Contact Information of Project Applicant*. The name, address and phone number of the applicants
- (2) *Contact Information of Property Owner*. The name, address and phone number of the property owner/business owner.
- (3) *Contact Information of Project Contractor(s)*. The name, address and phone number of all contractors and the role of each contractor in the proposed project.
- (4) *Legal Description*. The legal description and address of all parcel included in the project.
- (5) *Project Description*. A WECS project description, including to the extent possible, information on each wind turbine proposed, including:
 - (a) Number of WECS towers
 - (b) Type of WECS
 - (c) Name plate generating capacity of each WECS
 - (d) Tower height(s)
 - (e) Rotor diameter(s)
 - (f) Total height(s)
 - (g) Anchor base
 - (h) The potential equipment manufacturer(s)
- (6) *Site Plan*. Three copies of the site plan drawn to scale and submitted on 36"x24" sheets of paper, velum, or mylar which shall include the following information:
 - (a) Property lines, including identification of adjoining properties
 - (b) Roads adjacent to the property on which the proposed WECS is to be located
 - (c) The proposed location for each WECS including the dimensional representation of each tower base and footings
 - (d) Required setback line.
- (7) *Construction drawings*. Three sets of construction and design documents including all structural and electrical components prepared by a qualified licensed engineer.

XIV. AGREGATED PROJECT APPLICATIONS

Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, reviews and as appropriate, approvals with regards to Special Exception applications, Special Exception permits and Improvement Location Permits.

XV. PERMITS AND FEES

(A) Aggregated projects. Joint applications will be assessed fees as one project in accordance with the WECS fee schedule. Permits for each WECS tower will be issued and recorded separately

- (1) *Special Exception Fees*. See Section 153.44 Filing Fees and Forms of the Fayette County Area Zoning Code.
- (2) *Improvement Locations Permit Fees*. See Section 153.44 Filing Fees and Forms of the Fayette County Area Zoning Code.
- (3) *Building Permit Fees*. See the appropriate county ordinance.
- (4) *Additional and/or Special Inspection Fees*. See Section 153.44 Filing Fees and Forms of the Fayette County Area Zoning Code.

<p>(67)</p>	<p>(67) Confined Feeding Operation (CFO) – Special Exception in A1 and A2 zoning districts</p> <p><u>Section 153.33: ACCESSORY USES (C) Application of Accessory Uses.</u> (16) Confined Feeding Operation (CFO) – Special Exception in A1 and A2 zoning districts.</p> <p>(A) TITLE, PURPOSE AND INTENT</p> <ol style="list-style-type: none"> (1) Title. This Ordinance shall amend the Fayette County, Indiana Connerville, Indiana Area Zoning Code and be known, cited and referred to as the Fayette County Confined Feeding Operation Siting Ordinance. (2) Purpose. The purposes of this Ordinance are to: To assure that any development of CFOs in Fayette County will preserve public health, safety, and welfare in accordance to the Fayette County Comprehensive Plan; Balance property rights of the operators of CFOs with neighboring property owners; Preserve property values of all rural land uses; To facilitate economic opportunities for local residents; and Diversify the agricultural economy of Fayette County. (3) Intent. It is the intent of the Fayette County Confined Feeding Operations Siting Ordinance to provide a regulatory scheme for the construction and operation of confined feeding operations in Fayette County; subject to reasonable restrictions these regulations will preserve health and safety of the public and balance the property rights of all property owners. <p>(B) DEFINITIONS</p> <ol style="list-style-type: none"> (1) Applicant/operator. For the purposes of this ordinance the applicant/operator is the owner/developer/land owner/lease holder of a CFO and/or the property on which the CFO is located. It does not include the individual or entity for which an applicant/operator is raising animals under contract. (2) Confined Feeding Operation (CFO): Any confinement of at least 300 cattle, 600 swine or sheep or 30,000 fowl for at least 45 consecutive days where ground cover or vegetation is not sustained over at least 50 percent of the confinement area. Excludes livestock sales yards. (3) Livestock structure: For the purposes of this code a livestock structure is a structure at a CFO that contains livestock and/or animal manure storage including deep pits and lagoons. (4) Public use area: Any portion of land owned by the United States, the state, a political subdivision, or a private entity with facilities that attract the public to use the area for significant periods of time. Facilities include picnic grounds, campgrounds, lodges, shelter houses, playground equipment, lakes, and swimming beaches. It does not include highways, road rights-of-way, parking areas, recreational trails or other areas where the public passes through the area. (5) Setback: The distance from a property line, curb, road, public sidewalk, private or public right-of-way, or any other legally established reference line within which no building or structure may be erected. <p>(C) APPLICABILITY. The provisions of these Confined Feeding Operations Siting regulations are applicable to those districts which allow CFOs, governing the siting of CFOs.</p> <p>(D) PROHIBITION. No person or entity shall construct, operate, or locate within Fayette County a CFO without having fully complied with the provisions of the Confined Feeding Operations Siting Regulations.</p> <p>(E) CONFLICT WITH OTHER REGULATIONS. Nothing in the Confined Feeding Operations Siting Regulations is intended to preempt other applicable state and federal laws or regulations. Nor are they intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or provision of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provision that is more restrictive or that imposes higher standards</p>
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shall govern.

(F) CFO DEVELOPMENT STANDARDS

- (1) Minimum Separation distances from CFO to another zoning district outside of A1 or A2 = 1,320 FEET. Setback measured from the nearest point of any livestock structure to the nearest differently zoned parcel.
- (2) Minimum Separation distances from CFO to Residence = 1,320 feet. Setback measured from the nearest Point of any livestock structure to the nearest point of the residence.
- (3) Minimum Separation distances from CFO to Public Use Area = 1,320 feet. Setback measured from the nearest point of any livestock structure to the nearest property line of the public use area.
- (4) Minimum Separation distances from CFO to church or school = 1,320 feet. Setback measured from the nearest point of any livestock structure to the nearest point of any structure of church or school.
- (5) Minimum Lot Size: 10 acres
- (6) Minimum Road Frontage (lot width): A1- 150 feet ; A2 - 75 feet
- (7) Minimum Front, side and rear yard Setbacks from property line to CFO structure: 100 feet
- (8) A CFO may not locate within 1,320 feet of an existing residence except for a dwelling which is the legal residence of the owner of the CFO.

(G) SUBMISSION REQUIREMENTS AND APPROVAL PROCESS

- (1) The following items must be submitted with the completed application.
 - (a) Site Development Plan. The site development Plan shall be drawn to scale and submitted with application. The site development plan must include the following items: Location of all existing and proposed structures, Distance of all existing and proposed structures to property line, Location and dimensions of all drives, parking and loading areas, and Construction and post construction erosion control plans
 - (b) Map showing how all the development standards listed under (F) (1) are met.
 - (c) Copy of the Confined Feeding Operation application package submitted to the Indiana Department of Environmental Management.
 - (d) A CFO shall have all required Indiana Department of Environmental Management approvals and be in compliance with IDEM regulations prior to the issuance of any Improvement Location Permits.
- (2) Review Process: The following procedures shall govern the application submission, review and issuance of all permits for any CFO under this ordinance.
 - (a) Applications. All applications for any permit associated with the development of a CFO shall be submitted to the Director on a Special Exception application form provided by the Fayette County Area Plan Commission.
 - (b) Fees. Each application for the development of a CFO must be accompanied by the Special Exception fees as adopted under this code and the complete submission requirements as specified under Paragraph (A) of Section VIII.
 - (c) Completeness. Within ten business days of receiving an application for the development of a CFO the Director or designated staff member shall review the application for completeness. If the application is incomplete Area Plan Commission staff shall send notice to the applicant detailing the specific ways in which the application is incomplete or deficient. If the Director determines that the application is complete the Director shall schedule the public hearing for the next available scheduled Fayette County Board of Zoning Appeals meeting.
 - (d) Upon rejection of a Special Exception the Director shall provide notification of the rejection to the applicant by U.S. mail. Upon approval of a Special Exception the Director

	<p>shall provide notification of the approval to the applicant by U.S. mail.</p> <p>Prior to construction of an approved CFO the applicant shall provide a complete Improvement Location/Building Permit application, final construction and site develop plans, and fees to Area Plan Commission staff and permit application is approved prior to commencing construction.</p>
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Section 153.25: BUILDING SET-BACK LINES

Building setback lines shall be required along all public streets in accordance with the specifications in Figure 1, Lot and Yard Requirements, and as hereinafter provided. Any yard abutting a street shall be deemed a front yard for purpose of determining front building setback lines.

(A) Front Yard.

- (1) For residential uses where twenty-five percent (25%) or more of the lots in the block frontage are occupied by buildings, the average setback of such buildings determine the dimension of the front yard in the block frontage, but the front yard need not exceed fifty (50) feet in any case, (except in the PB District).
- (2) In business and industrial districts where twenty-five (25%) or more of the lots in a block frontage are occupied by buildings, the setback of such buildings shall determine the location of the building line, except for the PB district.
- (3) Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions.
- (4) On through lots, a front yard is required on each street.

(B) Conflict - Setback Requirements. In case of conflict with the front setback requirements of the Zoning Districts, Special Exceptions, Contingent Uses, or other applicable provisions of this Code, the most restrictive requirement shall govern.

(C) Exceptions. The setback exceptions set forth in this section apply to the requirement of Chapter 154: Thoroughfare Plan Code which incorporates the “Area Thoroughfare Plan of Fayette County, and the City of Connersville - 1993,” and which establishes the proposed right-of-way line as the front line of lots that front upon a street.

Section 153.26: YARD EXCEPTIONS

(A) Application.

- (1) Any yard or setback line so placed or oriented that none of the specific terms in this Code are applicable shall necessitate a determination by the Executive Director of suitable dimensions generally required for a similar situation in the zone or district.
- (2) Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections and temporary storage as hereinafter provided, and signs in accordance with Sec. 15337 of this Code.

(B) Yard Encroachments. No structure or part thereof shall project into a required front yard except:

- (1) An cave, cornice overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that in no event shall said encroachment protrude closer than twenty (20) feet to a front lot line, subject to exceptions.
- (2) The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding two feet.
- (3) Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level and not to project a distance in excess of ten (10) feet.

(C) Projections. No structure or part thereof shall project into a required side or rear yard except:

- (1) An eave, cornice, overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
- (2) The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding two feet; provided, however, that said encroachment shall not protrude closer than eighty percent (80%) of the required distance to any side or rear lot line.
- (3) Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level.
- (4) Family swimming pools - See Sec. 153.33(C)(4).

(D) Alley Abutting Rear or Side Yard. One-half of an alley abutting the rear or side of a lot may be included in the rear yard or side yard, respectively, but such alley space shall not be included for loading and unloading berths.

(E) Side Yards. Where sixty percent (60%) or more of the lots in a block frontage are occupied by buildings which provide side yards of less than the minimum required by this Code, the average side yard of such buildings may determine the required side yard; provided, however, no side yard shall be reduced to less than three (3) feet (except in Districts which do not require side yards). Where an existing building is deficient in side yards, any addition to such an existing building shall maintain the existing side yards.

(F) Tapered Yard Formula (for Accessory Building). Where an interior lot fronts on a side street in the rear of the corner lot by an alley, an accessory building located on the rear lot line of the corner lot shall set back from the side street as far as the dwelling on said interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four (4) inches closer to the front lot line along the side street required by this Code.

(G) Fences.

- (1) Fences used for agricultural purposes, recreation use or the public safety shall not be regulated by this Code.
- (2) Fences used for residential purposes shall be allowed without the issuance of any permit, subject to the following provisions:
 - (a) Fences shall be allowed in side and rear yards up to a height of six (6) feet.
 - (b) No setback shall be required for fences in side and rear yards.
 - (c) Fences shall be allowed to extend along side property lines provided that from the building setback line to the road right-of-way line they shall be of an open or wire mesh type and shall not exceed three and one-half (3-1/2) feet in height.
 - (d) Fences shall not be permitted to block passage along existing sidewalks.
 - (e) Front yard fences within the building setback line shall not exceed six (6) feet in height.
 - (f) Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a parcel, provided that it does not exceed three (3) feet in height.
- (3) Fences in business (LB, PB, GB) or industrial (1-1, 1-2) districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:
 - (a) Fences intended for security purposes shall not exceed a maximum height of eight (8) feet, plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however, they shall not be allowed in any greenstrip or buffer area.

(H) Minor Accessory Uses and Screening.

- (1) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls (not exceeding four (4) feet in height), mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, without the issuance of any permit.
- (2) Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required.

(I) Intersection Visibility.

- (1) In all districts, except the GB district, a triangular space at the street corner of a corner lot shall be maintained free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended at the corner of the lot.
- (2) In the case of a rounded property corner, said triangular area shall be measured from the intersection of the street right-of-way lines extended.
- (3) In addition, the above vision sight lines shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within forty (40) feet of the intersection of two street lines. (See Sec.153.36.)

(J) Storage.

- (1) No portion of any required yard shall be used for the permanent storage of motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Code. (See Sec. 153.33 (C) (13) and (14) and Sec. 153.38.). Recreational boats and trailers are to be considered as Recreational Vehicles for the purpose of storage. See 153.33 (13).
- (2) Permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of forty-eight (48) or more consecutive hours in any one week period. (See Sec. 153.38.)

Section 153.27: ACCESS AND FRONTAGE

Every building hereafter erected or moved shall be located on a lot with frontage and access on a public street, and all buildings shall be so located on lots so as to provide for safe and convenient access, fire protection, and required off-street parking.

Section 133.28: ONE PRIMARY BUILDING PER LOT

Every building hereafter erected shall be located on a lot unless otherwise specified for planned developments. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as otherwise provided in this Code for a mobile home park or unit development plan.

Section 153.29: CONVERSIONS

- (A) Certain Conversions Discouraged. It is the purpose of this Code to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two families when such conversion is likely to lead to overcrowding, to lack of privacy, to lack of

sufficient light and air, to unsafe or unsanitary living conditions or to inadequate provisions for off-street parking and open space.

- (B) Consistent With Purposes. Such conversions shall be consistent with the purposes of other applicable provisions of this Code, including housing and building codes and fire safety and utility programs. (See Connersville Code, Chapter 151: Housing Code.)
- (C) Appearance and Repair. In connection with such conversions there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned codes and programs; all fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building; and no dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.
- (D) Exception. In cases of question as to the applicability of these standards, such proposed conversion shall be deemed an exception and placed before the Board in accordance with the requirements in Sec. 153.40.

Section 1530: MANUFACTURED HOME AND MOBILE HOME PERMITTED

- (A) Manufactured Homes. Manufactured homes may be permitted in certain districts (see I.C. 36-7-4-1106), provided their use as a single- family dwelling unit incorporates a permanent foundation (see I.C. 22-11-1-1) and a permanent perimeter wall (see Sec. 153.43 for definition), as well as the other requirements in this Code.
- (B) Mobile Homes. Manufactured dwellings (see Sec. 153.43 for definition) and mobile homes (see Sec. 153.43 for definition) are permitted uses in a mobile home park.
- (C) Mobile Homes Permitted According To Certain Conditions. A Mobile Home located on a lot, when an Improvement Location Permit and a Certificate of Occupancy have been issued for such use which is on file in the office of the Executive Director, is a permitted use on the lot and shall be classified by the Executive Director according to one of the six (6) Mobile Home Classifications set forth in subsection (D) below. Accordingly, the existing “classified” Mobile Home may remain on the lot upon which it was legally located at the time of passage of this chapter of the Code. The owner of the lot has the following options:
 - (1) The existing Mobile Home may be replaced with another Mobile Home having the same or a higher classification, provided that the existing Mobile Home would either replace another Mobile Home in Fayette County, or be removed from Fayette County before an Improvement Location Permit could be issued by the Executive Director.
 - (2) The existing Mobile Home may be replaced with any other use permitted in the particular District where the lot is located.
 - (3) If an existing or replaced Mobile Home is removed from a lot for a period of more than ninety (90) days, another Mobile Home cannot again be located on that lot.
- (D) Classification of Mobile Homes. Mobile Homes are hereby divided into the following classes by the Executive Director:
 - (1) *Class A - Mobile Homes* built on or after June 15, 1976, and manufactured dwellings built prior to January 1, 1981, or on or after June 15, 1976, certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development and approved as meeting “acceptable similarity” appearance standards in accordance with the Federal Sec. 504.10.

- (2) *Class B - Mobile Homes* certified as meeting HUD Mobile Home Construction and Safety Standards, but not approved as meeting “acceptable similarity” appearance standards.
- (3) *Class C - Mobile Homes* (built prior to June 15, 1976), certified as meeting “acceptable prior code or codes,” or used mobile homes certified as meeting either HUD standards specified above or such prior code, found on inspection to be in excellent condition and safe and fit for residential occupancy.
- (4) *Class D - Mobile Homes* (built prior to June 15, 1976), whether or not certified as meeting HUT) or prior codes, found on inspection to be in good condition.
- (5) *Class E - Mobile Homes* (built prior to June 15, 1976), whether or not certified as meeting HUT) or prior codes, found on inspection to be in fair condition.
- (6) *Class F - Mobile Homes* (built prior to June 15, 1976), whether or not certified as meeting HUT) or prior codes, found on inspection to be in poor condition, unsafe, and/or unfit for residential occupancy.

Section 153.31: HEIGHT

(A) Normal Maximum Building Heights.

- (1) The normal maximum height of a dwelling is as follows in the districts indicated: 35 feet or 2½ stories in the A-1, and A-2 Districts; 25 feet or 2½ stories in the RS, R-1 and R-2 District; and 40 feet or 3½ stories in the R-3, LB, RS, PB, GB, MS, I-1, 1-2, and UD Districts.
- (2) The normal maximum height of business uses is as follows in the districts indicated: 40 feet in the LB and PB districts; 60 feet in the GB, UD and 1-2 districts.
- (3) The normal maximum height of enclosed industrial uses is 75 feet in the GB, I-1, and 1-2 districts; and for open industrial uses, 75 feet in the 1-2 district.
- (4) The normal maximum height of contingent uses is as follows in the districts indicated: 35 feet in the A-1, A-2, and RS, R-1, R2, R-3, and MS districts; 40 feet in the LB, PB, and I-1 districts; and 60 feet in the GB and 1-2 districts.
- (5) The normal maximum height of accessory buildings is as follows in the districts indicated: 18 feet in the A1, A-2, RS, R-1, R-2, R3, LB, and UD districts; and 24 feet in the PB, GB, MS, I-1 and 1-2 districts; provided that an accessory building to a farm house or farm dwelling may be erected to a normal maximum height of 40 feet.

(B) Height Exceptions.

- (1) In the districts limiting height to 25 feet, a dwelling may be increased in height not to exceed 40 feet provided the required side yards are increased an additional foot for each foot such structure exceeds 25 feet in height.
- (2) Business and industrial buildings and structures may be erected higher than the normal maximum if they are set back from front and rear property lines, one foot for each two feet of additional height above the normal maximum height, provided that the Executive Director approves the increased height, primarily upon the availability of adequate fire protection.
- (3) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or the provisions of this Code.

Section 153.32: SUPPLEMENTARY BUSINESS STANDARDS

In any district where applicable, the following standards shall supplement the business use requirements of the district:

(A) General Standards.

