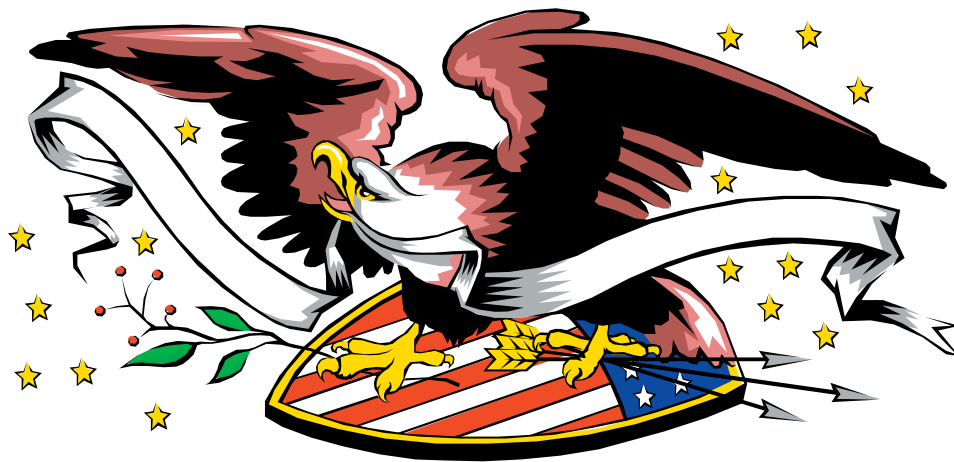


# ZONING ORDINANCE



## JENNINGS COUNTY, INDIANA

September 1, 2006  
Including Amendments Through August 2008

Prepared By:



**FPBH, Inc.**

Engineers • Surveyors • Planners • Inspectors

72 Henry Street  
P.O. Box 47  
North Vernon, IN 47265

Phone: (812) 346-2045  
Fax: (812) 346-8045  
Toll Free: 1-866-346-3724

[www.fpbhonline.com](http://www.fpbhonline.com)



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# JENNINGS COUNTY ZONING ORDINANCE

## I. ENACTMENT AND PROVISIONS

### A. POLICY STATEMENT

Designation of zoning districts is intended to guide the development of the community in a way that promotes and maintains essential values: public safety, protection of individual property rights, and quality of life for residents.

Zoning districts are designed to establish the appropriate intensity of development with respect to surrounding uses. Therefore, zoning designations in Jennings County shall be considered to indicate prescribed actual use of parcels within each district, not the maximum intensity use. For example, the owner of a parcel in a residential Multi-Family district may not construct single family homes on that parcel on the premise that the actual development does not exceed the development intensity for the district.

In making zoning designations, the Area Plan Commission must consider existing development and zoning districts. By the same token, property owners must acknowledge permitted uses in adjacent or nearby districts as valid use. For example, a property owner who builds a residence in a Residential district adjacent to an Agricultural district will have no basis for complaint or claim against any farmer carrying out legitimate and permitted activities in the Agricultural district.

### B. ENACTMENT

#### 1. Title

These regulations shall hereinafter be known and cited as the “Unified Zoning Ordinance of Jennings County”.

#### 2. Effective Date

This Ordinance becomes effective 14 days after the notice of the adoption is published pursuant to IC 36-7-4-610 (a) and (e).

#### 3. Repealer

- (a) Upon its enactment by the County, City, and Town as set forth herein above, this Ordinance shall supplant and effectively repeal that Unified Zoning Ordinance of Jennings County previously adopted on May 20, 1996, for the County of Jennings; November 4, 1996, for the City of North Vernon; December 5, 1996, for the Town of Vernon, and subsequently amended.

- (b) In as much as orderly transition from the prior Ordinance to this Ordinance is desired, it is necessary and proper for the Plan Commission to consider the terms of the prior Ordinance in the application of this Ordinance, and, further, utilize all existing zoning maps until same are updated and replaced.

## **C. GENERAL PROVISIONS**

### **1. 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.

### **2. Non-interference**

It is not intended by this Ordinance to interfere with, or abolish, or abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with or abrogate or annul any Ordinances (Other than expressly repealed) hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Chapter, or which shall be adopted or provided, except that where this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or required 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 ordinances, rules, regulations or permits, the provisions of this Chapter shall control.

### **3. Non-conflict**

No building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereafter.

### **4. Finality**

- (a) All actions of the Commission/Board shall be deemed final. However, in the case of a person unilaterally modifying or expanding beyond the scope of the action, whether rezoning designation, issuance of permit, granting of special use or variance, such modification or expansion shall serve to void the original action.
- (b) The Commission and the Board of Zoning Appeals reserve unto themselves the authority to review the rezoning designation, permit, special use or variance for a period of one (1) year beyond the issuance or granting of same to determine whether such an exparte modification or expansion has been effected.

## 5. Separability

- (a) If any court of competent jurisdiction shall adjudge any provision of this Ordinance or amendments thereto invalid, such judgments shall not affect any other provisions of this Ordinance or amendment thereto, not specifically included in said judgment.
- (b) If any court of jurisdiction shall judge invalid the application of any provision of this Ordinance or amendments thereto a particular property, building, or other structure, such judgment shall not affect the application of said provision to any property, building or structure not specifically included in such judgment.





## **II. ADMINISTRATION, ENFORCEMENT & GENERAL REQUIREMENTS**

### **A. ORGANIZATION**

The administration of the Ordinance is hereby vested in three offices of the government of Jennings County, Indiana, as follows: (1) the Zoning Enforcement Officer; (2) the Area Board of Zoning Appeals; and (3) the Area Plan Commission. The Essential Services Committee is established as an advisory committee to the Area Plan Commission.

### **B. OFFICE OF THE ZONING ENFORCEMENT OFFICER**

The Zoning Enforcement Officer and such deputies or assistants that have been, or shall be, duly appointed shall enforce this Ordinance, and in addition thereto, and in furtherance of such authority shall:

1. Issue all Building Permits and make and maintain records thereof. Verify possession of septic and sewer tap permit within Jennings County and the City of North Vernon, before issuing a Building Permit.
2. Issue all Certificates of Occupancy, and make and maintain records thereof;
3. Conduct inspections of buildings, structures, use of land to determine compliance with the terms of this Ordinance;
4. Maintain permanent and current records of this Ordinance including, but not limited to maps, amendments, special uses, applications therefore; and designate on Zoning District Map each amendment and special use, as granted subsequent to the adoption of this Ordinance;
5. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
6. Receive, file and forward to the Board of Zoning Appeals applications for appeals, variances, special uses, or other matters on which the Board is required to pass under this Ordinance.
7. Upon the approval of the appropriate local public agency being first obtained, issue permits regulating the erection and use of tents for specific periods of time for purposes such as: temporary carnivals, churches, voluntary organizations such as Boy Scouts and Girl Scouts, eleemosynary uses, tourists camps, or revival meetings, when the use of tents is not detrimental to the public health, safety, morals, comfort, convenience or general welfare of the people of the County provided, however, that said tents of operation are in conformance with all other ordinances and codes of the local public agency; and
8. Determine use, lot, and bulk requirements in specific instances, as stipulated herein.

## **C. AREA BOARD OF ZONING APPEALS**

### **1. Creation**

Under the provisions of the Indiana Code, an Area Board of Zoning Appeals is hereby created. The Board of Zoning Appeals as heretofore established is hereby continued and shall be maintained as to membership in accordance with such statute.

### **2. The Board of Zoning Appeals is hereby vested with the following jurisdiction and authority:**

- (a) To hear and decide appeals from and review any provision of this Ordinance or amendments thereto invalid, such judgments shall not affect any other provisions of this Ordinance or amendment thereto, not specifically included in said judgment.
- (b) To hear and decide all applications for variances from the terms provided in this Ordinance in the manner prescribed by and subject to the standards established herein;
- (c) To hear and decide all applications for special uses in the manner described by and subject to the standards established herein; and
- (d) To hear and decide all matters referred to it or upon which is required to pass under this Ordinance, as prescribed by Indiana Code, as amended.

### **3. Meeting and Rules**

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such times as the Board may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by authorized agent or attorney. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indication such facts, prepare findings, and keep records of its hearing and official actions. A copy of every rule or regulation, order, requirement, decision, or determination of the Board shall be filed in the Office of the Zoning Enforcement Officer, and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with applicable Indiana statutes, and select or appoint such officers as it deems necessary.

### **4. Finality of Decision of the Board of Zoning Appeals**

All decisions and findings of the Board of Zoning Appeals after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review.

## **D. AREA PLAN COMMISSION**

### **1. Creation**

The Area Plan Commission is the Area Plan Commission of Jennings County, Indiana.

## 2. Jurisdiction

The Plan Commission shall have such powers and duties as prescribed by the Indiana Code, as amended, and these powers shall include but are not limited to the following:

- (a) To receive from the Zoning Enforcement Officer copies of applications for special uses and submit reports to the Board of Zoning Appeals setting forth its findings and recommendations in the manner prescribed in this title for special uses;
- (b) To hear all applications for amendments to this Ordinance in the manner prescribed by the Indiana Code, and report findings and recommendations to the appropriate local Public Agency.
- (c) To initiate, direct, and review, from time to time, studies of the provisions of this Ordinance, and to make reports of its recommendations to such local public agencies.
- (d) To hear and decide all matters upon which it is required to pass under this Ordinance and the Statute of the State of Indiana.

## **E. ESSENTIAL SERVICES COMMITTEE**

Because of the technical nature of many of the proposals which come before the Plan Commission for approval, it is recommended that an Essential Services Committee be established to act as a technical review advisory committee to the Area Plan Commission. The membership and scope of responsibility of the Essential Services Committee are at the discretion of the Plan Commission. This section suggests minimum requirements to meet the needs of the Plan Commission.

### 1. Responsibility

The Essential Services Committee shall review all improvement location permits and shall act as the sketch plat review committee of the Plan Commission for approval of all rezoning. No improvement location permits shall be issued or preliminary plats forwarded to the Plan Commission without review by the Essential Services Committee. The Essential Services Committee shall have advisory authority only, and under this Ordinance shall make recommendations to the Plan Commission and Administrator. Such recommendations shall be on the adopted standardized form for such recommendations.

2. The Essential Services Committee shall consist of the Administrator of the Area Plan Commission, the Zoning Enforcement Officer, one appointee of the Area Plan Commission representing the unincorporated areas, one appointee of the Area Plan Commission representing the incorporated areas and the following technical representatives as required: law enforcement, street or highway commissioner, water and sewer or septic commissioner, fire and safety personnel, a member of the local Building Trades Association and the local government engineer. Other persons may be

asked to participate in the review process at the invitation of the Administrator. In cases where the land in question is located within two miles of an incorporated area, representatives of both the incorporated and unincorporated areas should be in attendance.

## **F. REZONING PROCESS**

### **1. Applying for a rezoning**

The applicant must fill out the Rezoning Application and all other supplemental forms that may be required. (Applications located in the Appendix)

### **2. Notify adjacent property owners**

It is the applicant's responsibility that all costs are paid for and all adjacent property owners must be notified of the public hearing by certified mail and the "Affidavit of Notice to Interested Parties" form must be filled out stating that such has been completed. The card must be returned prior to the hearing.

### **3. Rezoning exhibit**

A rezoning exhibit shall be required for all rezoning requests.

A rezoning exhibit shall contain a drawing showing the location of the land being rezoned which shows adjoining property and existing buildings. All setbacks lines and building lines required shall be shown and a general layout of the proposed construction should be provided if available. If variances are required then it will be required to be noted on the exhibit.

### **4. Essential Service meeting**

The rezoning request is first taken to the Essential Service Committee where it will be reviewed and recommendation made to the Area Planning Commission.

### **5. Area Plan Commission meeting**

There will be a public hearing held at the area plan commission meeting, which will be publicly advertised.

### **6. Area Plan Commission Recommendation**

After the Area Plan Commission makes their recommendation, it is then forwarded to the appropriate legislative body (i.e. Town of Vernon, City of North Vernon, or Jennings County) for their consideration. The City's standard policy is to review the rezoning at the first meeting and then table it until the next meeting.

### **7. Use Commitment**

The Area Plan Commission may ask for a written commitment concerning the use or development of the parcel in accordance with IC 36-7-4-613.

8. Fees

(See fee schedule in the appendix for application fee.)

**G. DEVELOPMENT (SITE) PLAN REVIEW**

1. Documentation

The following documentation must be presented with the application for improvement location or sketch plat review (where a sketch plat review requires more documentation as set forth in the Subdivision Control Ordinance, those requirements shall apply):

- (a) Name and address of the owner, developer, engineer, landscape architect and architect;
- (b) Location of the property by public way, township and section, and including a legal description;
- (c) A map (may be hand drawn) with the date, scale, and north arrow, showing the location, size and use of all existing and proposed structures and buildings to be placed on the site. Such map or additional map shall show the location of the site in relationship to contiguous land parcels and public rights-of-way;
- (d) The site layout of the project showing setbacks, public way access, and any parking and loading facilities;
- (e) Existing and proposed sewer, water, gas, electric and storm drainage utilities, including any easements.

2. Plat Approval

Any rezoning action by the Plan Commission shall include the approval of a final, detailed plat depicting the use of the site to be approved by the Plan Commission. Any variation in use from the final approved plat shall constitute a violation and the approval shall be revoked.

Spite strips of a non-build area to prevent adjacent property owners from connecting to rights-of-way, roads, utilities, or easements shall not be allowed in any existing or new development.

The use of an easement to get to any tract of land divided off of another shall be discouraged. Any tracts created off of an easement shall be reviewed by the Area Plan Commission and not solely by the Executive Director. All easements shall be a minimum of 50 feet wide and the Area Plan Commission may require that no other tracts may be created off of an existing easement.

## **H. ZONING CERTIFICATIONS**

1. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of a local public agency unless the application for such permit has been examined by the Zoning Enforcement Officer and has affixed to it a Certificate of Zoning Enforcement Officer, indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate of occupancy issued in conflict with the provisions of this Ordinance shall be null and void.
2. All applications for a use in an Industrial District shall have affixed to it the Certification of an Architect, Structural Engineer, or recognized testing laboratory, licensed by the State of Indiana, certifying that the building or structure, and the proposed use thereof, complies with all of the provisions of this Ordinance respecting performance standards for manufacturing and similar uses. The Zoning Enforcement Officer shall, upon receipt of such Certification, provided all other relevant provisions of this Ordinance are complied with, issue the certificate of Zoning Enforcement Officer. Such certification shall be valid for all purposes. The Zoning Enforcement Officer shall examine said application and shall advise the architect, structural engineer, or testing laboratory in writing if the building structure or use thereof, does not in fact comply with the performance standards. Failure of the architect, structural engineer, or testing laboratory to show compliance within 30 days of such notification shall be cause for revocation of the Zoning Certificate.