- (1) No unusually loud amplification of radio music or other audio-advertising shall be permitted on the premises.
- (2) No lights utilizing an attracting device or lights on stringers of unshielded incandescent lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted on the premises.
- (3) There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.
- (4) Adequate indoor or outdoor trash containers shall be required; provided, however, that trash containers exceeding six (6) cubic feet shall be located within a solid, decorative stall behind or beside the primary structure, away from the view of the frontal street.
- (5) No vending machines shall be permitted on the exterior of any building on the premises except where contained in a shelter, stall or other area so located as not to interfere materially with the use of adjoining property.
- (6) No pennants, banners or other similar attracting or advertising devices shall be permitted on the premises; however, notwithstanding the provisions of this Section, the use of pennants and other similar attracting devices in connection with a special promotional program may be permitted by the Board upon the issuance of a temporary improvement location permit. (See Sec. 153.34(C)(16) and 15337(D)(4)(d).)

(B) Traffic Congestion.

- (1) The number of traffic access points for establishments with 100 feet or less of frontage on a street shall not exceed one.
- (2) Whenever practicable, for establishments with frontage of more than 100 feet, a service road or frontage street shall be provided, of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to the street upon which the establishments front. In the event the establishments front on more than one street, such service roads may be required on more than one street frontage.

The service road or roads required by this section shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.

In general, the use of public improved alleys, interior access roads or any other designed means to minimize the number of traffic access points and business intersections therein are encouraged.

(C) Open-Air Business. Any establishment where the principal use is the drive-in type of business, or is generally characterized by open-air business operations, shall be subject to the following standards:

- (1) A decorative fence or wall of not less than five (5) feet in height shall be constructed and maintained along the side and rear lot lines. Where such use abuts a residential use, a buffer landscape strip at least twenty (20) feet in width shall be provided and maintained along the side and rear lot lines, within which buffer, a landscape screen shall be provided not less than six (6) feet in height.
- (2) Such business uses shall be limited to the characteristics customarily associated with such use and no other.

Section 153.33: ACCESSORY USES

(A) Intent. Accessory uses shall be permitted in all zone districts in accordance with the provisions of this section. Accessory uses:

- (1) Shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.

- (2) Shall be operated and maintained under the same ownership and on the same lot as the principal use.
- (3) Shall be clearly subordinate in height, area, bulk, extent and purpose to the principal use served.
- (4) Shall not be located closer to any lot line than the minimum setback line required, unless specified in this Code.
- (5) Shall be permitted prior to the erection and operation of the principal use if the accessory use meets the following criteria:
 - (a) Use for storage or securing of equipment.
 - (b) Use for farm animal shelters or barns.
 - (c) Any use in accordance with Section 80.35 with a Temporary Improvement Location Permit.
 - (d) At no time shall an accessory use be used for living, sleeping, or housekeeping purposes.

(B) Interpretation.

- (1) Such appurtenant features as walks, driveways, curbs, drainage installations, retaining walls, mailboxes, lamp posts, bird baths and structures of a like nature, are allowed without permits. (See Sec. 153.26 (H).)
- (2) The growing of vegetation, provided it is not for profit, is allowed without a permit.
- (3) The keeping of domestic pets, provided it is not for profit and not construed as a kennel, is allowed without permit.
- (4) Fences, walls and structural screens are allowed without permit when they do not impede intersection visibility. (See Sec. 153.26 (G).)
- (5) Such buildings or structures as patios, outdoor fire places, doghouses, children's play equipment, and also detached storage buildings, bath houses and cabanas not exceeding 150 square feet in size are allowed without permit when the yard requirements of this Code are adhered to.
- (6) Rummage or garage sales are allowed without permit in any district provided there are not more than two such sales annually of not more than 3 days duration each on the premises. Rummage or garage sales of more than 3 but not more than 10 days require a temporary Improvement Location Permit.

(C) Application of Accessory Uses.

- (1) Such buildings or structures as provided for in this Section including but not limited to private garages, carports, canopies, porte-cocheres, small greenhouses, and similar accessory buildings or structures; located not closer than five (5) feet to any side or rear lot line (except as otherwise provided in this chapter).
- (2) Off-street motor vehicle parking and loading areas, as set forth in Sec. 153.36 OFF- STREET PARKING AND LOADING provided, however, for residential uses not located in subdivisions as defined in Chapter 152, one such space may be provided for a commercial vehicle. (See Sec. 153.36(B).)
- (3) Signs, as set forth in Sec. 153.37.
- (4) Swimming pools.
 - (a) No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Executive Director. An application for such permit shall be filed on a form furnished the Area Plan Commission office. Included with the application shall be plans and specifications for such pool. The Director shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of this chapter. If it appears that the pool will comply therewith, he shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed. The construction and installation of any swimming pool must comply with all provisions of the Area Zoning Code. Indiana Swimming Pool Code and the Indiana Electric Code.
 - (b) The Executive Director is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.

- (c) For the purposes of this code, a “family/residential Swimming Pool” shall mean an artificial body of water greater than 24” in depth designed for swimming, diving, wading or other recreational use that is constructed in or on the ground in such a manner that the pool cannot be disassembled without the use of tools.

No family swimming pool shall be constructed except on the same lot as the owner’s dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner.

- (i) The pool must be constructed in the rear yard but not closer at any point than ten feet from the residence or accessory buildings.
 - (ii) The pool must be enclosed by a fence in the manner set forth below and at no point may the fence be closer than ten feet to any property line.
 - (iii) A fence surrounding or partially surrounding a pool shall not be closer than six feet to the edge of the pool at any point;
 - (iv) The surface area of the pool may not exceed 25% of the area of the rear yard.
- (d) When a pool is located on a lot contiguous to the lot on which the owner’s house is located and under the same ownership as the dwelling the following conditions must be met:
 - (i) No part of the pool shall be located forward of the setback line of the owner’s dwelling;
 - (ii) The pool may not be located closer than 10 feet from the property line of any other property owner, residence, or accessory building.
 - (iii) No pool shall be built across any property line regardless of the ownership thereof;
 - (iv) If the contiguous lot has frontage on a street other than that on which the owner’s dwelling is located, no part of the pool shall be forward of the minimum setback line.
- (e) It shall be unlawful for any person to make, continue, or cause to be made or continued at any pool, any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person who is in the pool premises shall be unlawful.
 - (f) Lights to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and streets.
- (5) Amateur radio-sending and receiving antennae, provided the height thereof including masts, shall not exceed 75 feet measured from finished lot grade; and provided further that such apparatus does not cause any interference with radio or television receivers in the vicinity.
 - (6) Management office in multi-family dwelling or apartment use, and other facilities normally associated with tenants’ conveniences, such as vending machines and washing machines, provided there is no exterior display.
 - (7) Fall-out shelter.
 - (8) Residential occupancy by domestic employees on the premises.
 - (9) Foster family care where children unrelated to the residents by blood or adoption is cared for according to State statutes, provided that no sign shall be displayed.
 - (10) Stables and animal pens, on residential lots of at least three (3) acres; provided, however, any structures, pens or corrals housing animals shall be 100 feet from an adjoining property line, except where animals are kept in sound-proof air conditioned buildings, in which case the required setback line is 50 feet. (See Sec. 153.24 for other stables and raising and breeding non-farm fowl or animals.)
 - (11) Storage areas, as regulated in applicable section of this Code.
 - (12) Private residential garages and carports for the storage of motor vehicles, which are clearly accessory and not for commercial purposes.
 - (13) Storage or parking of recreational vehicles in the open subject to the following conditions:

- (a) In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.
- (b) Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.
- (c) Not more than two recreational vehicles will be permitted to be parked or stored in the open on residential property at any one time; provided, however, that one additional such vehicle will be permitted for visitation for seven consecutive days and not to exceed fourteen days in any one year, in accordance with Sec. 153.33.
- (d) At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (c) above.
- (e) Notwithstanding the provisions of (d) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight (48) consecutive hours in any one-week period. (See Sec. 153.33.)

(14) Storage of a continually unoccupied mobile home is only permissible in a business or industrial district at a location legally qualified to render storage for said mobile home.

(15) Satellite (earth) television antennas in accordance with the following standards:

- (a) There shall be one satellite television antenna permitted per residential lot.
- (b) In all districts, a satellite television antenna having a diameter greater than four (4) feet shall be located on the ground upon and within a poured concrete foundation to the rear of the principal building on a lot, and within the building area, and shall not exceed thirteen (13) feet in height or the height of the main structure, whichever is less.
- (c) In all districts, a satellite television antenna having a diameter of four (4) feet or less may be located on the principal building or an accessory building on a lot, and shall not exceed a height of more than four (4) feet above the roof on which it is mounted, subject to the particular height requirements of the district. When an antenna having a diameter of four (4) feet or less is located on the ground, all requirements contained in paragraph (b) herein shall apply.
- (d) The satellite television antenna shall be screened from view by a fence or natural plantings and can be located in a side yard to the rear of the Building Setback Lines if, in the opinion of the Executive Director, the antenna can be adequately screened from view.
- (e) No satellite television antenna shall be linked to a receiver which is not located on the same lot or parcel of real estate.

Section 153.34: TEMPORARY USES

(A) Intent. Temporary uses shall be permitted in applicable districts by the grant of a Temporary Improvement Location Permit issued by the Board of Zoning Appeals in accordance with the requirements of this section.

(B) General Provisions.

- (1) The duration of the temporary period is stated hereinafter; provided, however, renewal of such Permit may be requested.
- (2) Temporary uses shall be subject to all the regulations of the applicable district.
- (3) Mobile Homes shall be removed from the lot at the time of expiration of time period.

(C) Uses Which May Be Permitted By the Board.

- (1) Temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district. Maximum 18 months.

- (2) Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum 18 months.
- (3) Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum 18 months.
- (4) Parking lot designated for a special event in a district. Maximum 30 days.
- (5) Announcement signs necessary to explain the character of a building enterprise. Maximum 18 months.
- (6) Bazaars, carnivals, and similar temporary uses. Maximum 10 days.
- (7) Sale of Christmas trees, outdoor tent theatre, sale of seasonal fruits and vegetables from roadside stands, tent sales. Maximum 60 days.
- (8) Parking of recreational vehicles for visitation. Maximum 7 days.
- (9) Temporary mobile home living quarters as accessory use on same lot as principal building used for residential purposes when situation necessitates special health care for blood relative. Maximum 2 years.
- (10) Mobile home as a temporary office during the period of construction and development. Maximum 18 months.
- (11) Mobile home as a temporary living place or dwelling for security purposes. Maximum 18 months.
- (14) Home Occupation Exception Use. Maximum 1 year. Renewal, see Section 153.35 for additional requirements.
- (12, 13, 15, 16) *deleted*
(Amended Fayette County Board of Commissioners Ordinance No. 05-11, Date may 3, 2005; City of Connersville Common Council Ordinance No. 4589, Date June 6, 2005.)
- (17) Other similar uses deemed temporary by the Board and attached with such time period, conditions and safeguards as the Board may deem necessary.

(D) Standards.

- (1) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
- (2) No public address systems or other noise-producing devices shall be permitted in a residential district.
- (4) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
- (3) Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- (4) No banners, pennants or unnecessary signs shall be permitted in a residential district.
- (5) Home Occupation Exception Use. Maximum 1-year renewal, see Section 153.35 for additional requirements.

Section 153.35 HOME OCCUPATIONS EXCEPTIONS

- (A) Intent. A Home Occupation Exception may be permitted as a temporary use to accompany residential uses by the grant of a Temporary Improvement. Location Permit issued by the Board of Zoning Appeals, subject to the requirements of this Section and Section 153.34.
- (B) Procedure for Approval. Upon receipt of an application for a Home Occupation Exception, the Executive Director shall refer the application to the Commission for public hearing. After said hearing (and any necessary deferrals), the Commission shall forward a recommendation based upon the findings set forth below, of either approval or denial, along with all necessary stipulations, to the Board of Zoning Appeals for public hearing and final approval or denial of the petition.

- (1) Upon such hearings, if the Commission/Board finds that:
 - (a) the establishment, maintenance, or operation of the Home Occupation Exception will not be detrimental to or endanger the public health, safety, or general welfare;
 - (b) the Home Occupation Exception 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 neighborhood;
 - (c) the establishment of the Home Occupation Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - (d) adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and
 - (e) adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; the Board shall direct the Executive Director to issue an Improvement Location Permit for such Home Occupation Exception; otherwise, the Board shall direct the Executive Director to reject the application. The findings of the Board and its order to the Executive Director shall be in writing.
- (2) The Board may impose additional conditions to assure that the Home Occupation Exception will conform to the intent of this Code.
- (3) A Home Occupation Exception may be granted as a Temporary Improvement Location Permit issued by the Board of Zoning Appeals, renewed annually, may be extended from year to year by the Executive Director or his designated representative, provided that the provisions of the Home Occupation Exception are not violated, this Home Occupation Exception shall not be transferable, subject to the requirements of this Section and Section 153.34.

(C) General Provisions.

- (1) A Home Occupation Exception shall be permitted when said occupation is conducted on residentially used premises (in a District where business uses are not permitted) is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business.
- (2) Home Occupation Exceptions will be of a personal service nature limited to domestic crafts and professional services, including but not limited to:
 - (a) Such domestic crafts, as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair, etc.;
 - (b) Such professions or occupations as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring, etc.; provided, however, the service is limited to conditions set forth by the Board of Zoning Appeals.
- (3) Home Occupation Exceptions shall be subject to all the regulation of the applicable district in which they are located.
- (4) Home Occupation Exceptions shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.

(D) Standards.

- (1) The primary use of the structure or dwelling unit shall remain residential and the operator of the Home Occupation Exceptions shall remain a resident in the dwelling unit.
- (2) The operator conducting the Home Occupation Exceptions shall be the sole entrepreneur, and he shall employ only the number of employees designated by the Board of Zoning Appeals.

- (3) No structural additions, enlargements, or exterior alterations changing the residential appearance to be a business appearance shall be permitted.
- (4) Such Home Occupation Exceptions shall be conducted entirely within the primary building or dwelling unit used as a residence. No Home Occupation Exceptions shall be conducted in any accessory building, unless granted by the Board of Zoning Appeals.
- (5) No additional separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the Home Occupation exceptions.
- (6) No provision for more than one extra off—street parking or loading facility, other than the requirements and permitted facilities of the Zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional driveway to serve such Home Occupation Exceptions shall be permitted, unless granted by the Board of Zoning Appeals.
- (7) No external display of goods or external evidence of the Home Occupation Exceptions shall be permitted, except for one (1) non-animated, non-flashing sign, indicating not more than the name of the occupation and name and address of the resident. Said sign shall not exceed four (4) square feet per side of sign facing surface area.
- (8) Only stock in trade or commodities, associated with the Home Occupation Exceptions or those prepared, produced, or created on the premises by the operator of the Home Occupation Exceptions shall be kept or sold on the premises.
- (9) No electrical or mechanical equipment shall interfere with local radio communication and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of Section 153.06.
- (10) Any retail related activity must be clearly associated with and secondary to domestic crafts and services identified in 153.35 (C)(2) or as a stock in trade or commodities as specified in 153.35 (D)(8).

Section 153.36: OFF-STREET PARKING AND LOADING

(A) Intent.

- (1) Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Code in accordance with the provisions of this section, or as otherwise indicated in Sec. 153.24, or elsewhere in this Code.
- (2) The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

(B) Scope.

- (1) No use lawfully established prior to the effective date of Ordinance No. 2155, passed July 2, 1979, by the Fayette County Board of County Commissioners and Ordinance No. 2155, passed by the City Council of Connersville on April 2, 1979, shall be required to provide and maintain the parking and loading requirements herein; provided, however, off-street parking and loading spaces required by any ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.
- (2) For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in

operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses.

- (3) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- (4) Whenever the existing use of a building, structure or premises shall hereinafter be changed or converted to a new use permitted by this Code, parking and loading facilities shall be provided as required for such new use.
- (5) Accessory off-street parking or loading facilities in existence on the effective date of the Ordinance No. 2155, passed July 2, 1979, by the Fayette County Board of County Commissioners and Ordinance No. 2155, passed by the City Council of Connersville on April 2, 1979, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Code.
- (6) Nothing in this Code shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.
- (7) Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated in one or more individual areas.
- (8) Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
- (9) Accessory off-street parking and loading facilities provided to comply with the provisions of this Code shall not subsequently be reduced below the requirements of this Code.
- (10) Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or trucks of not more than one and one-half (1-1/2) ton capacity, by patrons, occupants or employees of specified uses; and for residential uses, not more than one such truck space shall be provided for each dwelling unit on the lot. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material; provided that the parking of a school bus or other municipally owned vehicle on a lot as an accessory use may be permitted at any time in any case.
- (11) Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.
- (12) Loading and unloading berths shall not be required for business uses and industrial uses which demonstrably do not receive or transmit goods or wares by truck delivery.
- (13) Accessory off-street parking facilities are not required in a block frontage contained in a GB or 1-2 district in which the ground floor area of business or industrial structures, including their accessory buildings, existing at the time of passage of Ordinance No. 2155, passed July 2, 1979, by the Fayette County Board of County Commissioners and Ordinance No. 2155, passed by the City Council of Connersville on April 2, 1979, equaled fifty percent (50%) or more of the entire area of the block frontage.

(C) General Provisions.

- (1) Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.
- (2) Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance; provided further that if more than one (1)

berth is provided, the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen (14) foot height clearance.

- (3) Except on lots occupied by one, two- family and multi-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with the following table, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

Parking Angle (in degrees)	Aisle Width (in feet)
45	14
60	18
90	24

The angle shall be measured between center line of parking space and center line of aisle.

- (5) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (6) In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:
- (a) If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one space.
 - (b) In sports arenas, church and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty- two (22) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder.
- (7) Accessory off-street parking areas may count toward the open space requirements of this Code.
- (8) Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
- (9) Adequate employee and customer off- street parking area shall be provided, including such areas incidental to display, servicing and repair. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way, or in such a manner as to restrict motorists' visibility.

(D) Minimum Off-Street Parking Requirements.

<u>TYPE OF USE</u>	<u>MINIMUM PARKING SPACE</u>
(1) Automobile Service Sales Room, Business Services, Clothing Services, Food Services, Personal Services, Retail Service and Retail Stores generally, and Tavern or Night Club	One for each 125 square feet of net floor area.
(2) Billiard Room, Dancing Academy, Sporting Activities,	One for each 200 square feet of net floor area.

Department Store and Automobile, Truck or Trailer Rental and Sales Area	
(3) Private (or commercial) Club or Lodge	Space to accommodate 50 percent of the active membership at one space per each 3 members, or as determined by the Board. The determination shall be based upon the particular Lodge or Club use would require to satisfy estimated peak parking load requirements.
(4) Automobile and Truck Repair	One for each 200 square feet of net floor area.
(5) Indoor Theatre	One for each 6 seats.
(6) Bowling Alley or Roller Rink	Three for each lane plus one for each 6 spectator seats.
(7) Hotel or Motel	One for each 3 employees plus one for each sleeping unit.
(8) Radio and Television Studios	One per employee, plus one for each 6 seats in main auditorium.
(9) Newspaper Publishing	One per employee on largest shift.
(10) Motor Bus or Passenger Station	One for each 3 employees plus one for each ten seats in waiting room. Other retail uses in connection therewith shall provide one space for each 2 employees.
(11) Storage Warehouse or Whole-sale Establishment	One for each 3 employees or occupants. The maximum number of employees or occupants to be used in determining spaces.
(12) Residential Uses	As required in the applicable sections of this Code.
(a) Single- family dwelling	2
(b) Manufactured home	2
(c) Farm house or farm dwelling	2
(d) Two-family dwelling	2 for each unit
(e) Multi-family dwelling (or apartment building)	2 for each dwelling unit.

(13)Community centers, public buildings, utilities and public service uses including libraries, museums and similar places of assembly	One parking space for each 800 sq. ft. of gross floor area, or one space for each 2 employees per largest working shift, whichever is greater.
(14)Philanthropic and charitable institutions	One parking space for each two employees per largest working shift, plus an adequate number of spaces to serve the public.
(15)Schools, Public and Private (Education Institution) (a) Elementary or junior High (b) High School (c) Sports Area	At least 3 parking spaces shall be provided for each classroom. At least 6 parking spaces shall be provided for each classroom. At least one space shall be provided for each five seats when the facility is of an independent nature. When such facility is utilized in conjunction with a school, either the parking requirement based on seating capacity of the largest single facility contained herein or the above requirement based on classroom number shall be applicable, whichever results in the greater number of spaces.
(16)Churches, theaters, auditoriums, assembly halls, undertaking establishments, and similar places of congregation	One parking space for each five seats in the main sanctuary or room, plus one space for each employee per largest working shift.
(17)Boarding Schools, vocational and trade schools, colleges, and similar educational institutions	One parking space for each six students, based on the maximum number of students attending classes on the premises at any one time during a 24- hour period.
(18)Group Housing, including rooming and boarding houses, dormitories, elderly	One parking space for each two beds, or each two sleeping units, rooming units or

housing, fraternities and sororities	dwelling units in the case of elderly housing, plus one space for each employee per largest working shift.
(19) Drive-In establishments	Two parking spaces for each 100 sq. ft. of gross floor area, plus one space for each employee per largest working shift.
(20) Open-air type business uses, including auto and boat sales, kennels, plant nurseries and commercial amusement establishments	One parking space for each employee per largest working shift, plus two spaces for each service stall.
(21) Automobile service station uses	One parking space for each employee per largest working shift, plus two spaces for each service stall.
(22) Commercial, manufacturing and industrial establishments not catering to the retail trade	One parking space for each two employees on the largest shift, plus an adequate number of spaces for visitors and company vehicles operating from the premises.
(23) Amusement establishments, including swimming pools, golf courses, bowling alleys, skating rinks, and similar facilities	One parking space for each 500 sq. ft. of gross floor area, or five parking spaces for each hole, alley, or 100 sq. ft. of water area, whichever is greater.

(24) For uses not specified in this subsection or in such instance when the requirement for an adequate number of spaces is unclear or not specified in another part of this Code or for special exceptions or a unit development plan, etc., the number of parking spaces shall be determined by the Executive Director or the Board of Zoning Appeals, whatever the case may be, on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination, if made by the Executive Director, may be appealed to the Board of Zoning Appeals.

(25) In case of conflict between the provisions of this subsection, the higher requirement shall govern.

(26) For purposes of determining off-street parking requirements under this subsection, gross floor area shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to such 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 offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities or elevator shafts.

(E) Off-site Parking Facilities.

- (1) Required off-street parking facilities shall be provided hereinafter. The Board of Zoning Appeals is hereby authorized to grant an off-site parking facility as a special exception in accordance with the following conditions (and the requirements of Sec. 153.24.).
- (2) A development plan for such off-site parking facility shall be filed with the Board as a required exhibit accompanying the special exception application and shall be made part of the conditions of any approval therefore. Said development plan shall demonstrate compliance with all applicable standards of this Code, shall be amended and reapproved to indicate any change or other modification of uses served, or number of parking spaces provided therefore, and shall indicate:
 - (a) Adjacent streets, alleys and lots
 - (b) All individual primary uses to be served, including the location, use, and number of parking spaces for each such use.
 - (c) A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.
 - (d) Type of lighting and pavement proposed, and identification signs including location, size and design thereof.
- (3) Off-site parking facilities shall be provided with setback distances equivalent to the requirements of the district, and ingress and egress points shall be limited to protect the function of adjoining streets.
- (4) Off-site parking facilities shall be encumbered by an instrument duly executed and acknowledged, which subject said accessory off- street parking facilities to the parking use served. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Said instrument shall be filed in the applicable Improvement Location Permit files of the Area Plan Commission's Office, and placed on public record in the office of the Fayette County Recorder.
- (5) Off-site parking facilities shall be developed in accordance with the provisions of Subsection (F) below.

Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

(F) Development Standards.

- (1) All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this section, except in the case of one, two-family and multi-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Code.
- (2) Required off-street parking spaces shall be so designed, arranged and regulated, as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.
- (3) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
- (4) No repair work, sales or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the district.
- (5) All open off-street parking areas shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with concrete or a compacted macadam base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:

- (a) A gravel surface may be used for a period not exceeding one year after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.
 - (b) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.
- (6) Driveway entrances or exits shall be no closer than 25 feet to any adjoining residential property line or 10 feet to an adjoining nonresidential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of- way line of the street shall exceed a width of 30 feet; provided, however, two driveways not exceeding 30 feet in width each may constitute a single entrance-exit divider designed driveway; provided, further, that such driveways shall conform to the requirements of the Fayette County Highway Department or the Connersville Street Department, as the case may be.
 - (7) In any district, each use which is so located that it fronts upon and provides access to an arterial thoroughfare shall provide a frontage lane paralleling and adjoining the improved part of the right-of-way at least 11 feet in width for turn traffic entering the lot. Such frontage lane shall be at least 100 feet in length, exclusive of the entrance way and taper area; provided, however, if the lot frontage is too small to meet such requirement, the frontage lane shall extend the entire width of the lot.
 - (8) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare unshaded bulbs be used for such illumination.
 - (1) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow or water onto either adjacent property or public sidewalks. Further, any additional run-off generated by such improved areas shall be disposed of in appropriate drainage facilities.
 - (10) Such parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces, and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto adjoining property.
 - (11) No business signs or advertisements shall be permitted in parking areas; provided, however, directional and identification signs shall be permitted in accordance with Sec. 1.53.37.
 - (12) Parking areas located in the business and industrial districts shall be provided with a landscape screen not less than 4 feet in height whenever the parking area is located within 100 feet of adjoining residential uses or fronting upon any adjoining residential uses, except as otherwise provided in this Code.
 - (13) The ground area between the required off-street parking area setback and any lot line shall be landscaped with appropriate material to adequately indicate delineation.
 - (14) Parking areas may be provided with a one-story shelter building or guard building which shall not exceed 100 square feet of gross floor area and shall conform to all the structural requirements of the district.

(F) Loading Requirements.

- (1) Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off- street loading spaces in accordance with the following table, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery:

Use Description	Floor Area in Square Feet	No. of Loading Spaces Required
Manufacturing, distribution, wholesaling,	5,000- 25,000	1
	25,001- 50,000	2
	60,001-100,000	3

storage, and similar uses.	Each 50,000 above 100,000	1
Office Buildings, hotels and motels, retail sales, hospitals, institutions, and similar uses.	5,000- 60,000	1
	60,000-100,000	2
	Each 100,000 above 100,000	1

(2) Off-street loading areas shall be developed in accordance with the standards in Subsection (F) above.

Section 153.37: SIGNS

(A) Purposes. The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication within Fayette County; to maintain and enhance the aesthetic environment and the ability of the county’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety by allowing for effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street, road, or highway; minimize the possible adverse effects of signs on nearby public and private property; to ensure the interpretation and enforcement of these sign regulations is fair and consistent. More specifically the intent of these sign regulations are:

- (1) To establish a permit system to allow a variety of signs in business and industrial zoning districts, and a limited variety of signs in the medical services, residential and agricultural zoning districts, subject to the standards and procedures of these sign regulations;
- (2) To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life health, property and public welfare;
- (3) To allow certain signs that are small and unobtrusive, and incidental to the principle use of the respective lots on which they are located, subject to the requirements of these sign regulations, but without permit;
- (4) To establish a permit system allowing variety of types of signs and encourage creativity in the design of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of these sign regulations;
- (5) To provide for the use of temporary signs on commercial, industrial, institutional, government, residential and other non-business private property that meets the requirements of these sign regulations;
- (6) To prohibit all signs not expressly permitted by this ordinance; and
- (7) To provide for the enforcement provisions of these sign regulations.
- (8) These sign regulations are adopted under the zoning authority of the City of Connersville, Indiana and Fayette County, Indiana in furtherance of the more general purposes set forth in the zoning ordinance and in support of the 2011 Comprehensive Plan as adopted by the City of Connersville, Indiana and Fayette County, Indiana.

(B) Application of Regulations

- (1) The regulations of this **Chapter 153 Section 153.37** shall apply to the location, erection, and maintenance of signs in all zoning districts within the jurisdiction of the Fayette County, Indiana Area Plan Commission.
- (2) Noncommercial messages may be displayed on any sign authorized to display commercial messages.
- (3) A sign may be erected. placed. established. painted, created, or maintained in the City and County only in conformance with the standards, procedures, and other requirements of these sign regulations.

(C) Definitions and Interpretation. Words and phrases used in these sign regulations shall have the meanings set forth in this section of the zoning code. All other words and phrases defined elsewhere

in the Area Zoning Code shall be given those meanings. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

- (1) **Abandoned sign.** A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located.
- (2) **Agent.** Represents a property or business owner and has the legal authority to act in their interest.
- (3) **Alteration.** A change in the size, height or shape of an existing sign. Changing or replacing sign copy or a sign face or panel with the same size copy, face, or panel is not an alteration.
- (4) **Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also any light with one or more beams that rotate or move. Not permitted in any zoning district.
- (5) **Cladding.** A non-structural covering designed to conceal the actual structural supports of a sign.
- (6) **Class I Use:** A structure associated with and building use other than one or two family dwellings as defined under the Indiana Building and Fire Codes.
- (7) **Double sided/faced sign.** A sign with two faces mounted back to back.
- (8) **Frontage.**
 - (A) **Property/street frontage.** The length of property lines of any single premise along a public right-of-way or other properties on which it borders such as out lots. May consist of multiple parcels or lots. Does not include frontage along alleys.
 - (B) **Building frontage.** The length of an exterior building wall or structure of any single premise along a public right-of-way or other properties on which it borders such as out lots.
- (9) **Integrated center/shopping center:** An area of development of one or more lots, comprised of:
 - (A) Two or more individual, unrelated and separately operated uses in one building sharing common site facilities; or
 - (B) One or more buildings containing unrelated and separately operated uses occupying a common site, which utilize one or a combination of site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (10) **Lot.** Any land or a portion of land in which the boundaries have been established by a legal instrument of record with the purpose of transferring the ownership of property. For the purposes of these sign regulations a lot shall also be considered all adjacent parcels under a single ownership unless said lots are used exclusively as single tenant properties that are independent of adjacent tenancies.
- (11) **Multi-faced sign.** A sign with more than one sign face on a single side.
- (12) **Mural/Art Mural.** A mural is an original work of art that covers all or a portion of a wall that may depict a scene or event of historic, social, cultural, or environmental significance. A mural shall not promote any on or off-premise business, product, or event. It may include a limited corporate sponsorship not to exceed sixteen square feet. Murals within any officially recognized historic district (local, state, or federal) shall receive approval from the Connersville Historic Commission prior to commencing mural.
- (13) **Nonconforming sign.** Any sign that does not conform to the requirements of these sign regulations.
- (14) **Off-premise sign:** A sign advertising a business, product, service, or activity on a location other than the property/lot/parcel on which the sign is located. For the purposes of this ordinance an off-premise sign also known as a billboard is considered a permanent sign or temporary sign subject to all “time, place and manner” provisions of these sign regulations.
- (15) **Principal building.** The building in which the principal use of the zone lot is conducted. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.
- (16) **Setback.** The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.
- (17) **Sign.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, or announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public which is designed to be legible at or beyond the property line of the lot on which the lot is located by the operator of any vehicle within a public right-of-way.

- (18) **Sign - primary.** Sign used to identify the primary entrance to a business property, institutional property, multifamily residential property, or residential subdivision and similar uses.
- (19) **Sign Program.** All permanent signs included as part of a single commercial, industrial, residential, or institutional development.
- (20) **Sign - secondary.** Sign used to identify the secondary entrance to a business property, institutional property, multifamily residential property, or residential subdivision and similar uses.
- (21) **Sign Structure.** Structural elements designed to support a sign including the posts, frame and pole wrap.
- (22) **Signs - permitted.**
 - (A) **Advertising mural.** A large-scale temporary or permanent sign that covers all or a major portion of a blank or unfinished wall, building, or structure, regulated as a wall/on-building. Will require dimensional variance to increase sign area and wall coverage above maximum square footage.
 - (B) **Animated sign.** Any sign using movement or change of lighting, to depict action or create a special effect or scene. Types of animated signs include, but are not limited to:
 - i. **Air activated graphic.** A sign, all or part of which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
 - ii. **Mechanically Activated.** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - iii. **Electrically Activated.** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and, or illumination capable of movement.
 - (C) **Banner.** Any sign of lightweight fabric or similar material that is permanently or temporarily mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
 - (D) **Blade sign (feather sign, teardrop sign, flag sign).** A temporary sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight material, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.
 - (E) **Building sign.** Any sign attached to and supported by a building; whether it is the wall, window, or roof of the building.
 - i. **Wall sign.** Wall Signs are building-mounted signs that are attached to or painted on an exterior wall so that the sign faces are generally parallel to the building wall. A sign installed on a false or mansard roof is also considered a wall sign. Some other common terms for wall signs include fascia sign, parallel sign, and band sign.
 - ii. **Window sign.** Window Signs are signs applied, painted, or affixed to a window. Signs that are placed inside a window, within three feet of the glass, facing outside the building, and are easily seen from the outside are considered window signs as well. Customary displays of merchandise behind a store window are not considered window signs.
 - iii. **Awning sign.** Awning Signs are signs that are painted on, or affixed to, an awning structure. An awning is a nonstructural covering that projects from a wall, usually for the purpose of shielding a doorway or window and may be constructed of soft, flexible, or of rigid materials. Signs may be either attached to or designed as part of an awning and will be counted as a wall/on building sign.
 - iv. **Canopy sign.** Canopy Signs are signs that are part of, or attached to, a canopy structure. A canopy is a multisided overhead structure that is affixed to a building, or freestanding and carried by a frame that is supported by columns or posts affixed to the ground.
 - v. **Marquee sign.** Marquee signs are signs attached to a marquee structure. A marquee is a permanent structure that is usually attached to, supported by, and projecting from a building, often for the purpose of providing protection from the elements
 - vi. **Projecting sign.** Any sign attached to a building or wall in such a manner, parallel or perpendicular that an edge extends more than six inches beyond the surface of such building or wall.

- vii. **Roof sign, integral.** Any sign designed, erected or constructed as an integral or essentially integral part of a normal roof structure designed with a pitch such that no part of the sign extends more than six inches vertically above the highest portion of the roof.
- viii. **Suspended sign.** A sign suspended from the underside surface of a horizontal plane surface and is supported by such surface as the underside of a canopy.
- (f) **Changeable copy sign / Message Center Sign.** A sign or portion of a sign which contains characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, and may be manually changed or electrically changed as with an electronic message sign.
 - i. **Portable message center sign.** A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including but not limited to, signs designed to be transported by means of wheels.
 - ii. **Freestanding message center sign.** Message center signs may be independent freestanding signs, part of a freestanding signs surface, or separately attached to a sign structure.
 - iii. **Wall or window message center sign.** Message center signs designed to be viewed through a window or attached to an exterior wall.
- (g) **Directional Sign.** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
- (h) **Freestanding sign.** Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building, includes monument/ground mounted, pylon, pole mounted, and portable sign on a permanent basis. For the purposes of this ordinance off premise advertising signs are considered freestanding signs and bound by the same setbacks, separation distances and are not permitted in any residential zoning district, any agricultural zoning districts, and the medical services district. Freestanding signs are signs that are supported by structures or supports that are placed or anchored in the ground, are detached from any building or structure, and whose message and design relate to an activity, business, product. Freestanding signs are typically grouped into the following categories:
 - i. **Ground Signs.** Ground Signs are low profile freestanding signs which may be internally or externally illuminated are permanently affixed to the ground and supported entirely by a base structure. They are also commonly referred to as monument signs.
 - ii. **Pole Sign.** Pole Signs are freestanding signs permanently supported by a structure of one or more poles, posts, uprights, or braces from the ground; also known as Pylon Signs.
- (i) **Home occupation sign.** A sign directing attention to a business or professional activity legally conducted on the same zone lot in a residential district, containing only the name, occupation and phone number of the resident.
- (j) **Illuminated sign.** A sign characterized by the use of artificial light, either internally illuminated projecting through the sign surface or externally illuminated by light reflecting off its surface.
- (k) **Incidental/ancillary/accessory sign.** A sign, generally informational that has a purpose secondary to the use of the zone lot on which it is located.
- (l) **Light pole banner.** A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure and where the temporary sign element can be changed without modifying the permanent structure.
- (m) **Pennant.** A triangular or irregular piece of fabric or other material whether or not containing a message of any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.
- (n) **People Sign (a.k.a. human mascot, sign spinner, human sign).** A person attired or decorated with commercial insignia, images, costumes, or masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such a person may or may not be holding a sign.
- (o) **Projected image sign.** A sign which involves an image projected on the face of a wall, structure, sidewalk

- (p) **Residential sign.** Any sign located in a district zoned for residential uses that advertises goods, services, or other activities legally offered on the premises, if offering such goods, services, or activities conform with all requirements of the Area Zoning Code.
 - (q) **Sidewalk sign.** This type of sign includes A-frame (sandwich board) sign and T-frame signs removed upon the daily close of business typically used to advertise goods and services sold by a business lacking a setback fronting directly on a pedestrian walkway which may be placed on public or private property.
 - i. **A-frame / Sandwich-board sign.** A freestanding sign which is ordinarily in the shape of an A or similar configuration which is readily removable, and is not permanently attached to the ground or any structure.
 - ii. **T-frame sign.** A freestanding sign which is ordinarily in the shape of a “T” and is not permanently attached to the ground or any structure.
 - (r) **Temporary sign.** Any sign that is used only temporarily for a defined and/or limited period of time and is not permanently mounted nor designed to be permanently mounted. Included in this class of sign are yard signs, banners, and portable signs. Temporary signs are not permitted as off-premise advertising signs for businesses and services not located at a on the property where the temporary sign is placed.
- (23) **Signs - prohibited.** Some sign types are generally be prohibited due to their tendency to disproportionately distract drivers, detract from a desirable community character, and reduce the effectiveness of allowed signage through visual clutter and confusion. In general animated, flashing, reflective, and rotating signs or signs that incorporate other mechanical movements are prohibited.
- (A) **Balloon sign (inflatable device).** A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. Not permitted in any zoning district.
 - (B) **Inflatable sign.** Inflatable signs are signs in the form of air-inflated objects of various shapes that are made of flexible fabric and placed on the ground or a structure. By changing the rate of air being blown into the object, the objects can appear to be moving increasing the sign’s likelihood of unreasonably distracting drivers or passersby.
 - (C) **Roof sign, mounted.** Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure, and extending vertically above the highest portion of the roof. Roof mounted signs are not permitted.
 - (D) **Snipe sign.** Snipe signs are signs that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, street lights, or other objects, or placed on any public property or in the public right-of-way. These types of signs are also commonly referred to as bandit signs.
- (24) **Single use/tenant property:** A parcel/lot/property on which a single user/tenant is located.
- (25) **Yard Signs** A type of temporary sign, when less than 16 square feet are allowed without permit, greater than 16 square feet requires a temporary sign permit for up to 30 days.
- (26) **Zone lot.** A parcel of land in single ownership or combination of parcels that is of sufficient size to meet minimum zoning requirements for frontage, area, coverage, and use, and that can provide such yard setbacks and other open spaces as required by the zoning regulations. For the purposes of these sign regulations one business occupying multiple lots not separated by a public right-of-way shall be considered one zone lot.