## **I. OCCUPANCY CERTIFICATES**

No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this Ordinance, shall be used for any purpose until a Certificate of Occupancy has been issued by the Zoning Enforcement Officer. Every Certificate of Occupancy shall state that the use or occupancy complies with provisions of this Ordinance.

### **1. Application for Occupancy Certificates**

Every application for a zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an Occupancy Certificate for a new use of land where no building permit is required shall be made directly to the Zoning Enforcement Officer.

### **2. Issuance of Occupancy Certificates**

No Occupancy Certificates for a building or portion thereof constructed after the effective date of this Ordinance shall be issued until construction has been completed and the premises inspected and certified by the Zoning Enforcement Officer to be in conformity with the plans and specifications upon which the Zoning Certificate was based. No Occupancy Certification for a building or major alteration, or addition to an existing building, constructed after the effective date of this Ordinance, shall be issued until the premises have been inspected and certified by the Zoning Enforcement Officer to be in compliance with all the applicable regulations of the Zoning District in which it

is located. Pending the issuance of a Certificate of Occupancy, a Temporary Certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any major alteration or addition to an existing building or for the partial occupancy of a new building. The Occupancy Certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a Certificate of Occupancy cannot be issued, not later than 14 days after the Zoning Enforcement Officer is notified in writing that the building or premises are ready for occupancy. (See the permit fee schedule in the appendix for the occupancy certificate fee.)

## **J. IMPROVEMENT LOCATION PERMIT**

An Improvement Location permits is required to assure that conditions have been met prior to construction in any zoning district. The issuance of such permits is absolutely critical for the implementation of a zoning ordinance with respect to both temporary and permanent improvements to structures, buildings, and land. This permit is to be obtained prior to other permits. Construction activities that result in the disturbance of one (1) or more acres of land will be required to obtain a rule 5 permit from IDEM. (See appendix for the improvement location permit application)

1. Projects and changes requiring Improvement Location permits:
  - (a) Construction of a new primary use building, accessory building, other structure, or any digging of earth;
  - (b) demolition of a primary use building, accessory building, sign, or other structure;
  - (c) any structural alteration involved in the expansion, enlargement, conversion, or repair of an existing primary use building, accessory building, or other structure;
  - (d) placement, construction, erection, or modification of any type of sign (See Chapter XIV “Signs” for sign regulations);
  - (e) moving an existing primary use building, accessory building, sign or structure from one location to another (either on the same lot or to another);
  - (f) construction of decks and above-ground or in-ground swimming pools;
  - (g) change in the use or condition of the land (except in agricultural use);
  - (h) change the use of the land under special uses under Chapter II, Section R “Special Uses”; and
  - (i) change the Flood Plain district under Chapter XII. “Floodplain Zoning”.
2. Exemptions:
  - (a) A fence;
  - (b) interior or exterior maintenance that does not require structural alterations;

- (c) re-roofing that does not require structural alteration;
  - (d) landscaping, except as required by this or any other ordinance;
  - (e) a portable or mobile storage shed up to 120 square feet in area;
  - (f) agricultural land management practices;
3. Fees:
- (See fee schedule in the appendix for Improvement Location permit fee.)

## **K. STEPS TO OBTAIN A BUILDING PERMIT**

1. Property card, contract or property deed.
2. Septic permit obtained from Health Department (352-3091)  
Or  
Sewer tap permit obtained from North Vernon Wastewater Department (346-1496), Jennings Northwest Regional Utilities (346-5500), the Town of Vernon Clerk Treasurer (346-7438), or Campbell Township Rural Sewer District (Applicant should be aware of the sewer district in which they are located, because they may need to obtain a waiver, permit, or release from that district.) (See Figure 2-1 for detailed steps)

For new, expansion, change in zoning, or change of use of any commercial or industrial lot, a septic permit must be obtained from the Indiana State Board of Health.

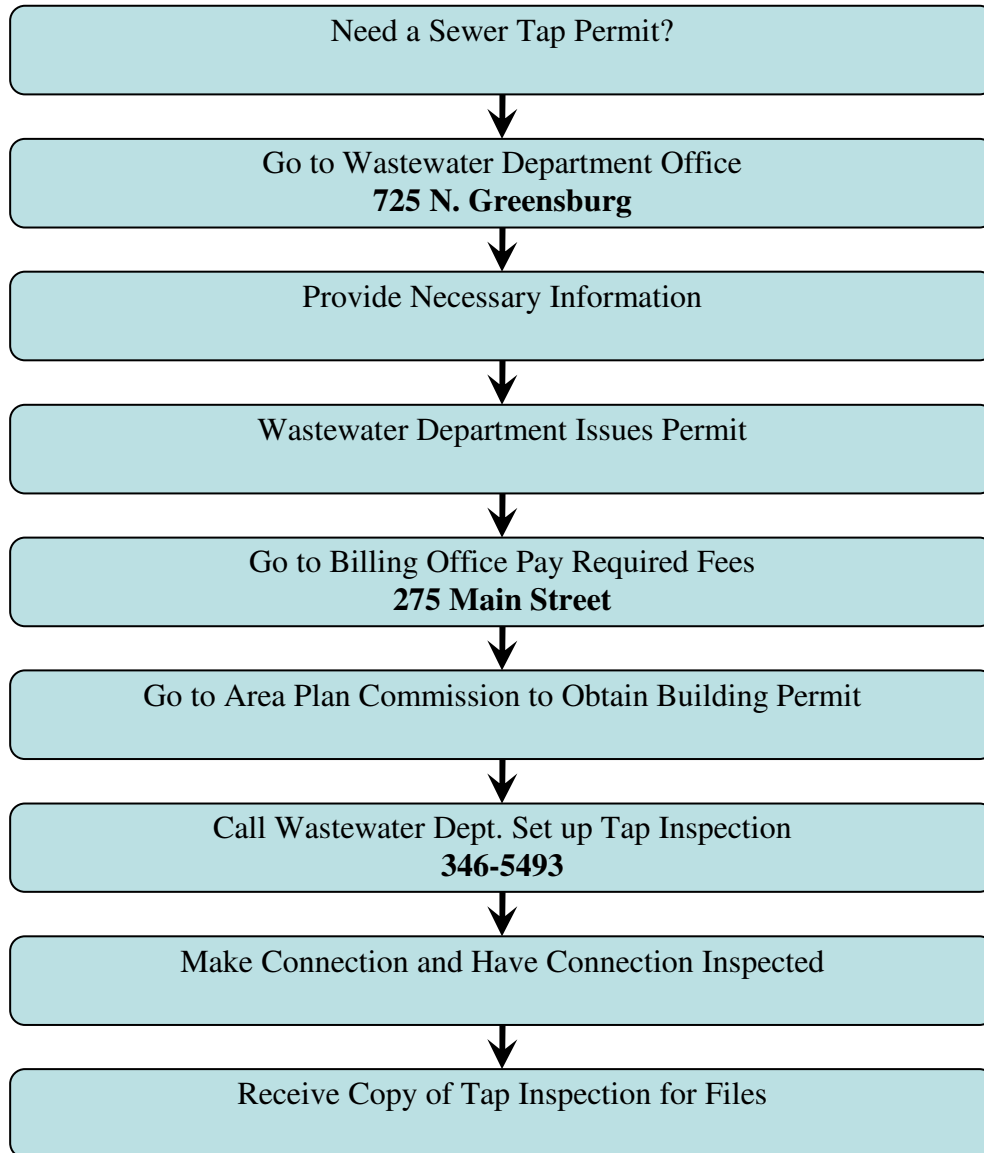
3. Water Permit, letter or Tap form
4. Residential:  
Building design and/or blueprints for stick built homes  
Or  
Floor plan, pier and tie down layout, and purchase agreement for manufactured homes  
Commercial or Industrial:  
State design release
5. Driveway permit obtained from County Garage if drive comes off county road and there is no existing culvert. (346-2967)  
Or  
Obtained from Indiana Department of Transportation (Madison Sub-District Office) if drive comes off state highway (812-574-4368)  
Or  
City Permit if drive comes off a city street obtained from the City Street Dept. (346-1616) or from the City Clerk Treasurer (346-5907)
6. Flood Plain: If the building site is in the Special Flood Hazard Area (zone A), no permit can be given until proper approval from the State of Indiana is received.



7. Construction activities that result in the disturbance of one (1) or more acres of land will be required to obtain a rule 5 permit from IDEM prior to the issuance of a building permit.

Under the Jennings County Zoning Ordinance and Building Code, the Area Plan Commission is required to have the above forms in every building permit file.

**Figure 2-1: Sewer Tap Permit Steps**



Sewer tap permit obtained from North Vernon Wastewater Department (346-1496), Jennings Northwest Regional Utilities (346-5500), the Town of Vernon Clerk Treasurer (346-7438), or Campbell Township Rural Sewer District (Applicant should be aware of the sewer district in which they are located, because they may need to obtain a waiver, permit, or release from that district.)

## **L. REQUIRED IMPROVEMENTS**

These required improvements pertain to all zoning sections in this ordinance except for residential and agricultural zoning. For required improvements of subdivisions, see the Subdivision Control Ordinance Article V “Required Improvements”.

### **1. Storm and Surface Water Drainage**

(a) **General Requirements.** The Commission shall not recommend for approval any subdivision plat, rezoning, or site development permit which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods approved by the Commission, and a copy of the design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. Construction activities that result in the disturbance of one (1) or more acres of land will be required to obtain a rule 5 permit from IDEM.

### **(b) Nature of Storm Water Facilities**

- (1) **Location.** The applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County’s construction standards and specifications.
- (2) **Accessibility to Public Storm Sewers**
  - i. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance adequate provision shall be made for the disposal of storm water, subject to the specifications of the Commission. However, in subdivisions containing lots of less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of the facilities shall be conducted upon completion.
  - ii. If a connection to a public storm sewer will be provided eventually, as determined by the Commission, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.

- (3) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The commission shall determine the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
- (4) Effect on Downstream Drainage Areas. The Commission shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. All costs that may be needed for any studies required by the commission shall be provided by the developer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until provisions (such as a storage facility) has been made for the improvement of said potential condition in such sum as the Commission shall determine. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.
- (5) Areas of Poor Drainage. Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the Commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.
- (6) Areas of High Seasonal Water Tables. In areas characterized by soils having a high seasonal water table as determined by the Jennings County Soil and Water Conservation District, lots shall be limited to slab type construction unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.
- (7) Drainage Design Criteria. The subdivider shall size all storm sewers, culverts, ditches and other drainage structures based on runoff from a ten (10) year storm event using the appropriate intensity/duration curve for the area and a minimum time of concentration of five minutes. The drainage calculations shall also include the effect of the subdivision on the existing downstream drainage facilities outside the subdivided area. The Plan Commission shall also require detention facilities adequate to reduce runoff from proposed development to the extent that the 50 year post development flow is stored and the 10 year pre-development flow may be released.
- (8) Floodway Areas. If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Commission. No residential building site may be located within the Floodway.
- (9) Floodway Fringe Areas. Where a subdivision is proposed within an area of the Flood Plain designated as Floodway Fringe, the Commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate

contamination of or by, flood water; and, approval to fill the area from the Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.

- (10) Flood Plain Areas. Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Commission shall not approve such a subdivision unless all streets are raised sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood elevation; where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of or by floodwater; and, filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Natural Resources Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
- (11) Recording of Plats in the Flood Plain and Floodway Fringe. All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.

(c) Dedication of Drainage Easements

- (1) General Requirements. Where a subdivision is traversed by a drainage course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, granted or dedicated to the county conforming substantially to the lines of such watercourse, and of such width an construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- (2) Drainage Easements
  - i. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street right-of-ways, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
  - ii. The applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourse of a width to be determined by the Commission.
  - iii. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
  - iv. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the

computations for determining the number of lots allowable under average density procedures no for computing the area requirement for any individual lot.

## 2. Sidewalks

All development in said zones shall be required to have a paved sidewalk installed along the street or streets at the discretion of the commission.

### (a) Required Improvements

- (1) Sidewalks shall be included within the dedicated, unpaved portions of the right-of-way of all streets within the development.
- (2) Concrete curbs shall be installed as required.
- (3) Any sidewalk that requires a setback from the road shall have a grassed or landscaped median strip between them.
- (4) All sidewalks installed shall have ramps that are handicap accessible.
- (5) Concrete shall be 4"x4' min. on 4" of stone or Asphalt shall be 3"x6' min. on 6" of stone.

- (b) Pedestrian Access. In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Commission may require perpetual unobstructed easements. Such easements shall be indicated on the exhibit.

## **M. ENVIRONMENTAL**

### 1. Water Pollution

No authorization of a use under this Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under the National Pollutant Discharge Elimination System (NPDES) permit program. The administration of the NPDES program in Indiana is the responsibility of the Office of Waste Management within the Department of Environmental Management under memorandum of agreement with the United States Environmental Protection Agency. Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Indiana Department of Environmental Management and/or the State Department of Health, and any other Indiana department or agency authorized to review and approve such facilities.

### 2. Air Pollution

- (a) Any use that emits any air contaminant as defined in Indiana Code 13-1-1-2(d) shall comply with applicable State standards concerning air pollution, as set forth in Title 326 of the Indiana Administrative Code.
- (b) No improvement location permit shall be issued with respect to any improvement covered by (a) above until the Indiana Air Pollution Control Board has certified to the Administrator that the appropriate State permits have been received by the

petitioner, or that the petitioner will be eligible to receive these permits and that the improvement is otherwise in compliance with applicable air pollution laws.

## **N. VARIANCES**

### 1. Purpose

The Board, after public hearings, may vary the regulations of this Ordinance in harmony with their general purpose and intent, where the Board makes findings of fact in accordance with the standards hereinafter pre-described and further, findings that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance. However, the Board shall not grant a variance for a use not permitted in the District.

### 2. Applications for Variances and Notice of Hearing

An application for a variance shall be filed in writing with the Zoning Enforcement Officer. The application shall contain such information as the Board may require. Notice of the time and place of public hearing shall be published as required by Indiana Code, as amended.

### 3. Standards for Variances

The Board shall not vary the regulations of this Ordinance except upon a determination and finding, based only on the evidence and testimony presented in public hearing before the Board, that;

- (a) The grant will not be injurious to the public health, safety, and general welfare;
- (b) The use or value of the area adjacent to the property included in the variance will not be adversely affected;
- (c) The need for the variance arises from some condition peculiar to the property involved and does not exist in similar property in the same zone; and
- (d) The strict application of the terms of this Ordinance will constitute an unusual and unnecessary hardship as applied to the property for which a variance is sought.