(D) Sign Program

- (1) A sign program includes the location and square footage of all permanent signs including primary and secondary freestanding signs, message center/board signs, building signs and window signs designed to be seen from the public right-of-way and fee exempt signs such traffic control signs, directional signs, informational signs and information kiosks.
- (2) Signs included in sign program calculations includes primary and secondary freestanding signs, message center/board signs, building signs and window signs designed to be seen from the public right-of-way.
- (3) Signs not included in sign program calculations include information kiosks, directional signs, traffic control and pedestrian safety signs, menu boards.

- (4) Sign program computations
 - (a) Single tenant/single occupancy sign program formula: 2 square feet per linear foot of the lot width along the front building line of the building with a maximum square footage of 300 square feet.
 - (b) Integrated center/shopping center sign program formula: 2 square feet per linear foot of the lot width along the front building line of a single building shopping center, or the width of the developed parcel(s) of a Integrated center/shopping center consisting of more than one building with a maximum square footage of 750 square feet.
 - (c) Maximum wall coverage for Single Tenant / Single Use properties and Integrated Center / Shopping Centers is 25 percent for the front wall and 10 percent for the side and rear walls.
- (5) No maximum number of signs.
- (6) Computations of Sign Face Areas.
 - (a) Sign cabinets/frame. The area enclosed within the outer dimensions of the frame or cabinet.
 - (b) Double sided/faced signs. Only one side is used to determine sign area. In the case where the sign area on each side is different, the larger sign determines sign are for individual sign and as part of sign program square footage.
 - (c) Round, oval, or irregular shaped sign. Round, oval, or irregular shaped sign copy not included as an integral part of a sign face such as a sign cabinet shall be measured by the appropriate mathematical formula for the most basic geometric shape that encloses all parts of sign copy.
- (7) Freestanding signs dimensional and design requirements.
 - (a) One freestanding sign per property/parcel/lot/multiple lots combined for one development per road frontage. For the purposes of this ordinance multiple adjacent undeveloped parcels under single ownership are considered a single use/tenant property. Applies to Single Tenant / Single Use properties and Integrated Center / Shopping Center.
 - (b) Exceptions to one freestanding sign per property/legal parcel:
 - i. Allowed secondary signs of a maximum size of 32 square feet for each entrance drive greater than 500 feet apart, or located on a separate legal public road frontage and limited to a maximum height of eight feet above the elevation of the public road surface.
 - ii. Allowed one freestanding message center sign, whether as a standalone message center or as part of the primary sign or on primary sign structure.
 - (b) Maximum wall coverage for Single Tenant / Single Use properties and Integrated Center / Shopping Centers is 25 percent for the front wall and 10 percent for the side and rear walls.
 - (c) No maximum number of signs.
- (8) Pole or pylon signs are permitted in industrial and business zoning districts and shall not be permitted in any residential, medical, or agricultural district. Exception, legal nonconforming signs in existence at the adoption of these sign regulations. Size area and height may not be changed. Legal nonconforming status lost on voluntary removal or change of sign area or height.
- (9) Ground signs not exceeding 8 feet in height shall be permitted in any zoning district for a qualifying Class I use as per the Indiana Building and Fire Codes.
- (10) On-Building/Wall signs are permitted in any zoning district for a qualifying Class I use as per the Indiana Building and Fire Codes.

Table 1. Sign Development Standards and dimensional requirements

A. Business and Industrial Districts: LB, GB, PB, I-1, I-2

Single Tenant Occupancy / Use							
Freestanding Signs							
Permitted signs	Sign Height	Sign Area	Setbacks			Separation Distance	Height clearances
			Front	Side	Rear		
Pylon/pole – primary sign	15 feet Maximum height with variance 25 feet	64 square feet Maximum area with a variance 75 square feet	See Note A.	See Note B.	See note B.	See Note C	See Note D
Ground mounted – primary sign	8 feet Maximum height with variance 15 feet	32 square feet Maximum area with a variance 64 square feet	See Note A.	See Note B.	See note B.	See Note C	
Secondary signs less than 500 feet from primary sign permitted only at located at secondary drives	8 feet	16 square feet	See Note A.	See Note B.	See note B.		
Marquee - freestanding	15 feet Maximum height with variance 25 feet	64 square feet Maximum area with a variance 75 square feet	See Note A.	See Note B.	See note B.		See Note D
Accessory signs – shall not be illuminated, may be constructed of reflective materials	3 feet	32 square feet Maximum area with a variance 64 square feet	See Note A.	See Note B.	See note B.		
Message Center sign - individual freestanding message center sign	8 feet for	32 square feet	See Note A.	See Note B.	See note B.	See Note C	
Message Center sign – part of primary sign and/or sign structure	8 feet for	32 square feet	See Note A.	See Note B.	See note B.		See Note D
Temporary signs Without permit	3.5 feet	16 square feet	See Section (E) (3) Temporary Signs.	See Note B.	See note B.		
Temporary signs With permit	8 feet	32 square feet	See Section (E) (3) Temporary Signs.	See Note B.	See note B.		
Wall signs / on-building signs / Window Signs							
Permitted signs	Sign Area	Percent wall coverage	Setbacks		Height clearances and maximum elevation		
			Side	Rear			
Wall - front	See Note E.	Maximum wall coverage 10 percent With variance up to 50 percent and a maximum of 500 sf.	See Note B.	See note B.	If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line		
Wall – side and rear	40 square feet	With variance up to 50 percent and a maximum of 500 sf.	See Note B.	See note B.			
Roof sign, integral – may be used as	See Note D.	Maximum wall coverage 10 percent and a maximum of 64 square feet in sign area			9 feet above walking surface 12” above parapet or roof line		

primary or secondary sign							
Window sign	32 square feet	25 percent maximum window coverage for all window signs, Included as part of entire sign program wall coverage					
Message Center - Wall or window	16 square feet	Included as part of entire sign program wall coverage					If project more than 3" from wall 9 feet above walking surface. 12" above parapet or roof line.
Awning sign	16 square feet	25 percent maximum awning coverage					9 feet above walking surface
Canopy	16 square feet	25 percent maximum canopy coverage					9 feet above walking surface
Suspended	2 square feet						9 feet above walking surface
Projecting sign	16 square feet						Maximum of 5 feet projection from wall 9 feet above walking surface
Marquee – on building	64 square feet for main theater information plus 24 sf. for each individual theater (may be manual lettering or electronic sign)	Maximum wall coverage 10 percent With variance up to 50 percent and a maximum of 500 sf.					If project more than 3" from wall 9 feet above walking surface. 12" above parapet or roof line
Accessory	4 square feet	Not included as part of entire sign program wall coverage					
Temporary	Maximum size same as eligible permanent sign	Not included as part of entire sign program wall coverage					
Multitenant Use / Integrated Center							
Freestanding Signs							
Permitted signs	Sign Height	Sign Area	Setbacks			Separation Distance	Height clearances
			Front	Side	Rear		
Pylon/pole – primary sign	25 feet Maximum height with variance 35 feet	See Note F	See Note See Note A.	See Note B.	See note B.	See Note C	See Note D
Ground mounted – primary sign	8 feet Maximum height with variance 15 feet	32 square feet Maximum area with a variance 64 square feet	See Note A.	See Note B.	See note B.	See Note C	
Marquee – freestanding For the purposes of this ordinance a freestanding multi-theater movie marquee sign is considered a Multitenant Use / Integrated Center with each individual theater considered as a separate tenancy.	25 feet Maximum height with variance 35 feet	64 square feet for main theater information plus 24 sf. for each individual theater (may be manual lettering or electronic sign)	See Note A.	See Note B.	See note B.		See Note D
Secondary signs less than 500 feet from primary sign permitted only at located at secondary drives	8 feet	32 square feet	See Note A.	See Note B.	See note B.		
Accessory signs – shall not be illuminated, may be constructed of reflective materials	3 feet	4 square feet	See Note A.	See Note B.	See note B.		
Message Center sign - individual freestanding message center sign	8 feet for	32 square feet	See Note A.	See Note B.	See note B.	500 feet	
Message Center sign – part of primary sign and/or sign structure	8 feet for	32 square feet	See Note A.	See Note B.	See note B.		See Note D

Temporary signs			See Section (E) (3) Temporary Signs.	See Note B.	See note B.		
Without permit	3 feet	16 square feet	See Section (E) (3) Temporary Signs.	See Note B.	See note B.		
With permit	8 feet	32 square feet	See Section (E) (3) Temporary Signs.	See Note B.	See note B.		
Multitenant Use / Integrated Center							
Wall signs / on-building signs							
Permitted signs	Sign Area	Percent wall coverage	Setbacks		Height clearances		
			Side	Rear			
Wall - front	See Note G See Note H See Note I	Maximum wall coverage 10 percent With variance up to 50 percent and a maximum of 500 sf.	See Note B.	See note B.	If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line		
Wall – side and rear	40 square feet	With variance up to 50 percent and a maximum of 500 sf.	See Note B.	See note B.	If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line		
Roof sign, integral – may be used as primary or secondary sign	See Note D.	Maximum wall coverage 10 percent and a maximum of 64 square feet in sign area			9 feet above walking surface 12” above parapet or roof line		
Window sign	32 square feet	25 percent maximum window coverage for all window signs, Included as part of entire sign program wall coverage	See Note B.	See note B.	If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line		
Message Center - Wall or window	16 square feet	Included as part of entire sign program wall coverage	See Note B.	See note B.	If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line		
Awning sign	16 square feet	25 percent maximum awning coverage			9 feet above walking surface 12		
Canopy	16 square feet	25 percent maximum canopy coverage			9 feet above walking surface		
Marquee	64 square feet for main theater information plus 24 sf. for each individual theater (may be manual lettering or electronic sign)				If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line		
Accessory	4 square feet						
Temporary	Maximum size same as eligible permanent sign						

Notes.

- A. No part of a sign or sign structure located between 3 feet above the base grade road elevation closest to the sign structure and 9 feet above road elevation may be placed any closer than 15 feet from the edge of a road/street/highway **surface**. Signs or parts of sign structures less than 3 feet or greater than 9 feet above road elevation closest to the sign structure

may not be placed any closer than five feet from the edge of a road/street/highway **right-of-way**. Earthen mounds, berms, and raised beds shall be considered part of the sign structure elevation.

- B. If illuminated, internally or externally, no freestanding sign abutting any residential use shall be located within 50 feet of a side or rear property/lot line unless it can be determined that the illuminated freestanding sign is visibly obstructed from the residential use. Visually obstructed signs and non-illuminated signs may be placed no closer than 5 feet from a side or rear property line.
- C. Sign spacing. Permanent freestanding signs larger than 32 square feet and/or taller than 8 feet on the same parcel may not be located any closer than 500 linear feet from the nearest sign larger than 32 square feet on the same parcel.
- D. Bottom of frame 9 feet above ground elevation, 12 feet if frame extends over a parking space, no lower than 15 feet above the drive surface for passenger vehicle and 18 feet above the drive surface for delivery vehicles. In the event that such a condition exists it will be necessary to receive a variance from dimensional standards from the Fayette County Board of Zoning Appeals.
- E. Single tenant occupancy/use 64 square feet maximum allowable when building front wall is 150 feet or less from nearest public right-of-way. Exception, additional 1 square foot for each ten feet beyond 150 feet with a maximum of 100 square feet.
- F. 64 square feet for shopping center/anchor tenant sign if anchor tenants name is included in integrated center/shopping center name. One sign with an additional 24 square feet for each tenancy
- G. Anchor/primary tenant 64 square feet maximum allowable when building front wall is 150 feet or less from nearest public right. Exception, additional 1 square foot for each ten feet beyond 150 feet with a maximum of 75 square feet for anchor tenant.
- H. Secondary tenancies or integrated centers without an anchor tenant a minimum allowable size of 32 square feet regardless tenancy frontage with 1.5 square feet for each linear foot of tenancy frontage for a maximum of 64 square feet.
- I. Horizontal dimension no greater than interior dimension of tenant space

B. Medical Services, Residential and Agricultural Districts: MS, R1, R2, R3, RS, A1 and A2 zoning districts

Freestanding Signs (See note D and note E)					
Permitted signs	Sign Height	Sign Area	Setbacks		
			Front	Side	Rear
Ground mounted	8 feet	32 square feet	See Note A.	See Note B.	See note B.
Secondary signs For permitted uses	8 feet	32 square feet	See Note A.	See Note B.	See note B.
Accessory signs For permitted uses	3 feet	4 square feet	5 feet from edge of Public Right-of Way	5 feet	5 feet
Temporary signs – See note C					
Without permit	3 feet	16 square feet	See Section (E) (3) Temporary Signs.	See Note B.	See note B.
With permit	8 feet	32 square feet	See Section (E) (3) Temporary Signs.	See Note B.	See note B.
Home occupation sign .	4 square feet free standing or on building sign		5 feet See Note A.	5 feet See Note B.	5 feet See Note B
Wall signs / on-building signs					
Permitted signs	Sign Area	Percent wall coverage	Setbacks		Clearances
			Side	Rear	
Wall - front	64 square feet	10 percent	See Note B.	See note B.	If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line
Wall – side and rear	32 square feet	10 percent	See Note B.	See note B.	If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line

Secondary Signs	4 square feet		See Note B.	See note B.	
Window	32 square feet	10 percent in addition to wall signs and message center signs	See Note B.	See note B.	
Window sign	16 square feet	25 percent maximum window coverage for all window signs, Included as part of entire sign program wall coverage	See Note B.	See note B.	
Message Center - Wall or window	16 square feet	Included as part of entire sign program wall coverage	See Note B.	See note B.	If project more than 3" from wall 9 feet above walking surface. 12" above parapet or roof line
Awning sign	16 square feet	25 percent maximum awning coverage			9 feet above walking surface
Canopy	16 square feet	25 percent maximum canopy coverage			9 feet above walking surface
Accessory	4 square feet				
Temporary	Maximum size same as eligible permanent sign				

Notes:

- A. No part of a sign or sign structure located between 3 feet above road elevation closest to the sign structure and 9 feet above road elevation may be placed any closer than 15 feet from the edge of a road/street/highway right-of-way. Signs or parts of sign structures less than 3 feet or greater than nine feet above road elevation closest to the sign structure may not be placed any closer than five feet from the edge of a road/street/highway right-of-way.
- B. If illuminated, internally or externally, no freestanding sign abutting any residential use shall be located within 50 feet of a side a rear property/lot line unless it can be determined that the illuminated freestanding sign is visibly obstructed from the residential use. Otherwise no freestanding sign may be located closer than five feet from a side or rear property line.
- C. Temporary signs for special events, yard/garage sales, and temporary business activities must be removed within 7 days of the event or temporary use and may not be placed in any public right-of-way, includes
- D. Permitted Uses: Institutional uses including but not limited to not-for-profit uses, schools, churches, hospitals, medical and health clinics, government buildings and government uses government owned or privately owned property. Business uses requiring a special exception. Real estate: permanent apartments, condominiums, subdivisions, for rent and for sale signs are considered temporary and regulated as any other temporary sign. Home occupation signs.
- E. Exceptions: Legal conforming business uses existing at the adoption of the Area Zoning Code. Pylon/pole and ground mounted signs taller than 8 feet and exceeding the maximum sign areas for primary signs and message center signs in use at the time of the adoption of these sign regulations.

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- (E) Regulations for other signs
- (1) Incidental signs, accessory and ancillary signs less than 4 square feet are allowed without permit, but must meet all other requirements of these sign regulations.
 - (2) Window signs that are not visible from the public right-of-way are allowed without permit, but may cover no more than 25 percent of the window area.
 - (3) Temporary Signs
 - (a) All properties in all districts are permitted a maximum (base) of 32 square feet for temporary signs at one time. All properties are permitted an additional 16 square feet of base temporary sign allowance from the first Monday of March to the second Friday of November for a total of 48 square feet. The temporary sign square footage allowance includes ground signs and building signs.
 - (b) Temporary signs 16 square feet or smaller do not require a permit.
 - (c) Temporary signs greater than 16 square feet in any zoning district require a permit and are good for a maximum of 30 days. Temporary signs requiring a permit are allowed on a quarterly basis with the provision that there be a minimum of 60 days between each permitted use.
 - (d) Temporary signs less than 3.5 feet above the nearest street elevation may be placed within five feet from the edge of a roadway, but may not be placed within ten feet the intersection of two public roadways. A temporary sign greater than 3.5 feet above the nearest street elevation must be setback a minimum of 10 feet from the edge of a roadway and shall be placed on private property. Temporary signs shall not be placed in a location or manner that obstructs views of traffic at the intersection of intersection of public streets, or where a private drive intersect a public thoroughfare.
 - (e) Temporary sign allowances are not included in maximum sign program area calculations.
 - (f) The maximum size of a temporary freestanding sign is 32 square feet.
 - (g) The maximum size a building temporary sign is the same as the maximum size allowance for on building or tenancy signs at that address.
 - (h) Temporary signs associated with a temporary specific activity or event shall be removed no later than seven days after temporary specific activity has ended or event has occurred.
 - (i) Jurisdictions with authority over a public right-of-way in which a temporary sign is placed in violation or is a risk to traffic safety by blocking views of traffic may remove such sign.
 - (j) Temporary signs are not permitted as off-premise advertising signs for businesses and services whose physical location is a property other than where the temporary sign is placed.
- (4) *Home Occupation Signs.* Home Occupation signs shall contain only the name, occupation and phone number of the resident. When mounted on the residential structure home occupation signs shall not exceed 4 square feet and ground mounted signs may not exceed 8 square feet and must be placed on the owner's property and no closer than 15 feet from a road travel lane. Home occupation signs may not be internally or externally illuminated. Sign plans must be submitted and approved with the Home Occupation petition. The placement of a home occupation sign shall require a sign permit.
 - (5) *Sidewalk signs.* Sidewalk signs are allowed only within the pedestrian public right-of-way without permit, but with written permission from the jurisdiction over the public right-of-way within which they will be placed. Sidewalk signs must be located so as not to block or interfere with the flow of pedestrian traffic or reduce the open sidewalk area to less than the minimum sidewalk width under the Americans with Disabilities Act. Side walk signs are not allowed within any road, street or highway. When fully opened the dimensions of a side walk sign shall not exceed 48" in height and 36" in the width with a maximum sign area of 12 square feet. Sidewalk signs shall be removed from the sidewalk or other pedestrian pathway at the close of business each business day.
 - (6) Message board / message center signs
 - (a) One message board sign, both manually changed channel letters and electronic, is permitted per each property that is used for an active Class I use as per the Indiana Building Code. Message board signs including portable permanently installed whether as an individual freestanding sign, part of an existing or proposed freestanding sign, on building or as a window sign require a permit and are included as part of the overall sign program square footage.