### 4. Conditions

The Board may impose such conditions and restrictions upon the premises as may be necessary or desirable to comply with the above standards.

## **O. SHOW CAUSE**

Upon a summons to appear before the Area Plan Commission (APC), a landowner or land-occupier may be compelled to Show Cause, if any he has why he should not be held in violation of the promulgated ordinances. The hearing shall be conducted as follows:

1. The executive director shall briefly set forth the nature of the complaint;
2. The land-owner, land-occupier or his representative shall briefly set forth his position, to-wit: admitting or denying the allegations and a summary of evidence, if any, to be presented;
3. The chair shall, at his discretion, permit comments from the floor by interested parties, subject to the chair's discretion as to the number and length of comments in the interest of succinctness;
4. Members shall be recognized by the chair for the purpose of comments and to pose questions of any assembled for the purpose of fact-finding;
5. The land-owner, land-occupier or his representative shall be given the opportunity, at the chair's discretion, to question or cross-examine the persons giving testimony;
6. That the executive director shall have the opportunity to briefly summarize his position;
7. That the land-owner, land-occupier or his representative shall have an opportunity to briefly summarize his position;
8. That the chair shall entertain final comments from members, as recognized, and ask for a motion from a member;
9. That the chair shall, upon a vote on said motion, shall issue a ruling and, if requested by a party, include a finding of facts in the record of proceedings along with the vote on the motion itself.

## **P. APPEALS**

### 1. Scope of Appeals

An appeal may be taken to the Board of Zoning Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Enforcement Officer. Such an appeal shall be taken within such time as shall be prescribed by the Board by filing with the Zoning Enforcement Officer a Notice of Appeal specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board all the papers constituting a record from which the action appealed was taken.

### 2. Hearing on Appeals

Hearing on appeals shall be pursuant to Indiana Code, as amended and by rules adopted by the Board.

## **Q. AMENDMENTS**

1. The Board of Commissioners, the Common Council of North Vernon or the Town Board of Vernon may, from time to time, upon its own motion or upon the petition of

the Plan Commission or of interested property owners as provided by Statute, amend the regulations and districts established by the Ordinance. Proposals for such amendments may originate upon the petition of the Plan Commission or upon petition of 50 percent of the property owners in the area involved in such amendments. In either case, the Board of Commissioners, or the Common Council, may act upon such amendment only after a report has been submitted by the Plan Commission after public notice and hearing in accordance with provisions of the Indiana Code, as amended.

## **R. SPECIAL USES**

### **1. Purpose**

The development and execution of this Ordinance is based on the division of the County into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of the particular location. Such special uses fall into two categories:

- (a) Uses publicly operated or traditionally affected with a public interest.
- (b) 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 or public facilities.

### **2. Initiation of Special Use**

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Ordinance in the Zoning District in which the land is located.

### **3. Application for Special Use**

An application and two copies for a special use shall be filed with the Zoning Enforcement Officer. The application shall be accompanied by such plans and/or data prescribed by the Board of Zoning Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth herein. Such application may be forwarded from the Zoning Enforcement Officer to the Plan Commission with a request for a report relative thereto; a copy shall also be forwarded to the Board of Zoning Appeals who shall hold a public hearing and shall consider the report of the Plan Commission, if any.

### **4. Hearing on Application for Special Use**



Hearing on application for special use shall be pursuant to Indiana Code, as amended, and by rules adopted by said Board of Zoning Appeals.

5. Decisions

No order of the Board of Zoning Appeals granting a special use permit shall be valid for a period longer than six months from the date of such order unless the Board specifically grants a longer period of time or an improvement location permit is obtained within the six months period and construction is diligently being prosecuted to completion.

6. Standards

No special use shall be granted by the Board of Zoning Appeals unless such Board shall find:

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

7. Conditions and Guarantees

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

**S. PENALTIES FOR VIOLATION, RIGHT OF INJUNCTION**

Any person, firm or corporation who violates any provision of this Ordinance shall be liable for a penal fine and the penalty shall be a fine of not less than one hundred (100) dollars nor

more than fifteen hundred (1500) dollars, and each day that a violation is permitted to continue shall constitute a separate offense. In addition, violators shall be subject to reimbursement to Area Plan Commission of all costs, including legal fees, of enforcement herein.

Any structure erected, raised, or converted, or land or premises used in violation of any provision of this Ordinance is hereby declared to be a common nuisance, and the owner of such structure, land, or premises shall be liable for maintaining a common nuisance.

The Board of Zoning Appeals, Plan Commission, or the Zoning Enforcement Officer may institute a suit for injunction in the Circuit Court to restrain any person, firm, or corporation or a governmental unit from violating the provisions of this Ordinance.

The Board of Zoning Appeals or Plan Commission may institute a suit for a mandatory injunction in the Circuit Court directing an individual, firm, corporation, or governmental unit to remove a structure erected in violation of the provisions of this Ordinance.

## **T. FEES**

The fees established pursuant to schedule herein shall be received by the Zoning Enforcement Officer who shall pay into the non-reverting fund of Jennings County. Fee schedule is attached in the Appendix. No governmental entity shall be exempt from paying any fees required by this ordinance.

Any Person or contractor who starts construction of any building, structure, dwelling, extension of an existing building or improvement before obtaining a permit or location improvement permit required by the Jennings County Indiana Unified Zoning Ordinance on the Indiana Code shall thereafter, when obtaining the applicable permit, shall be required to pay a permit fee equal to two times the required permit fee.

### **III. NON-CONFORMING USE SPECIFICATION**

#### **A. DEFINITION**

1. Any building or land **LAWFULLY** occupied by a use at the time of passage of this Chapter which does not conform after the passage of this Chapter with the use regulations of the district in which it is situated shall be deemed to be a legal non-conforming use.

#### **B. PROVISIONS**

1. Non-conforming uses are considered incompatible or undesirable uses in the districts in which said use is located. Within the districts established by this Ordinance, there may exist non-conforming lots, structures and uses. These non-conforming lots, structures and uses were lawful prior to the adoption of this Ordinance, but are now prohibited, regulated, or restricted. It is the intent of this Ordinance to permit these non-conforming uses to continue until they are removed.
2. Existing non-conforming uses registered with the Plan Commission can be transferred to another owner on the same location provided the future owner again registers such non-conforming use with the Plan Commission.
3. Non-conforming structures shall not be modified or enlarged to intensify or further accommodate the non-conforming use, but any structure or portion thereof may be altered to diminish or eliminate its lack of conformity with the provisions of this Ordinance. Normal maintenance and repair of a structure containing a non-conforming use shall be permitted, provided there is no alteration of the structure to intensify or further accommodate the non-conforming use.
4. Non-conforming uses shall not be moved in whole or in part to occupy any structure or any portion of the registered parcel not occupied by the non-conforming use at the effective date of this Ordinance or amendment.
5. Illegal uses existing at the time this Ordinance is enacted shall not be validated by virtue of its enactment.