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- (b) Message board signs used as permanent signs must meet permanent sign requirements of these sign regulations and as per the Indiana Building and Electric Codes requirements of these sign regulations. Message board signs may be permitted as an independent freestanding sign, as part of primary freestanding sign, on-building sign, or a window sign.
 - (c) Temporary message board sign
 - (d) All freestanding message board signs in one location greater than 30 days must use tie-downs or other form of attachment to the ground designed to resist maximum wind speeds as per the Indiana Building Codes.
 - (e) All portable signs in one location greater than 30 days must use electric cable rated for exterior use, rated for burial use or in buried conduit and must otherwise be installed in accordance with the Indiana Electric Code. All electric cables to portable signs must be buried or if installed as an overhead service in accordance with the requirements of the Electric code or must be protected from pedestrians and vehicular traffic in some other fashion permitted under the Indiana Electric Code. Any overhead cables must comply with height clearance requirements of Indiana Electric Code.
- (F) Permits
- (1) Permits Required. Any sign requiring a permit under the provisions of these sign regulations requires the owner of the lot, or business, or legal agent shall secure a sign permit prior to the construction, placement, erection, or modification of any such sign in accordance with the these sign regulations.
 - (2) No sign permit of any kind shall be issued for any sign unless such a sign is consistent with all requirements of this ordinance in every respect. Any deviation from the development standards of this regulation may only be via a variance approved by the Board of Zoning Appeals.
 - (3) Design. Construction. Maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards. All signs shall comply with the Indiana Building and Electric Codes as adopted by the City and County at all times.
 - (a) All permanent signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure and all poles or beams used to support a pole sign shall use a pole wrap designed specifically for covering sign poles.
 - (b) All signs shall be maintained in good structural condition and in compliance with the Indiana Building and Electric Codes as adopted by the City and County and in conformance with these sign regulations.
 - (c) Signs shall not be located in any fashion which blocks views of traffic, traffic control devices or in any manner which may potentially result in a traffic safety hazard.
 - (4) Sign Submission Requirements. For any zone lot on which the owner of the lot or business or owner's agent proposes to erect one or more signs requiring a permit, a sign plan containing the following shall be submitted to the Director:
 - (a) A site plan showing the location the building, structure or land to or on which the sign is to be erected or mounted, parking lots, driveways, and landscaped areas as deemed necessary to ensure signs will not obscure views of pedestrians and public rights-of-way or internal drives and walkways;
 - (b) Dimensions of the sign, and where applicable, the dimensions of the wall surface of the building on which it is to be attached;
 - (c) A sign elevation showing all dimensions for all signs in the sign program including sign area, structural supports, sign height from the finished base sign area for each sign;
 - (d) Proposed location in relation to the building face or lot lines of the property and dimensions and the distance to the nearest property line and/or edge any public right-of-way for each freestanding sign;
 - (e) On-building signs must show the dimensions of the sign face, distance between the bottom of the sign and the ground plain and the distance between the top of the sign and the roof or parapet line and the percentage of a wall covered by each such sign; and
 - (f) A computation for the entire sign program area including the number of signs, total square footage of sign areas, the building square footage and/or lot frontage used to determine the

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maximum allowed square footage in the sign program.

- (g) The location, height and sign area of all incidental/ancillary signs including menu signs used to provide menu information for such as drive-through operations used by fast food restaurants must be shown on the plot plan and included in sign program calculations. Incidental/ancillary signs less than 16 square feet are fee exempt. Traffic control, information, directional signs are fee exempt.
- (G) **Signs in the Public Right-of-Way.** No signs shall be allowed in the public right-of-way, with the exception of the following:
- (1) **Public signs.** Traffic control signs, public directional signs, mileage signs installed by the public entity with jurisdiction of that public right-of-way; public signs posted on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian traffic; bus stop signs erected by a public transit company or private entity legally recognized as an official transit company; informational signs of a public utility regarding poles, lines, pipes or facilities;
 - (2) **Private signs.** Awning, canopy, marquee, projecting, and suspended signs extending over a pedestrian public right-of-way require official approval by the legal entity with jurisdiction over the public right-of-way for new or modified structures extending over the public right-of-way. Other types of private signs, both permanent or temporary, are not permitted.
 - (3) **Emergency Signs, Warning signs** erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way.
 - (4) **Other Signs Forfeited.** Any sign installed or placed on public property or public right-of-way, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation by the entity with jurisdiction over that property or right of way.
 - (5) **Temporary signs.** See Section (E)(3) Temporary Signs.
- (H) **Exempt Signs.** The following signs when designed and installed in a manner consistent with these sign regulations shall be exempt from permits and fees under these sign regulations:
- (1) Any signs legally permitted to be within the public right-of-way as per Section (F)(3) Signs in the Public Right-of-Way;
 - (2) Window signs of any size inside a building not legible from a public right-of way;
 - (3) Traffic control and pedestrian safety signs on private property such as Stop, Yield, and similar signs on which the sign face meets the Indiana Department of Transportation standards;
 - (4) Accessory and incidental signs on private property including directional signs, information kiosks, entrance/exit signs, menu information and similar signs.
- (I) **Prohibited Signs.**
- (1) All signs not expressly permitted under this ordinance in the areas under the jurisdiction of the Area Plan Commission.
 - (2) Signs that are structurally unsafe.
 - (3) Signs that would block views of traffic to and from at any driveway along any public roadway or road intersection.
 - (4) Signs bearing words, phrases, symbols, colors or characteristics of traffic control signs or devices which may mislead, interfere with, or confuse drivers thereby increasing the risk of vehicle accidents.
 - (5) Beacons, flashing lights, emergency lights or search lights.
 - (6) Signs erected in or attached to any sidewalk, street, or highway right-of-way, utility strip, curb, curbstone, hydrant, lamppost, tree, barricade, temporary walkway, telephone, utility pole, public or partition fence.
 - (7) No signs, including exempt signs are allowed within the public right-of-way or in the utility strip. Signs placed in these areas may be removed by the entity with jurisdiction over these right-of-ways or utility strips.
 - (8) Permanent signs on undeveloped property.
 - (9) Signs displayed on parked vehicles or trailers. Licensed and operable motor vehicles with the primary purpose and regular use for transporting goods, supplies, services or people are exempt.
 - (10) Portable or temporary signs on public property or in the public right-of-way.
- (J) **General Permit Procedures.** The following procedures shall govern the application for and issuance of all sign permits under this ordinance.
- (1) **Applications.** All applications for a sign permit of any kind including the modification of existing signs shall be submitted to the Director on an application

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- form or in accordance with application specifications published by the Director.
- (2) *Fees.* Each application for a sign permit must be accompanied by the applicable fees as adopted under this code and the completion of all submission requirements.
- (3) *Completeness.* Within ten business days of receiving an application for a sign permit the Director or designated staff member shall review the application for completeness. If the Director finds that the application is complete the application shall then be processed. If the Director finds it is incomplete, the Director shall within such ten day period, send notice to the applicant detailing the specific ways in which the application is deficient, with reference to applicable code sections.
- (4) *Action.* Upon the determination of completeness for a submitted application for a sign permit within ten business days the director shall either: Issue the sign permit, if the sign(s) subject of the application conform in every respect with the requirements of this code; or reject the sign permit if the sign(s) fail in any way to meet the requirements of this code. In case of rejection the Director shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) fail to meet code requirements. Upon rejection of an application for failure to meet dimensional requirements the Director shall inform the applicant of the right to petition for a dimensional variance from Board of Zoning Appeals.
- (K) *Installation of Signs.* Signs requiring permit shall be erected, installed, or created only in accordance with a duly issued and valid sign permit from the Director.
- (1) *Inspection and certification of compliance.* Upon completion of the construction of a new or modified sign the Director shall inspect the sign to ensure compliance with the submitted plan and applicable codes. If the construction is not complete and in full compliance at the time of the inspection, the Director shall notify the permit holder in writing by certified letter of any deficiencies. Upon receipt of the notice of deficiency the owner shall have 10 days to bring the sign into compliance. If the owner fails to bring the sign into compliance within the specified 10 days the Director may revoke the permit and order the sign removed as necessary. Once construction is complete and in full compliance the Director shall issue a Certificate of Compliance.
- (L) *Temporary Sign Permits Private Property.* Temporary signs larger than 16 square feet including banners, portable signs, inflatable signs or inflatable displays associated with a specific product or company that do not exceed the sign height limitations for that zone lot and any other type of sign not permanently mounted and not designed to be permanently mounted. Temporary sign permits on private property shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:
- (1) *Term.* A temporary sign permit shall allow the use of a temporary sign for a maximum of 30 days per quarter for a maximum of 120 days in a calendar year. Permission to use a temporary sign for more than 30 consecutive days requires approval of a variance petition by the Board of Zoning Appeals.
- (2) *Number.* Only 4 temporary sign permit(s) shall be issued to the same business, on the same zone lot in any calendar year.
- (M) *Time of Compliance: Nonconforming Signs and Signs without Permits.* Any sign that was not a legal sign under the previous sign regulations and is still not a legal sign under the provisions of these new sign regulations is still illegal and as such must be brought into compliance with these sign regulations.
- (N) *Violations.* Any of the following shall be a violation of this code and shall be subject to enforcement remedies and penalties provided by the Area Zoning Code, Building Code and in conformance with the relevant Indiana Code provisions:
- (1) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or zone lot on which the sign is located.
- (2) To install, create, erect, or maintain any sign requiring a permit without such permit.
- (3) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located
- (4) To fail to remove any sign that is installed, created, erected or maintained in violation of these sign regulations. or
- (5) To continue any such violation, each day a violation continues shall be considered a separate violation when applying Section

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153.99 Remedies and Penalties of the Area Zoning Code.

- (6) Each sign installed, created, erected, or maintained in violation shall be considered a separate violation when applying Section 153.99 Remedies and Penalties of the Area Zoning Code.
- (O) Enforcement and Remedies. Any violation or attempted violation of these sign regulations shall be enforced under the enforcement in accordance with the procedures as adopted under Section 153.99 Remedies and Penalties of the Area Zoning Code.
- (P) Fee Schedule. The fees for sign permits beginning with the adoption of these sign regulations shall be:
- (1) Fee exemptions. City and County government departments, Fayette County School Corporation, agencies receiving direct financial support from City and County government.
 - (2) Fees and Inspections
 - (a) Temporary sign greater than 16 square feet in size (30 day permit): \$25.00 per use
 - (b) Portable signs used as a temporary sign (30 day permit): \$25.00 per use
 - (c) Base permanent sign fee \$75.00 + \$25.00 for each additional sign (integrated shopping center freestanding sign counts as one sign) + \$25 for each required inspection
 - (d) Signs less than 32 square feet without electricity for lighting or other feature \$50.00
- (P) Inspections. When appropriate to the type of sign installed the following inspections are required. Without all required inspections Area Plan Commission staff shall not issue a Certificate of completion.
- (1) Footings
 - (2) Frame
 - (3) Wall sign attachment
 - (4) Electric rough
 - (5) Final

Section 153.38: PARKING AND STORAGE OF CERTAIN VEHICLES

- (A) Automotive vehicles. Automotive vehicles or trailers of any type without current license plates or in an inoperable condition so as to be deemed dead storage shall not be permitted for a period

not longer than 30 days in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized.

- (B) Commercial vehicles. The parking of a commercial self-propelled vehicle in residential zone districts shall be prohibited, except as set forth in Sec. 153.33(C)(2), and provided further except that one commercial vehicle of not more than three tons capacity may be parked on any lot on which there is located a principal building, provided such vehicle is parked in an enclosed garage, accessory building, or rear yard and is used by a resident of the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.

Section 153.39: ADMINISTRATION

- (A) Enforcement Officer. The Executive Director is hereby designated and authorized to enforce the Zoning Code.
- (B) Improvement Location Permits. Within the jurisdiction of the Fayette County Area Plan Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the Comprehensive Plan of Fayette County, Indiana, Connersville, Indiana, and Glenwood, Indiana, and the Zoning Code of Fayette County, Indiana, Connersville, Indiana, and Glenwood, Indiana, and an improvement Location Permit for such structure, improvement, or use has been obtained from the Executive Director by the owner(s) of the property or his agent.
- (1) Compliance with Comprehensive Plan. The Executive Director shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the Zoning Code, Subdivision Code, and Thoroughfare Plan of Fayette County, and Connersville, Indiana,.
 - (2) Building Permits. The Executive Director may issue an Improvement Location Permit, which may include a Building Permit authorization by the Fayette County Building Inspector.
 - (C) Application for Improvement Location Permit. Any person, who shall make application for an

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Improvement Location Permit, shall, at the time of making such application, furnish a site plan or development plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) days period may be waived. Said site plan shall be properly dimensioned and drawn to scale showing the following items:

- (1) Address of property and a legal or site description of the real estate involved including acreage.
- (2) Location and size of all buildings and structures, existing and proposed.
- (3) The location of all proposed drives
- (4) All adjacent and adjoining roads, alleys or highways, and their names.
- (5) Lot number and area in square feet.
- (6) Actual shape and dimensions of the lot to be built upon.
- (7) Distance of new construction from lot lines.
- (8) The number of dwelling units within the proposed structure.
- (9) Any other items required by this Code. Applications including site plans or development plans so furnished shall be filed and shall become a permanent record of the Plan Commission.
- (10) Proof of a Septic Permit from the Fayette County Health Department, when required by county ordinance
- (11) Proof of a Well Permit from the Fayette County Health Department, when required by county ordinance
- (12) Proof of Drainage Plan approval from the Connersville Drainage Board, when required by city ordinance
- (13) Prior to issuing an Improvement Location Permit for a dwelling unit in an agricultural zoning district the property owner shall record with the Fayette County Recorder as part of the permanent property records of the parcel on which the dwelling unit will be located a **NOTICE OF AGRICULTURAL ACTIVITY** and attach a copy of the recorded notice to the Improvement Location Permit application.
- (14) Prior to issuing an Improvement Location Permit for any use requiring potable water in any unincorporated part of Fayette County, Indiana not served by a public water supply the property owner shall record with the Fayette County Recorder as part of the permanent property records of the parcel on which the dwelling unit will be located a **NOTICE OF WATER AVAILABILITY** and attach a copy of the

recorded notice to the Improvement Location Permit application.

(D) Basic Duties of Executive Director.

- (1) Issue, in the name of the Board of Zoning Appeals, improvement location permits and certificates of occupancy and maintain records thereof.
- (2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter, and report the findings and violations to the Plan Commission and Board of Zoning Appeals for the purpose of ordering compliance thereof.
- (3) Provide interpretation of the Planning and Zoning codes when necessary and such technical and clerical assistance as the Commission and Board may require.
- (4) Provide and maintain a public information service relative to all matters arising out of the Planning and Zoning codes.
- (5) Maintain permanent and current records of the Planning and Zoning codes, including but not limited to, all maps, amendments, improvement location permits, building permits, certificates of occupancy, variances, special exceptions and appeals, and applications therefore, and records of hearings thereon.
- (6) Review all applications for improvement location permits and subdivisions to ascertain as to whether the proposed use lies in a flood hazard area as defined in this Code. If the proposed use is found to lie in such an area, the Executive Director will enforce the requirements set forth in Sec. 153.21 in the event that any structures involved are not directly covered by the Building Code regulations.
- (7) The Executive Director, during his review of improvement location permits and building permits, shall assure that all national flood insurance program regulations pertaining to state and federal permits, subdivision review, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

(E) Responsibility of the Executive Director.

- (1) The official assigned to administer and enforce the provisions of this chapter is designated the Executive Director. He shall be appointed in accordance with the provisions of LC. 36-7-4-311(b). The authority to perform inspections, review applications, and issue permits may be

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delegated to such other officials by the Executive Director. In the performance of these functions the Executive Director and such other officials shall be responsible to the Fayette County Area Plan Commission and the Area Board of Zoning Appeals.

- (2) If the Executive Director shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violations of the provisions of this chapter.
 - (3) It is the intent of this chapter that all questions of interpretation of provisions of this chapter be first presented to the Executive Director. Recourse from the decision of the Executive Director (on matters pertaining to zoning) shall be only to the Board of Zoning Appeals, and recourse from the decision of the Board shall be to the courts as provided by law.
- (F) Relocation of Proposed Building, Structure, or Exit. The Executive Director may require the relocation of any proposed building or structure or exit or entrance shown on the site plan or the location of new exits or entrances not shown on the site plan before issuing an improvement location permit when such action is necessary to carry out the purpose and intent of the zoning code.
- (G) Certificate of Compliance for Industrial Uses. An application for an Improvement Location Permit for any use subject to the provisions of Sections 153.19 and 153.20 of this Chapter shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer of the State of Indiana, certifying that the use intended will satisfy the performance standards of the open industrial use or enclosed industrial use, as the case may be, and in the district in which it is to be located. The Executive Director may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Executive Director has not required any additional information or stated any objection in writing, the Executive Director shall issue the Improvement Location Permit.

- (H) Site Plans Must Be Filed for Record. Site plans so furnished shall be filed and shall become a permanent public record.
- (I) Special Exception. The Executive Director shall issue an Improvement Location Permit for a special exception use only following receipt of notice from the Board that the application therefore has been approved by the Board.
- (J) Certificate of Occupancy. No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued stating that the building and use comply with all of the provisions of this Code applicable to the building or premises of the use in the district in which it is to be located.
- (K) Completion of Improvements. On completion of the improvement covered by the improvement location permit, the Executive Director shall cause an inspection of the premises, and, if this inspection shall reveal that the improvement has been completed in substantial conformity with the site plan or development plan, and certificate of compliance when required, submitted in the application pursuant to Subsection (C) of this Section, a Certificate of Occupancy shall then be issued, providing the Building Code requirements have been met.
- (L) Temporary Certificate. A temporary Certificate of Occupancy may be issued by the Executive Director after application has been made for completed portions of a development plan which has been approved as a special exception, provided that a Certificate of Occupancy is required upon completion of the total development plan.
- (M) Change of Use. No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued, and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this Code.

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- (N) Coincidental Application. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful change of use, lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed, provided the Executive Director has been notified of such completion by the applicant.
- (O) Certificates of Occupancy Filed for Record. A record of all Certificates of Occupancy shall be kept on file in the office of the Executive Director and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.
- (P) Excavations. No Improvement Location Permit shall be issued for excavation or for the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.
- (Q) Health Requirements. An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed Use meets the minimum standards for a sewage disposal system and water supply system as required by the Fayette County Health Officer. No Certificate of Occupancy shall be issued for a commercial or industrial structure or for any other applicable building until the plans for such structure shall have been approved by the Department of Fire Prevention and Building Safety of the State of Indiana.
- (R) Time Limit. The work or use authorized by an Improvement Location Permit, Certificate of Occupancy or permit for a variance, contingent use or other permit, except for a special exception, must be commenced within six (6) months of the date of issuance of such certificate or permit; otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within twelve (12) months from the issuance of the certificate or permit therefore, except for a special exception and provided that for good cause shown, the Executive Director can extend the completion of time.
- (S) Proper Compliance. The Executive Director shall review all development (and subdivision) proposals to assure compliance with the flood plain district requirements of this Chapter. All development applications for uses located in the flood plain district which are not permitted by right (see Sec. 153.21) will require the review and approval by Natural Resources prior to the issuance of an Improvement Location Permit. The Executive Director shall forward all these applications, along with plans and specifications, to Natural Resources for review and comment.
- The Executive Director, during his review of Improvement Location Permits, shall assure that all National Flood Insurance Program regulations pertaining to State and Federal permits, (subdivision review), mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.
- (T) Soil and Drainage Conditions Met. An Application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed use meets the applicable criteria of the Fayette County Soil and Water Conservation District for the lot or tract of land concerning types of soils involved and the conditions which are requisite to assure proper drainage. Also, the Executive Director must be satisfied that any Indiana Drainage Code requirements have been met before approving applications for Improvement Location Permits.
- (U) Temporary Improvement Location Permit. A Temporary Improvement Location Permit may be issued by the Executive Director after application has been made for a temporary use authorized by this Code. (See Sec. 153.34 and Sec. 15337.)
- (V) Issuance of Permits. Any permits authorized by the County, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Fayette County Area Plan Commission, shall be issued only if, in addition to satisfying the requirements of the Code of Ordinances of Fayette County Indiana, and the City of Connersville, Indiana, the proposed street right-

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of-way as set forth in the Thoroughfare Plan, will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street, subject to Building Setback Lines as set forth in Sec.1.53.25.

(W) Certain Requirements Regarding Real Estate Transfers. All offers and contracts for the sale of real estate shall be accompanied by a written statement, signed by both the buyer and the seller, which informs the buyer that the real estate is subject to zoning restrictions. The statement shall also inform the buyer that copies of the zoning regulations can be viewed and obtained from the Fayette County Executive Director in the Area Plan Commission Office in the Courthouse Annex at Connersville.

(X) Erroneously Issued Permits - Restrictive Covenants. The issuance of an improvement location permit and/or a certificate of occupancy in no way validates such a permit or certificate in the event that same is erroneously issued or does not comply with applicable laws and the Code of Ordinances of Fayette County, Indiana, and the City of Connersville, Indiana. Furthermore, the issuance of an improvement location permit and/or a certificate of occupancy in no way permits the violation of any restrictive covenants relative to the real estate. See Sec. 153.41(B).

Section 153.40: BOARD OF ZONING APPEALS

A board of Zoning Appeals is hereby established with membership and appointment provided in accordance with I.C. 36-7-4-901 and 902 - 907, and all acts now or hereafter amendatory thereto.

(A) Organization. At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a Secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.

(B) Rules. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Code.

(C) Meetings Open to Public. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record, and a copy of which shall be filed with the Executive Director following each Board meeting.

(D) Appeals Jurisdiction. The Board shall hear and determine appeals from and review.

(1) Any order, requirement, decision, or determination made by an administrative official, including the Executive Director, or staff member under this Zoning Code;

(2) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of the zoning code; or

(3) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of an ordinance adopted under this Code requiring the procurement of an improvement location permit or a certificate of occupancy.

(E) Exceptions and Uses. The Board shall approve or deny all:

(1) Special exceptions; and

(2) Variances from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in this Zoning Code. The Board may impose reasonable conditions as a part of its approval. The Board may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of special exceptions and variances.

(F) Variances From Development Standards of Zoning Code. The Board shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning code. A variance may be approved under this section only upon a determination in writing that:

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- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - (3) The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.
 - (4) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district;
 - (5) Such variances are 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;
 - (6) That the granting of such variance will not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets.
- (G) Variances From Use District or Classification Not Granted. Neither the Fayette County Area Board of Zoning Appeals nor any other board of zoning appeals continued in existence under the area planning law may grant a variance from a use district or classification under the area planning law.
- (H) Variances in FP' District. Applications for variances to the provisions of this Chapter concerning an Improvement Location Permit or Building Permit for a use located in the H' district shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any such Permits. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.
- (I) Appeals to Board - Grounds - Transmission of Record- Disposition.
- (1) An appeal filed with the Board must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board by rule.
 - (2) The Executive Director, or other person from whom the appeal is taken shall, on the request of the Board of Zoning Appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.
 - (3) Certified copies of the documents, plans, and papers constituting the record may be transmitted for purposes of subsection (2).
 - (4) Upon appeal, the Board may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal is taken.
 - (5) The Board shall make a decision on any matter that it is required to hear under the Zoning Code.
 - (a) At the meeting at which that matter is first presented; or
 - (b) At the conclusion of the hearing on that matter, if it is continued.
 - (6) Within five (5) days after making any decision under the Zoning Code, the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.
- (J) Writ of Certiorari. Every decision of the Board shall be subject to review by certiorari.

Section 153.41: GENERAL PROVISIONS

- (A) Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The Fayette County Area Plan Commission has given consideration to the existing and future probable use of land in the territory affected by this Chapter, and has prepared a comprehensive plan showing the future development of this area, which has served as a guide in the preparation of this Chapter.
- (B) Non-Interference With Greater Restrictions, Otherwise Imposed. it is not intended by this Chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor any ordinances, rules, regulations or permits previously adopted or issued and which are not in conflict with any of the provisions of this Chapter, except that, where

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this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance, rules, regulations or permits, the provisions of this Chapter shall control.

- (C) (C)Use. No building or land shall be used and shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.
- (D) Height. No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located. (See Sec. 153.31.)
- (E) Yard, Lot Area and Size of Building. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.
- (F) Parking Space: Loading and Unloading Berths. For each building hereafter erected and for certain other uses of land, parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except that parking spaces may not be required for business or industrial uses in accordance with the provisions of Sec. 153.36 (B) (13), but it is the intent of this Code to encourage the establishment of adequate parking spaces wherever normally required by this Chapter.
- (G) Building Relocated. No building or structure shall be moved from one lot or premises to another unless such building and lot shall thereupon conform to all the regulations of the zone district to which such building be moved.
- (H) Farms Exempt. Except for farm houses or farm dwellings - which include dwellings for the farm owner, operator or farm assistants, classified as a Contingent Use (See Sec. 153.23), and grain elevators and related uses, produce stands, sales barn for livestock, and restricted commercial farm enterprises (including confined feeding operations) (See Sec. 153.43 for definition), which are all farm related activities set forth as Special Exceptions (See Sec. 153.24); Land Application Operations as defined in Sec. 153.43 which are not permitted (See Sec. 153.41(I), below); land, farm barns, farm outbuildings, or other buildings, structures or erections which are adapted, by reason of nature and area, for use for agricultural purposes as a primary means of livelihood, while so used, shall not be affected by restrictions or regulations of this Code.
- (I) Public Utility Installations Exempt. Structures and land use for public utility installations so defined herein, while so used, shall not be affected by restrictions or regulations of this Code; provided, however, terminal facilities and treatment or processing plants for residential developments are contingent uses, but a sewage treatment facility (primary use) or a major transmission line or a water storage tank is a special exception and is subject to the provisions of this Chapter. See Sec. 153.24 for Transmission Lines.
- (J) Mineral Extraction. Each plan commission, legislative body, and board of zoning appeals in an urbanized or urbanizing area (as defined in IC 14-4-9-18) shall comply with the provisions of IC 144-9-19 before permitting a land use that would threaten the potential extraction of aggregate in an area underlain by a deposit of qualified mineral resources (as defined in IC 14-4-9-14).
- (K) Invalidity of Portions. Should any section or provision of this Code be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the Code as a whole, or any portion thereof, other than the portion so declared to be invalid.
- (L) Amendments. All amendments to or repealers of this Zoning Code shall be made in accordance with the provisions of I.C. 36-7-4, as amended.

Section 153.42: SOIL SURVEY, DRAINAGE, EROSION AND SEDIMENT CONTROL

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Before an Improvement Location Permit or a Certificate of Occupancy shall be issued, the Executive Director shall be satisfied that the proposed use meets the applicable criteria set forth herein for the lot or tract of land concerning types of soils involved, and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage. The Executive Director shall be guided by the information set forth in the findings in the NATIONAL COOPERATIVE SOIL SURVEY prepared by the USDA Soil Conservation Service in cooperation with the Purdue Experiment Station and the Fayette County Soil and Water Conservation District, and the specifications set forth in Subsection (E) herein. The Executive Director shall also be guided by advice from the USDA Soil Conservation Service, Fayette County Soil and Water Conservation District, Department of Natural Resources- Division of Water, and other agencies or officials offering technical assistance on the subjects of soils, drainage, erosion and sediment control. The applicant shall provide the above information, report, or plan with his application, and additional expense necessary to ensure adequate information, report, or plan shall be met by the applicant.

- (A) Definitions. Unless otherwise expressly stated, the following words shall, for the purposes of this Section, have the meaning herein stated. Words in the singular number include the singular. Present tense includes the future. The word "building" shall be deemed to include the word "structure."
- (1) *Cut:* An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.
 - (2) *Erosion:* The removal of surface materials by the action of natural elements.
 - (3) *Excavation:* Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting there from.
 - (4) *Fill:* Any act by which earth, sand, gravel, rock or any other similar material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting there from. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
 - (5) *Flood Plain:* See Sec. 153.43 Definitions.
 - (6) *Qualifying Tract:* Any tract where 20 or more cubic yards of earth is removed.
 - (7) *Runoff:* The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
 - (8) *Runoff from a fully developed area upstream:* The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the comprehensive plan.
 - (9) *Sedimentation:* The process by which mineral or organic matter is accumulated or deposited by moving, wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as sediment.
 - (10) *Slope:* The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet or horizontal distance.
 - (11) *Soil Stabilization:* Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
 - (12) *Swale:* A low-lying stretch of land which gathers or carries surface water runoff.
 - (13) *Top Soil:* Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the 'A Horizon.
 - (14) *Watercourse:* A permanent stream; intermittent stream; river; brook; creek; channel or ditch for water whether natural or man-made.
- (B) Plan for Minimizing Erosion and Sedimentation.
- (1) No changes shall be made in the contour of the land; or grading, excavating, removal or destruction of the top soil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Executive Director, or there has been a determination by the Executive Director that such plans are not necessary.
 - (4) No development plan shall be approved unless there has been a plan approved by the Executive Director that provides for drainage and minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with Fayette County or the City of Connorsville as the case may be, in the form of an escrow guarantee satisfactory for the planning which will ensure installation and completion of the required

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improvements; or there has been a determination by the Executive Director that a plan for drainage and minimizing erosion and sedimentation is not necessary.

- (5) Measures used to control erosion and reduce sedimentation and to provide drainage shall as a minimum meet the standards and specifications of the Fayette County Soil and Water Conservation District. The Executive Director shall ensure compliance with the appropriate specifications, copies of which are available from the Fayette County Soil and Water Conservation District or the Area Plan Commission Office.

(C) Measures to Minimize Erosion and Sedimentation. The following measures are effective in minimizing erosion and sedimentations and shall be included where applicable in the control plan:

- (1) Stripping of vegetation, regarding, or other development shall be done in such a way that will minimize erosion.
- (2) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- (3) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- (4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
- (5) Disturbed soils shall be stabilized as quickly as practicable.
- (6) Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
- (7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- (8) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
- (9) Sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or similar measures, until the disturbed area is stabilized.

(D) Making Sites More Suitable. In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- (1) The location, grading and placement of sub-grade (base) material of all driveway and parking areas shall be accomplished as the first work done on a development plan.
- (2) All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Executive Director.
- (3) All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be of such slope, shape and size as to conform with the requirements of Fayette County.
- (4) Concentration of surface water runoff shall only be permitted in swales or watercourses.

(E) Excavations and Fills.

- (1) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Executive Director when handled under special conditions.
- (2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installations of temporary or permanent drainage across or above these areas.
- (3) Cut and fills shall not endanger adjoining property.
- (4) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (5) Fills shall not encroach on natural watercourses or constructed channels.
- (6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- (7) ('7) Grading will not be done in such a way so as to divert water on to the property of another land owner without the expressed consent of the Executive Director.
- (8) During grading operations, necessary measures for dust control will be exercised.
- (9) Grading equipment will not be allowed to ford live streams.
- (10) Provision will be made for the installation of temporary or permanent culverts or bridges.

(E) General Provisions.

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- (1) Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the applicant, person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
 - (2) Maintenance of all driveways, parking areas, drainage facilities and watercourses within any development plan area is the responsibility of the applicant, or owner developer.
 - (3) It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the flood plain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
 - (4) No applicant and person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any at which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Executive Director or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
 - (5) Where a development plan area is traversed by a watercourse, the total development of the watercourse shall be considered. There shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage to the satisfaction of the Executive Director. (See Sec. 153.39 (T).)
- (F) Responsibility of Applicant.
- (1) Each applicant, person, corporation, or other entity which makes any surface changes shall be required to:
 - (a) Collect on-site surface runoff and dispose of it to the point of discharge into an adequate outlet approved by the Executive Director.
 - (b) Handle existing and potential off-site runoff through its development by designing to adequately handle storm runoff from a fully developed area upstream.
 - (c) Pay its proportionate share of the total cost of off-site improvements to the common natural watercourse based on a fully developed drainage.
 - (d) Provide and install at its expense, in accordance with the Executive Director's requirements, all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.
 - (2) It is the responsibility of the applicant or owner to keep all major streams, not under the jurisdiction of another official agency, open and free flowing.
 - (3) The applicant or owner shall assume the responsibility for maintaining an open and free-flowing condition in all minor streams, watercourse and drainage systems, constructed or improved in accordance with Fayette County design criteria on its property, which are necessary for proper drainage in the discretion of the Executive Director if adequate right-of-way exists or can be acquired.
- (G) Design Standards. The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the following standards and specifications on file in the office of the Fayette County Soil and Water Conservation District and the Executive Director:
- “URBAN SOIL AND WATER CONSERVATION GUIDELINES, SPECIFICATION NO. 1”
- Adopted by the Fayette County Soil and Water Conservation District, Connersville, Indiana.
- (H) Plan Approval.
- (1) The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development, and become a part thereof.
 - (2) Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Executive Director.
 - (3) In the event the applicant or developer proceeds to clear and grade prior to the approval of the development plan, without satisfying conditions specified under paragraph (2) above, the Board may revoke the approval of all plans.

Section 153.43: DEFINITIONS

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For the purpose of the Zoning Code, certain terms and words used herein shall be interpreted and defined as follows: Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structures and vice-versa; the word "shall" is mandatory and not discretionary.

- (1) **ABUTTING.** Bordering.
- (2) **ACCESSORY BUILDING AND USE.** A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy; such as public utility installations, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.
- (3) **AGRICULTURE.** The use of land for agricultural purposes including farming; pasturage; aquaculture; apiculture; floriculture, horticulture; viticulture; silviculture, animal husbandry (includes cattle, swine, poultry, equine), egg production, dairy production the processing, the necessary secondary uses of drying, parking, treating and storing the produce/product, sorting and marketing of agricultural products provided that any such accessory uses shall be secondary to the normal agricultural activities. The term agriculture does not include commercial chemical storage.
- (4) **AIRPORT.** Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (5) **ALLEY.** A permanent public service way providing a secondary means of access to abutting lands, and which is less than 30 feet in width.
- (6) **ALLEY LINE.** A lot line bordering on an alley.
- (7) **APARTMENT.** A building or portion thereof designed for or occupied by more than two (2) families. Also, a multi-family **DWELLING.**
- (8) **AUCTION USE.** A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an Auction.
- (9) **AUTOMOBILE OR TRAILER SALES AREA.** An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.
- (10) **AUTOMOBILE WRECKING YARD.** Any place where two or more motor vehicles, not in running condition, lacking current license plates and state inspection stickers, including inoperable equipment and parts thereof, are stored in the open; and including the commercial salvaging of any other goods, articles, or merchandise. (See "Junk Yard.")
- (11) **BASEMENT.** A story, wholly or partly underground, which, unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurement.
- (12) **BED AND BREAKFAST.** A residential dwelling with a character other than a hotel or motel compatible with the neighborhood providing temporary lodging generally for less than two weeks to guests for a per night charge, in five (5) or fewer guest rooms, providing breakfast daily for guests, and a manager residing on the premises, but not providing the accessory uses normally associated with a hotel.
- (13) **BLOCK.** A unit of property bounded by streets, or by streets and/or railroad rights-of-way, waterways, or other barriers.
- (14) **BLOCK FRONTAGE.** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.
- (15) **BOARD OR BOARD OF ZONING APPEALS.** The Fayette County Area Board of Zoning Appeals.
- (16) **BOARD OF COUNTY COMMISSIONERS.** The Board of County Commissioners of Fayette County, Indiana.
- (17) **BOARDING HOUSE.** An essentially private residence not open to transients which provides a private room and bathroom access and meals cooked on the premises and/or kitchen access to boarders for a comprehensive (meals included) weekly or monthly charge provided that rooms are limited to one boarder per room and the total rooms available to boarders does not exceed four. (Note - If the rooms are available on a nightly charge basis or if there is a separate charge for meals served on the premises, the facility is a motel or hotel or Bed and Breakfast.)
- (18) **BUILDING.** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.

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- (19) **BUILDING, DETACHED.** A building having no structural connection with another building.
- (20) **BUILDING, ENCLOSED.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- (21) **BUILDING, FRONT LINE OF.** The line of the face of the building nearest the front lot line.
- (22) **BUILDING, HEIGHT (OF).** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- (23) **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be considered a part of the principal building.
- (24) **BUILDING INSPECTOR.** The official designated by the Board of County Commissioners of Fayette County and authorized to enforce the Building Code.
- (25) **BUILDING LINE - BUILDING SETBACK.** The line nearest the front of 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. For the purpose of this chapter the proposed street and thoroughfare right-of-way lines according to the "Thoroughfare Plan" of current adoption will be considered as the street lines for lots bordering such streets and thoroughfares.
- (26) **BUILDING PERMIT.** A permit signed by the Building Inspector stating that a proposed improvement complies with the provisions of the Building Code.
- (27) **BUSINESS OR COMMERCIAL.** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.
- (28) **CAMP, PUBLIC.** Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.
- (29) **CARPORIT.** An open-sided roofed automobile shelter usually formed by extension of a roof from the side of a building.
- (30) **CAR WASH.** A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.
- (31) **CEMETERY.** Land used for the burial of the dead and dedicated for Cemetery purposes, including in conjunction with and within the boundary of such cemetery.
- (32) **CERTIFICATE OF OCCUPANCY.** A certificate signed by the Executive Director stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the Code of Ordinances of Fayette County, Indiana.
- (33) **CHARITABLE INSTITUTION.** A building or group of buildings devoted to public service and supported by a non-profit organization.
- (34) **CLINIC.** A facility for human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises. A clinic shall include laboratory facilities in conjunction with normal clinic services, but shall not include in-patient care.
- (35) **CITY.** City of Connersville, Indiana.
- (36) **CITY COUNCIL.** City Council of the City of Connersville, Indiana.
- (37) **CLUB.** Private buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- (38) **COMMISSION OR PLAN COMMISSION OR AREA PLAN COMMISSION.** The Fayette County Area Plan Commission.
- (39) **COMPREHENSIVE PLAN.** A composite of all plans of land use, of thoroughfares, of sanitation, of recreation, and other related matters according to the requirements of the 500 Series of I.C. 36-7-4.
- (40) **CONFINED FEEDING OPERATION (CFO):** Any confinement of at least 300 cattle, 600 swine or sheep or 30,000 fowl for at least 45 consecutive days where ground cover or vegetation is not sustained over at least 50 percent of the confinement area.
- (41) **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.