#### **C. REVOCATION**

1. If a lawfully registered non-conforming use is discontinued or abandoned for a period of six (6) consecutive months or greater, the non-conforming use shall be revoked. The structure and/or premises shall thereafter be used in conformance with the regulations and standards for the district in which it is located, as enacted in this Ordinance and its amendments.
2. Uses banned under any federal, state, or local law, ordinance, or regulation, or found to pose a threat to the public health, shall not be protected by non-conforming use provisions, nor validated by the enactment of this Ordinance or its amendments.



## **IV. DEFINITIONS**

### **A. IDENTIFICATION**

The purpose of this section is to identify the terms and words used in the Code as they relate to Jennings County.

1. County

- (a) Wherever the word “County” appears in this chapter, it shall be deemed to refer to Jennings County, Indiana.

2. Commission

- (a) The word “Commission” refers to the Jennings County Plan Commission.

3. Board

- (a) The word “Board” refers to the Jennings County Board of Zoning Appeals.

4. District

- (a) The word “District” refers to a section of the jurisdictional area 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.

5. Zone Map

- (a) The words “Zone Map” refer to the current editions of maps entitled “Jennings County, Indiana Zone Map”, and “Jennings County, Indiana Jurisdictional Area and Zone Map”, with amendments, and are on file and available for public inspection in the Area Plan Commission Office of Jennings County.

6. Code/Ordinance

- (a) In subsequent sections hereof, reference may be made to “Code” or to the “Ordinance.” It is intended that the terms, when used herein, are interchangeable.

7. Building Inspector

- (a) When the term “Building Inspector” appears in this Chapter it shall refer to the Jennings County Building Inspector.

8. Master Plan

- (a) The words “Master Plan” refer to the complete plan, or any of its parts, for the development of areas, prepared by the Commission and adopted in accordance with IC 18-7-5-1, as amended and now known as IC 36-7-4-201 et seq. as is now or hereafter in effect.

**B. INTERPRETATION**

The purpose of this Section is to interpret certain terms and words for the purpose of this Ordinance.

1. Tense and Number

- (a) Words in the present tense include the future and vice-versa.
- (b) Words in the singular number include the plural number and vice-versa.

2. Key Words

- (a) The word “Building” includes the word “Structure” and vice-versa.
- (b) The word “Shall” is mandatory and not discretionary.

**C. TERMS**

The following definitions shall apply to the Zoning and Subdivision books unless the context clearly indicates or requires a different meaning.

**Accessory Building Use.**

- (a) A subordinate, detached and roofed structure, not designed for human habitation, which serves a function incidental to and associated with that of the same lot and which does not change or alter the character of the premises.
- (b) Public utility communications, electric, gas, water and sewer lines, their supports and incidental equipment.

**Act.** Shall refer to the existing Indiana Code. (See “Indiana Code”)

**Advertising Sign or Structure.** (See “Sign”)

**Agriculture.**

- (a) The use of land for active pursuit of agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, the primary processing of products thereof produced on the premises and the necessary accessory uses for packing, treating or sorting said products.

- (b) The principal characteristic of such operations shall not include the commercial processing of agricultural products produced primarily on farms other than that on which the processing facilities are located.

**Airport.** Any location, including necessary buildings, either on land, water, or structure, which is designed or used for landing and taking-off of aircraft.

- (a) **Aircraft.** Any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.
- (b) **Airport.** The North Vernon Municipal Airport.
- (c) **Airport Elevation.** The highest point of an airport's usable landing area measured in feet from mean sea level, and established to be 758 feet above mean sea level (MSL).
- (d) **Airport Hazard.** Any structure, object of natural growth, located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or take-off at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- (e) **Airport Layout Plan.** An overall planning document geometrically establishing the horizontal and vertical locations of the ultimate runway ends at the North Vernon Municipal Airport for which is the basis for the Airport Zoning District, herein attached as Exhibit "A" – Airport Layout Plan dated may 12, 1975.
- (f) **Boundary.** The property line existing in fee simple and depicted on the Airport Zoning Map.
- (g) **Geographical Reference Point.** The airport reference point (ARP) established as a point having equal relationship to all existing and proposed landing and takeoff points, as defined in AC 150/3500-4B, as amended, and having Latitude 39° 02'36"N and Longitude 85° 37'01"W.
- (h) **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (i) **Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (j) **Runway 5-23, Non-Precision Instrument.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.
- (k) **Runway 15-33, Utility.** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (l) **Runway 15-33, Visual.** A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

(m)**Zones.** The zones established in this ordinance are imaginary horizontal or inclined surfaces as indicated on the North Vernon Municipal Airport Zoning Map dated August 4, 1981.

**Alley.** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**Alteration.** Any change, addition or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

**Animal, Domestic.** A horse, mule, swine, goat, sheep, cow, rabbit, turkey, chicken, guinea, pheasant, quail or similar animals and fowl commonly kept on farms located in the Jennings County area.

**Applicant.** The fee simple owner of land who makes application to the Jennings County Plan Commission for action by said commission thereby affecting that land.

**Area Plan Commission.** A multiple jurisdictional Plan Commission established under the area plan law as defined in the IC 36-7-4-102 (1981) as amended.

**Arterial.** Either a Primary Arterial or a Secondary Arterial as defined in this section.

**Attached Multi-Family.** A structure of multi-family use, having common or party wall or walls.

**Basement.** A story or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided into rooms and used for commercial or tenant dwelling purposes by other than a janitor employed on the premises.

**Bed and Breakfast.** A building in which one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

**Billboard.** (See "Sign")

**Block.** A property abutting on one side of a street, and lying between the two nearest intersecting streets, or between the nearest intersecting street and railroad right-of-way, waterway or other definite barrier.

**Block, Frontage.** Property having frontage on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

**Block, Residential.** A block in which business or industrial uses are not permitted.



**Board.** The word “Board” refers to the Jennings County Board of Zoning Appeals. Also commonly referred to by the abbreviation “BZA”.

**Boarding House.** A building other than a hotel where, for compensation and by arrangement, meals and/or lodging are provided for three (3) or more persons but not to exceed twenty (20) persons.

**Buffer Landscaping.** Any trees, shrubs, walls, fences, berms, or related landscaping features required under the Subdivision Control Ordinance or the Zoning Ordinance on private lots and privately maintained for buffering lots from adjacent properties or public rights of way for the purpose of increasing sound and/or visual privacy.(See Screening also.)

**Building.** Any roofed structure built for the support, shelter, enclosure, or protection of persons, animals, chattels or moveable property of any kind (each part of such a structure that is separated from the rest by unbroken party walls is considered to be a separate building for the purposes of this ordinance). All buildings which are not accessory buildings shall have a permanent foundation. (Refer to Structure)

**Building Area.** The total ground area, within the lot or project, covered by enclosed residential building space plus garages, carports and other accessory buildings.

**Building Code.** (See “Code/Ordinance”)

**Building Commissioner.** For the purposes of this Ordinance, the Building Commissioner shall refer to the person employed and delegated the primary responsibility of issuing permits and may or may not conduct inspections of same.

**Building, Height Of.** (See “Height”)

**Building Inspector.**

- (a) The term “Building Inspector” shall refer to the Jennings County Building Inspector.
- (b) The person who, under the direction of the Zoning Enforcement Officer/Building Commissioner, conducts on-site inspections of buildings for compliance with the applicable codes.

**Building Line.** The line that establishes the minimum permitted distance on a lot between the building and the lot line.

**Building Permit.** A certificate issued by the Building Permit Official of a governing body permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done.