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- (42) COUNTY. Fayette County, Indiana.
- (43) DAY CARE CENTER OR CHILD DEVELOPMENT CENTER. A building or part thereof including the lot devoted to the care and/or education and training of infants (younger than two years of age) and/or children (two to 15 years) at a location away from home for less than 24 hours per day during weekday working hours, and not including overnight accommodation or overnight sleeping. This definition encompasses facilities generally known as child care center, pre-school, kindergarten, nursery school, and similar programs and facilities for infants and children, but does not include, "Educational Institution." (See definition FAMILY DAY CARE HOME.)
- (44) DECIBEL. A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.
- (45) DENSITY. The number of dwelling units developed per acre of land.
- (46) DEVELOPMENT. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
- (47) DEVELOPMENT Plan. Specific plans for the residential, commercial, or industrial development or other development of property settling forth certain information and data required by the Plan Commission. This information and data may include: development; developers;
- (a) the proposed name of the
 - (b) the name and address of
 - (c) the location by public way, political township, section and range.
 - (d) the legal description;
 - (e) a map including date, scale and point north, location, size, capacity, and use of all buildings and structures existing or to be placed in the development;
 - (f) the nature and intensity of the operations involved in or conducted in connection with the development;
 - (g) the site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading, and unloading;
 - (h) the name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces;
- (i) the layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;
 - (j) a description of the use of adjacent property and an identification of that property;
 - (k) the location, size, and arrangement of areas lawns, trees, and other to be devoted to planting site-screening activities;
 - (l) the proposals for sewer, water, gas, electricity, and storm drainage;
 - (l) the contours with spot elevations of the finished grade and the directions of storm runoff;
 - (m) the layout of proposed lots with their numbers and dimensions; and
 - (n) the land use density factors
- (48) DEVELOPMENTAL DISABILITY. A disability of a person which:
- (a) is attributable to mental retardation, cerebral palsy, epilepsy, or autism; or is attributable to any other condition found to be closely related to mental retardation because this condition results in similar impairment of general intellectual functioning or adaptive behavior, or requires similar treatment and services; or is attributable to dyslexia resulting from a disability described in this clause;
 - (b) originates before the person is age eighteen (18); and
 - (c) has continued or is expected to continue indefinitely and constitutes a substantial handicap to the person's ability to function normally in society.
- (49) DEVELOPMENTAL DISABILITIES RESIDENTIAL FACILITY. A facility:
- (a) that provides room and board services only, which are paid for exclusively out of private funds; or
 - (b) that provides only those services which are minimally required, based on each recipient's needs, for federal financial participation under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.); for at least four (4), but not more than eight (8), developmentally disabled individuals who are not related to the individual owning or leasing the facility; however, the term does not apply to a boarding house which is approved by the department of mental health under IC 16-14-4.
- (50) DISPOSAL (or Disposed of). The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such

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- solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (See Definition of Land Application Operation.)
- (51) **DISTRICT.** A section of the territory within the jurisdiction of the Fayette County Area Plan Commission for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings are herein established. Districts may overlap other Districts. Also **ZONE** or **ZONE DISTRICT**.
- (52) **DRIVE-IN ESTABLISHMENT.** Any place or premises used for sale, dispensing, or serving of food, refreshments, beverages or services in automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.
- (53) **DWELLING.** A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.
- (a) A single-family dwelling is a detached building designed for or occupied by one family, exclusively.
- (b) A two-family dwelling is a detached building designed for or occupied by two families, exclusively.
- (c) A multi-family dwelling is a building designed for or occupied by three or more families, exclusively.
- (54) **DWELLING UNIT.** One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- (55) **EASEMENT.** A right of the owner on one (1) parcel of land, by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property.
- (56) **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.
- (57) **EXECUTIVE DIRECTOR.** The official employed by the Fayette County Area Plan Commission and authorized to enforce the Planning and Zoning Codes of Fayette County, Indiana, and the City of Connersville, Indiana.
- (58) **FAMILY DAY CARE HOME.** An occupied dwelling in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a family day care home is limited to that care given to 12 or fewer children, including children living in the home and children or close relatives cared for in the home for less than 24 hours per day during weekday working hours. A **SMALL FAMILY DAY CARE HOME** is limited to 6 or fewer children and a **LARGE FAMILY DAY CARE HOME** is limited to 12 or fewer children. (See definition Day Care.)
- (59) **FARM.** An area of land comprising an are of at least five acres devoted to agricultural operations including row crops, horticultural crops, pasturage, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry and accessory buildings essential to the operation of the farm including, but not limited to barns, sheds, signs, roadside sales structures for the sale of products raised and produced on the farm, but not including industrial or commercial operations or feedlots.
- (60) **FARM HOUSE OR FARM DWELLING.** The principle dwelling or residence of the owner or operator of the farm.
- (61) **FARMSTEAD LOT.** A tract of land located in the A-1 Prime Agriculture District or A-2 Agriculture District, comprising a Farm House or Farm Dwelling built prior to October 30, 1992, and/or including accessory buildings essential to the operation of the Farm.
- (62) **FAMILY.** An individual or two or more persons related by blood, marriage or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five persons, provided further that the limit of five persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption, including foster children and domestic servants.
- (63) **FILLING STATION/SERVICE STATION.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, limited to the following:

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- (a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
 - (b) Tire servicing and repair, but not recapping or regrooving;
 - (c) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
 - (d) Radiator cleaning and flushing;
 - (e) Washing and polishing, and sale of automobile washing and polishing materials;
 - (f) Greasing and lubrication;
 - (g) Providing and repairing fuel pumps, oil pumps, and lines;
 - (h) Minor servicing and repair of carburetors;
 - (i) brakes;
 - (j) Adjusting and repairing
 - (k) Emergency wiring repairs;
 - (l) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
 - (m) Sales of cold drinks, packaged foods, ice, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;
 - (n) Rental of hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes or recreational vehicles, as accessory and incidental to principal operation;
 - (o) Provision of road maps and other informational materials to customers; provision of restroom facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.
- (64) FLASH POINT. The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.
- (65) FLOOR AREA, GROSS. The total area, computed on a horizontal plane, within the outside dimensions of a building. (See Sec. 153.36 for application to off-street parking under subsection (D).)
- (66) FLOOR AREA, NET. The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.
- (67) FLOOR AREA RATIO. The floor area of the building or buildings on a lot divided by the area of such lot.
- (68) FREE BURNING. A rate of combustion described by a material which burns actively and easily supports combustion.
- (69) FRONTAGE. All the property on one side of a Street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead ended, then all of the property abutting on one side between an intersecting Street and the dead end of the street.
- (70) GARAGE, PRIVATE. An Accessory Building or portion of the Principal Building used only for the storage of private passenger automobiles, private boats, recreational vehicle, and private auto trailers and/or not more than one (1) truck of a rated capacity not exceeding one and one-half (1-1/2) ton on any lot; when the storage space on the lot does not exceed that normally required for the use of persons occupying the Principal Building; and in which no business, service, or industry connected directly or indirectly with motor vehicles, boats, and trailers is carried on; provided that not more than one-half (1/2) of the parking spaces therein may be rented for the storage of motor vehicles, boats, and trailers of persons not resident on the premises, except that all the parking spaces in a garage of one (1) or two (2) car capacity may be so rented.
- (71) GARAGE, PUBLIC. Any building, except those defined herein as a "Private Garage," used for storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
- (72) GRADE. Also, LOT GROUND LEVEL.
- (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the Street;
 - (b) For buildings having walls adjoining more than one street, the overage of the elevation of the sidewalk at the center of all walls adjoining the streets; and
 - (c) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

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- (73) **GROUND FLOOR AREA.** The square foot area of a residential building within its largest outside dimensions computed on a horizontal plan at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways or other devices. A ground floor may have split levels provided there is not more than a five-foot difference in elevations between the different levels of the floor. See "OCCUPIED SPACE" for Manufactured Dwellings.
- (74) **HEALTH OFFICER.** Any officer of authority, Fayette County Health Department, and the State Department of Health. Same as "COUNTY HEALTH OFFICER," includes County Sanitarian.
- (75) **HEALTH FACILITY.** Any building, structure, institution, or other place, for the reception, accommodation, board, care or treatment extending beyond a continuous twenty- four (24) hour period in any week of more than two (2) unrelated individuals requiring, in apparent need of, or desiring such services or combination of them, by reason of age, senility, physical or mental illness, Infirmary, injury, incompetency, deformity, or any physical, mental or emotional disability, or other impairment, illness or infirmity, not specifically mentioned hereinabove, including institutions or places or institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitariums, convalescent homes, homes for the chronically ill, homes for the indigent. The reception, accommodation, board, care or treatment in a household or family, for compensation, of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousins, shall not be deemed to constitute the premises in which the person is received, boarded, accommodated, cared for or treated, a health facility. Any state institution or any municipal corporation may specifically request such licensure and upon compliance with all applicable sections of the Indiana Code and upon compliance with all existing rules and regulations, the petitioning facility may then be so licensed under the provisions of I.C. 16-10-2; provided that the term HEALTH FACILITY does not include hotels, motels, or mobile homes when used as such; hospitals, mental hospitals, institutions operated by the federal government; boarding homes for children; schools for the deaf or blind; day schools for the retarded; day nurseries; children's homes; child placement agencies; offices of practitioners of the healing arts; offices of Christian Science practitioners; industrial clinics providing only emergency medical services or first-aid for employees; a residential facility, as defined in I.C. 16-10-2.1-1; and any hospital, sanatorium, nursing home, rest home, or other institution wherein any health care services and private duty nursing services are rendered in accordance with the practice and tenets of the religious denomination known as the Church of Christ, Scientist.
- (76) **HOME OCCUPATION.** An accessory use conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.
- (77) **HOSPITAL.** An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like such as drug treatment center.
- (78) **HOTEL.** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.
- (79) **IMPROVEMENT LOCATION PERMIT.** A permit (which may be combined with a BUILDING PERMIT) signed by the Executive Director stating that a proposed improvement or use complies with the provisions of the Zoning Code. A TEMPORARY IMPROVEMENT LOCATION PERMIT is an IMPROVEMENT LOCATION PERMIT authorized by the Fayette County Area Board of Zoning Appeals with a definite time limit attached thereto.
- (80) **INDUSTRIAL PARK.** A single or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.
- (81) **INTENSE BURNING.** A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

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- (82) **JUNK YARD.** Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts there from; used lumber yards and places or yard for storage of salvaged building wrecking and structural steel materials and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.
- (83) **JURISDICTION OF THE COMMISSION.** The unincorporated territory of Fayette County, Indiana, and the territory within the City of Connersville, Indiana, the boundaries of which are shown on the Zone Map, dated 1993; as amended, which includes all of the area over which this Chapter is effective.
- (84) **KENNEL.** Any lot on which four (4) or more dogs, or small animals at least four (4) months of age, are kept.
- (85) **LAND APPLICATION OPERATION.** An operation that holds a permit from the State and/or Federal regulating authorities that oversee the application of soil amendments generated from municipal, industrial, or semi-public facilities wastewater treatment process, or (septage) from septic haulers.
- (86) **LIVESTOCK.** All cattle, bison, or animals of the bovine species; all horses, mules, burros, or animals of the equine species; all goats or animals of the caprine species; all swine or animals of the porcine species; llamas and all animals of the Lama genus; ostrich, chickens, and other domesticated poultry; deer, elk, moose, or animals of the Cervidae family; and all sheep or animals of the ovine species
- (87) **LOADING AND UNLOADING BERTHS.** The off-street area required for the receipt or distribution by vehicles of material or merchandise.
- (88) **LOT.** A parcel, tract or area of land accessible by means of a street or place, and for residential uses as set forth in this Code, abutting upon a street or place for at least fifty percent (50%) of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder of Fayette County, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street or a place shall be included.
- (89) **LOT, CORNER.** A lot at the junction of and having frontage on two or more intersecting streets.
- (90) **LOT, DEPTH OF.** The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.
- (91) **LOT, FRONTAGE.** AU the property of such lot fronting on a street and as measured between side lot lines.
- (92) **LOT, INTERIOR.** A lot other than a CORNER LOT or THROUGH LOT.
- (93) **LOT, REVERSED INTERIOR.** An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the Interior Lot Line by an alley.
- (94) **LOT, THROUGH.** A lot having frontage on two parallel, or approximately parallel streets. Also DOUBLE FRONTAGE LOT.
- (95) **LOT, WIDTH.** The dimension of a lot, measured between side lot lines on the building line.
- (96) **LOT, AREA.** The horizontally projected useable area of a lot computed exclusive of any portion of a Street, existing or proposed.
- (97) **LOT COVERAGE.** The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.
- (98) **LOT FRONTAGE.** The linear distance of a lot measured at the front line where said lot abuts a street., measured between side lot lines.
- (99) **LOT LINE.** The property line between two established parcels of land or one parcel and a public right-of-way or place.
- (100) **LOT LINE, FRONT.** in the case of an interior lot, a line separating the lot from the Street or place; and in the case of a corner lot, a line separating the lot from the street, except in cases where deed restrictions in effect specify another Street right-of-way line as the front lot line.
- (101) **LOT LINE, REAR.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in

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- length within the lot, parallel to and at the maximum distance from the front lot line.
- (103) **LOT LINE, SIDE.** Any lot boundary line not a front lot line or a rear lot line.
- (104) **LOT OF RECORD.** A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Fayette County, or a parcel of land, the deed to which has been recorded in the Office of the Fayette County Recorder.
- (105) **MANUFACTURED DWELLING.** A dwelling unit, built in a factory and bearing a seal of compliance with federal Manufactured Housing Construction and Safety Standards Law or Indiana Public Law 360, Acts of 1971, and constructed prior to October 30, 1992, and, although it is not actually a **MOBILE HOME**, for the purposes of this Code, it is a **MOBILE HOME**.
- (106) **MANUFACTURED HOME.** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.) or Indiana Public Law 360, Acts of 1971 (I.C. 22-11-1-9), constructed after January 1, 1981, and exceeds nine hundred and fifty (950) square feet of occupied space.
- (107) **MARQUEE OR CANOPY.** A roof-like structure of a permanent nature which projects from the wall of a building and may overhang into a required yard.
- (108) **MOBILE HOME.** A transportable vehicle which is greater than eight (8) feet in body width and longer than thirty-six (36) feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics:
- (a) Designed for long-term occupancy for one (1) or more persons, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
 - (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;
 - (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.
- (109) **MOBILE HOME PARK.** A tract of land which has been developed with all necessary facilities and services in accordance with a development plan meeting all legal requirements and which is intended or the purpose of providing a site for five (5) or more manufactured homes, manufactured dwellings or mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such **MOBILE HOME PARK**.
- (110) **MOBILE HOME LOT.** A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for said occupants.
- (111) **MOBILE HOME SLAB OR FOUNDATION.** The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a **PERMANENT FOUNDATION**.
- (112) **MOBILE HOME STAND.** That part of the mobile home park which has been reserved for the placement of one (1) mobile home unit, including the mobile home slab, lawn area, driveway area and parking area for the unit.
- (113) **MODERATE BURNING.** A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.
- (114) **MOTEL.** A building or detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients, and more than 50 percent of the lodging rooms are for rent to transient automobile tourists for a continuous period of less than 30 days.
- (115) **MOTOR VEHICLE.** A passenger vehicle, truck, truck-trailers, or semi-trailer propelled or drawn by mechanical power.
- (116) **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.
- (117) **NATURAL RESOURCES.** The Indiana Department of Natural Resources.
- (118) **NONCONFORMING USE.** A building or premises which does not conform in its use or otherwise with all of the regulations of the district in which the building or premises is located.

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- (119) NURSING HOME. Same as HEALTH FACILITY.
- (120) NURSING HOME CONVERSIONS. A dwelling which is converted for the use of a nursing home and licensed by the State Board of Health. See HEALTH FACILITY.
- (121) OCCUPIED SPACE. the total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.
- (122) OCTAVE BAND. A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.
- (123) OPACITY. A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer’s view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed.

Opacity Percent	Ringelmann
10	0.5
20	1
30	1.5
40	2
60	3
80	4
100	5

See Definition of RINGELMANN NUMBER.

- (124) OPEN SALES LOT. Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. (Such merchandise includes, but is not limited to, passenger cars, trucks, motorcycles, boats, monuments, mobile homes, and recreational vehicles).
- (125) OPEN SPACE. The total horizontal area of a lot excluding the building area but including parking areas and recreational areas; provided, however, in residential districts, said open space may include the useable roof area within the project which has been improved for outdoor use of occupants, plus one-half of that space, such as balconies, which may be open on its sides but not open above to the sky.
- (126) OUTDOOR RECREATION. Outdoor recreation includes one or more of the following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conservation clubs, Girl Scout and Boy Scout lodges or clubhouses, private parks or playgrounds, archery ranges, and other outdoor recreation uses approved by the Board

- of Zoning Appeals; and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse building. Outdoor recreation may be private recreational developments or outdoor commercial enterprises. (See BUSINESS.)
- (127) PARK MANAGEMENT. The person who owns or has charge, care or control of a mobile home park.
- (128) PARK, PUBLIC. A piece of ground kept for ornamental or recreational use, or an area maintained in its natural state as a public property, owned, operated, or endorsed by a governmental unit.
- (129) PARKING AREA. An area paved with a hard surface in accordance with specifications set forth in this chapter, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.
- (130) PARKING SPACE. A space other than on a Street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways. For computing purposes, the average area of passageways shall be at least 70 square feet per space. Accordingly, the minimum total average area for a parking space is 250 square feet.
- (131) PARTICULATE MATTER. Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.
- (132) PERFORMANCE STANDARD. Criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.
- (133) PERMANENT FOUNDATION. Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. (See 1.C. 22-11-1-1.5.)
- (134) PERMANENT PERIMETER WALL. An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of site-constructed homes, designed to support the loads imposed and extending below the established frost line.
- (135) PERSON. A corporation, firm, partnership, association, organization, or any other group

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- acting as a unit, as well as a natural person or persons.
- (136) PLACE. An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
- (137) PLAN COMMISSION OR COMMISSION OR AREA PLAN COMMISSION. The Fayette County Area Plan Commission.
- (138) PLAN COMMISSION STAFF. The Executive Director and any other persons the Fayette County Area Plan Commission has employed to advise them on matters pertaining to Planning and Zoning.
- (139) PLAT. A map or chart indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.
- (140) PREMISES. A lot, tract, or plat including buildings thereon, if any.
- (141) PRIVATE SCHOOL. Private, primary, grade, high or preparatory school or academy.
- (142) PROFESSIONAL OFFICE. Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.
- (143) PROFESSIONAL OFFICE CENTER. An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods. Such center shall conform to the standards and requirements of this chapter.
- (144) PROFESSIONAL OFFICE IN RESIDENCE. An office in the dwelling of a member of the following recognized professions: doctor, dentist, lawyer, engineer, and certified public accountant, provided that the professional service is performed by a member or members of the family occupying such dwelling, that not more than one additional person is employed in rendering such service, that not more than 25% of the gross floor area is devoted to such use, and that there shall not be used any nameplate or sign nor any artificial lighting or any display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a dwelling.
- (145) PROPERTY LINES. Those lines bounding a parcel of land.
- (146) PUBLIC UTILITY INSTALLATIONS. The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare.
- (147) RECREATIONAL VEHICLE. A portable vehicular structure designed as a temporary dwelling for travel, vacation and recreational uses which is either a structure mounted on an automobile or truck and designed to be used for human habitation, including sleeping, or identified on the unit by the manufacturer as a travel trailer or recreational vehicle, and is not more than eight (8) feet in width, and not more than thirty-six feet in length.
- (148) RECREATIONAL VEHICLE PARK. A tract of land which has been developed with all necessary facilities in accordance with a site development plan meeting all legal requirements and which is for short term occupancy by recreational vehicles only. It shall include, but not be limited to, travel trailers, pick-up coaches, motor homes, camping trailers, and tents.
- (149) RESTRICTED COMMERCIAL FARM ENTERPRISE. An operation or use which is inherent to or closely associated with a farm or agriculture, but not including confined feeding operations industrial grain elevators, industrial mills, abattoirs, the manufacture of commercial fertilizer, and similar operations which are of an industrial nature.
- (150) RETIREMENT HOME OR HOME FOR THE AGED. Same as HEALTH FACILITY.
- (151) ROADSIDE PRODUCE STAND. A structure or part of a property used for the sale of agricultural products.
- “Classes of Roadside Produce Stands are as follows:”
- Seasonal Produce Stands are open for the growing season only for the sale of produce grown exclusively on a property on which the primary use is residential.
- Year Round Produce Stands are open 12 months per year for the sale of produce grown exclusively on a property on which the primary use is residential.

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Resale Produce Stand\Green Grocers are open for the growing season for the resale of produce. the majority of which must be grown in Fayette County. or the adjacent counties.

Transient Produce Stands are open for a period of less than 14 days for the resale of produce and require the issuance of a transient business license.

Farm Stands are open seasonally or year round for the sale of produce raised on that farm property and is considered an accessory use to farm operations.

Farmers Markets are officially recognized by the city and county through the local economic development organization in order to provide a centralized location for the direct sale of produce and other approved products from a grower or crafts person directly to the consumer.

- (152) RINGELMANN NUMBER. The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC 7718) May 1, 1967, or any adaption thereof which has been approved. The Chart illustrates graduated shades of gray for use in estimating smoke density. See Definition of OPACITY.
- (153) ROOMING HOUSE. A building in which is the primary residence of the owner and in which rooms are provided, for compensation, to three (3) or more, but not exceeding twelve (12), adult persons not related by blood, marriage or adoption to the owner; or which is not the owner's residence and which is occupied in its entirety by three or more adult persons not related by blood, marriage or adoption to each other. The term does not include a hotel, motel or multi-family dwelling.
- (154) SERVICE DRIVE, COMMERCIAL. A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).
- (155) SHOPPING CENTER. An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this Code.
- (156) SIGN. (See Sec. 153.37 (B) for definition.)
- (157) SLOW BURNING OR INCOMBUSTIBLE. Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support, combustion during an exposure for five (5) minutes to a temperature of 12000 F.
- (158) SLUDGE. Any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.
- (159) SMOKE. Small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material, that form a visible plume in the air.
- (160) 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 Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation periods.
- (161) SOLID WASTE. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
- (162) SPECIAL SCHOOL. Any school which has as its primary purpose the instruction, care, and rehabilitation of atypical or exceptional

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- children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.
- (163) **STORY.** That portion of a building, included between the surface of any floor and surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.
- (164) **STORY, HALF.** That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.
- (165) **STREET.** A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.
- (166) **STREET, FRONTAGE.** A street that runs parallel to the frontal street and located within the space between the building(s) and the frontal street.
- (167) **STRUCTURE.** Anything constructed or erected on the ground or attached to the ground.
- (168) **STRUCTURAL ALTERATION.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.
- (169) **SUBDIVISION.** The division of land parcels as defined in Chapter 81 of the Code of Ordinances of Fayette County, Indiana, the City of Connersville, Indiana, or the Town of Glenwood, Indiana.
- (170) **SWIMMING POOL, PRIVATE.** A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence and not for monetary gain.
- (171) **THOROUGHFARE, ARTERIAL.** A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.
- (172) **TOURIST HOME.** A single family building owned and occupied by a person renting out not more than three rooms for overnight accommodation for compensation to transient persons who do not stay for more than seven (7) consecutive days.
- (173) **TOWNHOUSE.** A two or two and one-half story dwelling, which may include a basement, and which is normally an integral part of an apartment or multi-family use as set forth in this Code.
- (174) **TRADE OR BUSINESS SCHOOL.** Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.
- (175) **USE.** The employment or occupation of a building, structure or land for service, benefit or enjoyment by a person.
- (176) **USE, NONCONFORMING.** See **NONCONFORMING USE.**
- (177) **VARIANCE.** A modification of the specific requirements of this Code granted by the Board in accordance with the terms of this Code 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 and district.
- (178) **VIBRATION.** Oscillatory motion transmitted through the ground.
- (179) **VISION CLEARANCE ON CORNER LOTS.** Also, **INTERSECTION VISIBILITY.** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting 2 points measured 15 feet equidistant from the intersection of the property lines or the property lines extended at the corner of the lot using each of the street right-of-way lines.
- (180) **WASTE PRODUCTS.** Materials, which are not considered sludge or wastewater under (327 IAC 6), but are generated as waste in the production process and may be disposed of through application upon or incorporation into the soil.
- (181) **WASTEWATER.** Discarded pollutant-bearing water or other liquid waste which is generated by industrial, municipal, or semi-public facilities.
- (182) **YARD.** A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.
- (183) **YARD, FRONT.** A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of

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- which is the least distance between the front lot line and the building line.
- (184) **YARD, REAR.** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty percent (30%) of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.
- (185) **YARD, SIDE.** A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four (4) feet, and certain accessory uses in accordance with the provisions of this Chapter. The width of the required side yard is measured horizontally at 90 degrees with the side lot line from the nearest point of the building.
- (186) **ZONE MAP.** A map entitled: "Zone Map, Fayette County, and Connersville, Indiana," dated 1993, and any amendments thereto.

Section 153.44: FILING FEES AND FORMS

- (A) **Application Forms.** Applications and petitions shall be prepared on the forms provided by the Executive Director (and Building Inspector), and accompanied by the filing fees herein specified, to be paid to the Executive Director who shall forthwith pay over to the Auditor of Fayette County to the credit of the General Fund of Fayette County.
- (B) **Improvement Location Permit Fee.** For each application for an Improvement Location Permit or a Temporary Improvement Location Permit, the sum of \$15.00 shall be paid.
- (C) **Certificate of Occupancy Fee.** For each application for a Certificate of Occupancy or Temporary Certificate of Occupancy, the sum of \$10.00 shall be paid.
- (D) **Fees for Amendments.** Appeals and Requests. Applications for petitions to amend this code, appeals from the decision of the Executive Director, requests for Variances, Special Exceptions, Temporary Uses, Exceptions and

other matters upon which the Board is required to act, shall be accompanied by the following fees for each application.

- (E) **Publication Costs.** In addition to the fees set forth herein, the applicant, petitioner or appellant shall meet the cost of publication notices and due notices to interested parties, when required.
- (F) **Fees Must Be Paid.** Until all applicable fees have been paid in full, including any fees or deposits for building permits, no application shall be processed by the Executive Director. If an application for an Improvement Location Permit is made belatedly, and after notice of non-compliance from the Executive Director has been made, a late-filing fee of fifty dollars (\$50.00) shall be assessed.
- (G) **Fees Not Returnable.** No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.
- (H) **Coincidental Applications.** An Improvement Location Permit shall be applied for coincidentally with the application for a Building Permit whenever a Building Permit is necessitated by the proposed improvements. In such cases, the Improvement Location Permit fee is charged in addition to the Building Permit fees set forth in the Building Code.

Section 153.45: SPECIFICATIONS: FIGURE 1

The following specifications is hereby declared to be a part of this Code:

Figure 1, LOT AND YARD REQUIREMENTS, shows the minimum lot areas, area per unit, ground floor areas, lot widths, front yard depths, rear yard depths, side yard widths, and maximum building height limits, lot coverage for the various districts. Figure 1 follows this Area Zoning Code.

Section 153.46: INDIANA DRAINAGE CODE REQUIREMENTS

- (A) **75-Foot Drainage Right-of-Way.** The Indiana Drainage Code Provides that all regulated drains in the State of Indiana shall have a 75-foot right-of-way on either side of the centerline of any tiled drain and from the top edge of each bank of an open ditch as determined by the County Surveyor. This right-of-way is for the use of the Fayette County Board of County Commissioners.

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(B) Use of Drainage Right-of-Way. The owners of land over which the right-of-way runs may use the land in any manner consistent with the Indiana Drainage Code and the proper operation of the drain. Permanent structures may not be placed upon or over the right-of-way without the written consent of the Fayette County Drainage Board. Temporary structures may be placed upon or over the right-of-way without written consent of the Drainage Board but shall be removed immediately by the owner when so ordered by the Drainage Board or an authorized representative of the Drainage Board.

Section 153.47: COMPLAINTS

Whenever a violation of this Chapter of the Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Executive Director. Said official shall properly record such complaint and immediately investigate. If acts elicited by such investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, said official shall file with the

Section 15348: REPEALER

An ordinance entitled:

“AN ORDINANCE REGULATING AND RESTRICTING THE SIZE OF BUILDINGS; THE SIZE OF YARDS, COURTS, AND OTHER SPACES; THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS AND LAND FOR AGRICULTURE TRADE, INDUSTRY, RESIDENCE, AND OTHER PURPOSES; CREATING DISTRICT’S 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;’ IDENTIFIED AS “THE ZONING ORDINANCE OF ALL THE REMAINING UNINCORPORATED AREAS OUTSIDE THE CORPORATED CITY OF CONNERSVILLE, IN FAYETTE COUNTY, INDIANA,” - specifically, Ordinance No. 2155, passed by the Board of County

Commissioners of Fayette County, Indiana, on February 20, 1979, which became effective on July 2, 1979, and all amendments thereto; and an ordinance to repeal an ordinance entitled:

“AN ORDINANCE REGULATING 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;” IDENTIFIED AS “THE ZONING ORDINANCE OF THE CITY OF CONNERSVILLE,” - Specifically, Ordinance No. 2155, passed by Common Council of the City of Connersville, Indiana, on April 2, 1979, and all amendments thereto; incorporated in Chapter 153: Zoning Code, of Title 15: Land Usage, of the “Code of Ordinances of Connersville, Indiana,” and all amendments thereto; are hereby repealed.

Section 153.99: Remedies and Penalties

- (A) Remedies and Enforcement. Remedies and enforcement of the provisions of the Zoning Code are set forth in I.C. 36-7-4-1000, “1000 SERIES - REMEDIES AND ENFORCEMENT.’ “All remedies set herein may be used in combination or in the alternative.”
- (B) Violations As Common Nuisance. Any structure erected, raised, or converted, or land or land use
1. or premises used, in violation of this Chapter of the Code, is a common nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining a common nuisance.
- (C) Penalty. Any person or corporation in violation of Chapter 153 may be punished subject to the provisions of I.C. 36-1-3-8, specifically: a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for an ordinance violation.

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(D) Fines

(1) Any person who uses property in violation of this Section shall be deemed to have committed a civil zoning violation, and the staff, or representative of the Fayette County Sheriffs Department, Connersville City Police Department, or other code enforcement official for Fayette County, Indiana or the City of Connersville may issue a “notice of violation” or citation/ ticket. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed on Table 1.2. A person who commits a first violation shall receive a “notice of violation”. If the violation is not corrected within the time frame specified by the “notice of violation” then the following fine schedule shall apply.

TABLE 1.2 SCHEDULE S OF FINES	
Violation	Fine
Notice of Violation	No Fine
First Violation	\$50.00
Second Violation	\$100.00
Third Violation	\$150.00
Forth Violation	\$200.00
Each Subsequent Violation	\$300.00

In no event shall the total monetary fine for each civil zoning violation exceed \$2,500.00. All fines prescribed by this Section for civil zoning violations shall be paid in accordance with the provisions of Indiana law and the ordinances of Fayette County, Indiana and the City of Connersville.

(a) The staff may issue a civil zoning “notice of violation” or ticket/citation to a person who commits a civil zoning violation to the legal owner, the contract vendee or any person or entity with a possessory interest in the real estate upon which the violation occurs. The “notice of violation” or ticket/citation may be served by personal service or by certified mail and shall serve as notice to a person that he or she has committed a civil zoning violation. If determined appropriate the Executive Director has the authority to forgo issuing a ticket/citation in favor of proceeding directly to the remedies allowed under sub-paragraphs (E),(F) and (G) of this Section of the Area Zoning Code. Upon failure to abate the nuisance within the time allotted in the “notice of violation” staff may forward those violations within the corporate boundaries of the City of Connersville to the City of Connersville

“code violation staff” for issuance of citations/tickets and enforcement.

(b) No ticket/citation shall be issued for the first offense unless the person who commits a civil zoning violation, or the legal owner, the contract vendee, tenant, or any person or entity with a possessory interest in the real estate upon which the violation occurs has been issued a “notice of violation”. The compliance deadline shall not be less than 10 days for illegal nonconforming businesses, construction without an improvement location permit, or the use of or installation of signs in violation of the provisions of the Area Zoning Code and not less than 30 days for other violations before the issuance of the ticket/citation to correct the violation.

(c) A person who receives a “notice of violation” or a ticket/citation may file a formal appeal of the Executive Director’s order or zoning code interpretation to the Board of Zoning Appeals, or file a petition for a variance, special exception conditional use, rezoning or other means provided by the Area Zoning Code to correct the violation. A person who elects to file an appeal or petition shall indicate this intent on the “notice of violation” or ticket/citation and return it to the Area Plan Commission staff within 10 days, after issuance of the “notice of violation or ticket/citation to file the appeal or petition. A person who files the petition within said time period shall be responsible for completing all required applications and petition paper work and shall be responsible for all public notice costs with the hearing(s) to be held at the next available Area Plan Commission and Board of Zoning Appeals meetings as required under the provisions of the Area Zoning Code. If the appeal or petition is denied, withdrawn, or dismissed for want of prosecution, the Board of Zoning Appeals shall establish a time limit for correction of the violation, not to exceed 30 days. No fines shall be assessed during the correction period. After the expiration of the correction period, if the civil zoning violation continues at the real estate, then enforcement proceedings authorized by this ordinance will be commenced. A person who receives a citation under this Section and elects to file a petition shall not be entitled to a stay of additional monetary fines that accrue after the expiration of any correction period.

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- (d) A person who receives a ticket/citation may elect to pay the fine and any associated court costs to the appropriate office, or to stand trial for the offense by indicating on the citation his or her intent to stand trial and returning a copy of the ticket/citation to the issuing agency..
- (e) If a person who receives a ticket/citation fails to pay the assessed fine by the date of payment set forth in the ticket/citation and fails to give notice of his intention to stand trial as prescribed in Subsections above, the Plan Commission attorney may file enforcement proceedings as provided by applicable laws and seek penalties as prescribed in this Ordinance.
- (f) A person adjudged to have committed a civil zoning violation is liable for the Court costs and fees. No cost shall be assessed against the enforcement agency in any such action.
- (g) Seeking a civil penalty as authorized by this Section does not preclude the County from seeking alternative relief from the court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of this Ordinance.
- (h) A change of venue from Fayette County shall not be granted in such a case, as provided in IC 36-7—1-1014.

(E) UNPAID FINES AND COURT COSTS AND ATTORNEY FEES INCURRED TO ENFORCE ORDINANCE TO BECOME LIEN AGAINST REAL ESTATE

- (1) Any fine and court costs not paid within thirty (30) days after it is due shall result in said fine and court costs along with the amount of any attorneys fees incurred to enforce this Ordinance to become a lien against the real property on which the violation of this Ordinance occurred.
- (2) The lien attaches to the real property when notice of the lien is recorded in the Office of the Fayette County Recorder. The lien is superior to all other liens except liens for taxes.
- (3) The lien shall be in an amount that does not exceed:
 - (a) \$2,500.00 for real property that:
 - (i) Contains 1 or more occupied or unoccupied single
 - (ii) or double family dwellings or the appurtenances
 - (iii) or additions to those dwellings; or
 - (iv) Is unimproved;

- (b) \$10,000.00 for all other real property not described in subdivision 1.

- (4) The amount of the lien shall be placed on the tax duplicate by the Fayette County Auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the General Fund of the County.

(F) VIOLATIONS ON PRIVATE PROPERTY- COSTS OF REMEDIATION BILLED TO OWNER AND IF NOT PAID TO BECOME A LIEN AGAINST THE REAL ESTATE

- (1) If a condition violating this Ordinance exists on real property, Officers and employees of Fayette County or a contractor of said County may enter onto that real property and take appropriate action to bring the real property into compliance with this Ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. If the County takes action to bring compliance, the expenses incurred by the County to bring compliance constitute a lien against the real property.
- (2) The lien attaches when Notice of the lien is recorded in the Office of the Fayette County Recorder. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:
 - (a) \$2,500.00 for real property that:
 - (i) Contains 1 or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or
 - (ii) Is unimproved;
 - (b) \$10,000.00 for all other real property not described in subdivision 1.
- (3) The County may issue a bill to the owner of the real property for the costs incurred by the County in bringing the property into compliance with this Ordinance, including administrative costs and removal costs.
- (4) A bill issued under the above subsection is delinquent if the owner of the property fails to pay the bill within thirty (30) days after the date of issuance of the bill.
- (5) The amount of the lien shall be placed on the tax duplicate by the Fayette County Auditor. The total amount, including any accrued interest, shall be collected in the same manner as

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delinquent taxes are collected and shall be disbursed to the General Fund of the County

(G) Repair, Maintenance and Nuisance Abatement and Related Remedies

- (1) The Fayette County Area Plan Commission (“APC”) may, from their approved budget, appoint, hire or contract an individual who shall be in charge of enforcing the provisions of this Ordinance, which individual may hereinafter be referred to as The Area Plan Commission Inspection and Enforcement Officer (“IEO”).
- (2) *Powers.* The IEO is granted, and may exercise all powers granted the inspector by way of the Area Zoning Code, Area Subdivision Control Code and Building Codes as adopted by Fayette County, Indiana and the City of Connersville.
- (3) *Purpose.* This provision is adopted to fairly deal with the prevention and/or elimination of any public nuisance, the definition of which (for purposes hereof) shall include the following:
 - (a) An annoyance that effects the sensibilities of a person of ordinary health or average sensibility;
 - (b) The definition as set forth in The City of Connersville, Indiana’s Chapter 98, Section 98.01, of the said City’s Code of Ordinances, as that Code exists and may be, and is, from time to time amended (the provisions of which Section are incorporated hereat by reference);
 - (c) Indiana Code 32-30-6-6, as that Code exists and may be, and is, from time to time amended (the provisions of which Code are incorporated hereat by reference); and
 - (d) The various definitions set forth in applicable Indiana case law.
- (4) *Orders.* The IEO may issue an order requiring compliance with all zoning, subdivision, building codes adopted by Fayette County, Indiana and the City of Connersville and other nuisance ordinances adopted by Fayette County, Indiana under which the IEO is authorized to enforce.
- (5) *Service of Orders.* An order issued under this Ordinance shall be served in person and/or certified mail, as the IEO may choose at the IEO’s discretion, on the tenant, if applicable, and the owner, or owners (if more than one owners is of record), as the case may be, of the dwelling, excavation, building, sewer or structure. The said order shall inform the tenant(s) and owner(s) so served what action is required of him, her, or them, as the case may be, and advise that, if such

action is not taken and the matter is not resolved in accordance with the order within thirty (30) days of the date of the order, then suit may be filed by the APC for compensatory damages equal to sums necessary to effect a cure and/or to have another entity or entities, as the case may be, to effect the required action, as the case may be, and/or for injunctive relief for abatement of the subject nuisance, with the costs for the remedy sought in either, or both event(s), to be assessed against the owner and with damages adjudged against those so served, jointly and severally, and including, in all events, APC’s trial preparation and presentation expenses and the APC’s legal costs in asserting its remedy(ies). The order shall also give notice to those served of the right to appeal and judicial review of the IEO’s order in accordance with the applicable provisions below

- (6) *Appeal and Review of an IEO Order.*
 - (a) Any person or entity aggrieved by an order of the IEO issued pursuant to this Ordinance may, not more than ten (10) days after receipt of service of the order, file with the appropriate entity an appeal seeking a review of the order.
 - (b) The applicable Court shall hear the appeal. The Court’s decision is final.
- (7) *Appeal Bonds.* If the person and/or entity appealing for review of an IEO order to the Circuit or Superior Court he/it shall file with the subject Court a bond in an amount to be fixed by the Court with sureties to be approved by the Judge of said Court, conditioned on the payment of all costs for the review, including APC’s legal costs, court costs and damages caused by the time delay caused by the appeal, if the person and/or entity fails to sustain the appeal or the appeal is dismissed.