**Building Permit Official.** That official of local government authorized to issue building permits.

**Building, Principal.** (See “Principal Use Building”)

**Building Setback Line.** A line parallel to and equidistant from the relevant lot line (front, back, side), establishing the minimum open space to be provided, between which no buildings or structures may be erected as prescribed in the County Zoning Ordinance, except an eave or cornice overhang not to exceed four feet.

**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.

**Business School.** (See “Trade or Business School”)

**Campground.** Any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

**Camping Trailer.** A “Travel Trailer” as defined under “Recreational Vehicle” in this section.

**Car Area.** Open space area (uncovered and covered) used for car traffic, maneuvering and parking. Includes roads and right-of-way of all streets within the project, plus the area of half of any abutting alley or street right-of-way.

**Carport.** An area under roof which is used for off-street storage of street vehicles.

**Cemetery.** Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Central Sewerage System.** A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision or an existing public sewer system.

**Central Water System.** A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision.

**Certificate.** The signed and attested document which indicates that a subdivision has been granted secondary approval by the Commission subsequent to proper public notice of its hearing.

**Certificate of Compliance.** An occupancy permit, as cited in IC 36-7-4-801 and 802. A certificate of compliance is commonly understood to be final approval resulting from satisfying all the terms of the applicable permits.

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

**Checkpoint Agency.** A public agency or organization called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or required by law to give its assent before subdivision may take place.

**Child Care Center.** A non-residential structure in which the operators of the structure receive compensation for caring for four (4) or more children on a regular basis. The care center must be licensed by the state, and can include “nursery schools” or “pre-schools.” This definition does not include public or private schools of general education. Generally care is provided for four (4) or more hours during the working hours of the child’s parent or guardian.

**Child Care Home.** A residential structure in which the resident receives compensation for the caring for at least six (6) children, for more than four (4) hours but less than twenty-four (24) hours, for ten (10) or more consecutive working weekdays (not including the children for whom the provider is a parent, step-parent, guardian, custodian, or other relative.)

**Church.** A building for religious worship services.

**City.** Any classified city or incorporated town.

**Clinic.** An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians.

**Code/Ordinance.** In subsequent sections hereof, reference may be to “Code” or to the “Ordinance.” It is intended the terms, when used herein, are interchangeable.

**Collector Street.** A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it and no driveway access to it is permitted unless the property is to be in multifamily use for four (4) or more dwelling units.)

**Commercial.** (See “Business or Commercial”)

**Commission.** The word “Commission” refers to the Jennings County Plan Commission.

**Comprehensive Plan.** Inclusive physical, social, and economic plans and polices in graphic and verbal statement forms for the development of North Vernon, Vernon, any other participating town, and Jennings County, prepared and adopted by the Commission and indicating general locations recommended for public improvement, pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

**Condominium.** The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the IC 32-1-6-1 through 31.

**Construction Plan(s).** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.

**Corner.** The point of intersection of any public roads or easements which have been dedicated and accepted by a unit of government.

**Corner Lot.** (See “Lot, Corner”)

**County.** The word “County” refers to Jennings County, Indiana.

**County Building Code.** (See “Building Code”)

**County Recorder.** The county official empowered to record and file land description plats.

**Covenant.** (Deed Restriction) A private, legal restriction on the use of land contained in the deed to the property. Normally applied to all lots in any subdivision.

**Coverage.** The lot area covered by all buildings located thereon.

**Cul-de-sac.** A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

**Day Care Center.** (See “Child Care Center”)

**Day Care Home.** (See “Child Care Home”)

**Dead-end Street.** A street or a portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

**Designated Officials.** Those officials of the Commission designated in the subdivision ordinance as required signatories for the execution of secondary approval.

**Detached Building.** A building that has no structural connection with another building.

**Developer.** The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

**Development Density.** Number of dwelling units per gross acre. (IDEM Permit System with Sewage and Water)

- (a) Low – 1 or less dwelling units per acre.
- (b) Medium – 1 to 4 dwelling units per acre.
- (c) High – over 4 dwelling units per acre.

- Development Plan.** (IC 36-7-1-6) A specific plan for the development of real property that:
- (a) requires approval by a plan commission under the 1400 series of IC 36-7-4;
  - (b) includes a site plan;
  - (c) satisfies the development requirements specified in the zoning ordinance regulating the development; and
  - (d) contains the plan documentation and supporting information required by the zoning ordinance.
- District.** The word “District” refers to a section of the jurisdictional area 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.
- Drive-in.** An establishment selling foods, frozen desserts, or beverages to consumers, the establishment being designed, intended or used for the consumption of such items on the premises outside of the building in which they were prepared.
- Drives, Private.** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with public streets within public right-of-way.
- Driveway.** (See “Drives, Private”)
- Dwelling Unit.** One room, or rooms, connected 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.
- Easement.** An authorization grant by the property owner for the use of any designated part of his property by a corporation or persons for a specific use(s) and purpose(s) and officially recorded.
- Escrow.** A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.
- Executive Director.** The Executive Director of the Area Planning Commission of Jennings County.
- Family.** One or more persons sharing meals and living as a single housekeeping unit.
- Farm.** Land for which the primary purpose is the active pursuit of agriculture and the production of agricultural products. A farm may include dwellings for the owner of the farm and/or the operator of the farm, and the families thereof, as well as necessary buildings to house or accommodate business activities of the farm.
- Fence.** A structure, including entrance and exit gates, designed and constructed for enclosure or screening.

**Final Plat.** The map, drawing, or plan described in this ordinance of a Subdivision and any accompanying material submitted to the Commission for secondary approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

**Flag Lot.** (See “Lot, Flag”)

**Flood.** The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water. I.C.-1971-13-2-22 as amended by Public Law 123, Acts of 1973, defines flood as “the water of any river or stream in the State of Indiana or upon or adjoining any boundary line of the State of Indiana which is above the bank and/or outside the channel and banks of such river or stream; and also means the water of any lake which is above and outside the banks thereof. See I.C.-1971 for additional definitions.

**Flood Control.** The prevention of floods, the control, regulation, diversion or confinement of flood water or flood flow, and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods and the death, damage and destruction caused thereby, and all things incidental thereto or connected with.

**Flood Hazard Area.** A floodplain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Indiana Natural Resource Commission. These areas are shown on the zoning map and/or the Flood Hazard or Floodway-Flood Boundary maps of the Federal Insurance Administration or maps provided to the Commission from the Indiana Natural Resources Commission.

**Floodplain.** The relatively flat or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The floodplain includes the channel, floodway, and floodway fringe.

**Floodway.** The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

**Floodway Fringe.** Those portions of the flood hazard areas lying outside the floodway, which is inundated by the regulatory flood.

**Floor Area.** The sum of the horizontal areas of the one or several floors and basements of all buildings or portions thereof, within the project, and devoted to permitted uses. Not including, however:

- (a) Floor or basement floor area devoted to off street parking or loading facilities, including aisles, ramps and maneuvering space;
- (b) Floor or basement floor area provided for recreational uses, available to occupants of two or more living units within the project:

(c) Basement floor area provided for storage facilities allocated to serve individual living units within the project.

**Floor Area Ratio (FAR).** The total area of all stories of all buildings within the project divided by the land area.

**Foundation.** Any structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe capacity of the supporting soil.

**Front Line.** With respect to a building, means the foundation line that is nearest the front lot line.

**Free-standing Sign.** (See “Sign”)

**Front Yard.** The horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage, except as deed restrictions specify otherwise.

**Frontage.** Any part of a lot that faces a street, road or public way.

**Frontage Street.** Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

**Garage, Private.** An accessory building with capacity for not more than four (4) motor vehicles per family, not more than one (1) of which may be a commercial. A garage designed to house two (2) motor vehicles for each family housed in an apartment shall be classed as a private garage.

**Garage, Public.** Any building, or premise, except those defined herein as a Private Garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repairs, or kept for remuneration, hire or sale.

**Garage Sales.** (See “Yard Sales”)

**Governing Body.** The body of the relevant local government having the power to adopt ordinances.

**Grade.** The slope of a street, or other public way, specified in percentage (%) terms.

**Group Home.** A residential facility licensed by the Developmental Disabilities Residential Facilities Council that profiles residential services for not more than eight (8) developmentally disabled persons, none of whom has a history of violent or anti-social behavior, and such staff as are necessary to adequately manage the home. Nothing in this ordinance shall regulate any residential facility in a residential zone within the definition of IC 12-7-2-165, as amended, or any such facility operated and existing within the applicable state and federal laws.

**Hardship.** A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

**Height.**

- (a) For the purpose of determining the height limits in all zones set forth and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise stated.
- (b) With respect to a building, means the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

**Home Occupation or Home Business.** Any use conducted entirely within a residential structure and participated in, principally by members of the family, which use is clearly incidental and secondary to the use of the structure for residential purpose and does not change the character thereof.

**Hotel.** A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradiction to a boarding house or a multiple family residence which are herein separately defined.

**Housing Code.** That county ordinance controlling the continuing safety and healthfulness of buildings for human occupation within the County's Jurisdiction. Also referred to herein as the County Housing Code.

**IC.** (See "Indiana Code")

**Improvements.** (See "Lot Improvements" or "Public Improvements")

**Improvement Location Permit.** A certificate issued by the Zoning Enforcement Officer/Building Commissioner permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the locality, or cause the same to be done or change the use or condition of the land.

**Indiana Code.** The *Burns Indiana Statutes Code Edition*, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as IC herein.)



**Individual Sewage Disposal System.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department.

**Institution.** Building(s) and/or land operated by or through various government programs designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

**Interested Parties.** Those parties who are the owners of properties adjoining or adjacent to the proposed subdivision as shown on the sketch plan.

**Interior Lot.** (See “Lot, Interior”)

**Joint Ownership.** Joint ownership among persons shall be constructed as the same owner; “constructive ownership” for the purpose of imposing subdivision regulations.

**Junk Vehicles.** Includes any of the following criteria:

- A vehicle that is not properly licensed,
- not being operated,
- not in running condition,
- on blocks,
- dismantled or improperly stored,
- including any vehicle being “repaired” for more than a sixty (60) day period.

**Junkyard.** 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 sorted; including, but not limited to, 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 purposes of wrecking or salvaging parts there-from.

**Land Area.** The total area within the legal boundaries of a parcel.

**Land Divider.** The owner of a parcel of land to be further divided through making an exempt division.

**Landscape Screen.** Any combination of fences, walls, hedges, shrubs, trees and other landscape materials which effectively provide a solid, dense opaque mass on a year-round basis, to prohibit view, absorb sound and provide site delineation.

**Local Street.** A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

**Lot.**

- (a) A tract, plot, or portion of a subdivision or other parcel of land, that has access to a street or thoroughfare, intended as a unit for the purpose, weather immediate or future, of transfer of ownership or of building development.
- (b) It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder. In determining lot area and boundary lines, no part thereof within the limits of a street shall be included.

**Lot, Corner.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees. A lot with streets abutting more than two (2) sides shall also be a corner lot.

**Lot Coverage.** The horizontal area of all buildings on a lot as a percentage of lot area.

**Lot, Flag.** A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

**Lot, Interior.** A lot other than a corner or through lot with only one frontage on a street.

**Lot, Through.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots

**Lot Frontage.** (See “Frontage”)

**Lot Improvement.** Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be provided in these regulations.

**Lot Line.** The property line between two (2) established parcels of land or one (1) parcel and a public right-of-way or place.

**Lot Type.** (See “Lot, Corner” “Lot, Interior” “Lot, Through”)

**Lot Width.** The dimension of a lot, measured between the side lot lines on the building line.

**Marker.** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

**Master Plan.** The words “Master Plan” refer to the complete plan, or any of its parts, for the development of areas, prepared by the Commission and adopted in accordance with IC 18-7-5-1, as amended and now known as IC 36-7-4-201 et seq. as is now or hereafter in effect. (Also see “Comprehensive Plan”)

**Major Street.** A collector or arterial street.

**Major Subdivision.** Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of more than five (5) lots of less than ten (10) acres each, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

**Maneuvering Aisle.** A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

**Maneuvering Space.** An open space in a parking area which: 1) is immediately adjacent to a parking space; 2) is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but 3) is not used for the parking or storage of motor vehicles.

**Manufactured Housing.** A single-family dwelling unit designed and built in a factory, installed as a permanent residence, 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.), and which complies with the following specifications:

- (a) shall have been constructed after January 1, 1981 and must exceed nine hundred fifty (950) square feet of occupied space per IC 36-7-4(d);
- (b) is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code;
- (c) has wheels, axles and towing chassis removed;
- (d) has a pitched roof with a minimum rise of 2/12; and,
- (e) consists of two (2) or more sections which, when joined, have a minimum dimension of 20' x 47.5' in length or width enclosing occupied space.

**Manufacturing, Heavy.** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**Manufacturing, Light.** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; and operating and storing within enclosed structures.

**Map.** A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.

**Marker.** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

**Minor Subdivision.** A division of land into two or more lots, but not more than five (5) lots of less than ten (10) acres each, fronting an existing street which is an improved right-of-way maintained by the County (or other local government), in one calendar year and not requiring new streets, alleys or roads, nor the extension of municipal utilities, and not affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or this ordinance.

**Mobile Home.** Any vehicle without motive power designated by the manufacturer or maker with hitch and undercarriage to permit attachment of axles and wheels, and so designed to permit its being used as a conveyance upon public streets and

highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a single-family dwelling and not qualifying under the definition of manufactured housing.

**Mobile Home Park.** An area of land owned by a single user or group and used for the parking of two (2) or more mobile homes.

**Monument.** A physical structure which marks the location of a corner or other survey point.

**Motel.** A non-residential building in which lodging is provided and offered to the public for compensation on a daily or weekly basis. Generally, motels do not provide permanent living quarters or areas for cooking and eating within the rental unit.

**Multi-Family, Attached.** (See “Attached Multi-Family”)

**Multi-Family Residence.** (See “Residence, Multi-Family”)

**Non-Conforming Use.** Any building or land LAWFULLY occupied by a use at the time of passage of this Chapter which does not conform after the passage of this Chapter with the use regulations of the district in which it is situated. Existing improvements which do not meet required lot size, setback lines, height, intensity, off-street parking and loading, signs and other regulations for the district in which they are situated are non-conforming uses as defined herein.

**Occupied Space.** The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

**Off-Site.** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

**One and Two Family Dwelling Code, Indiana.** The nationally recognized model building code adopted by the Indiana Department of Fire Prevention and Building Safety as mandated by 675 I.A.C. 14, and, which includes those supplements and amendments promulgated by this agency.

**Open Space.** The total area of all land within parcel boundaries which is not covered by structures or pavement.

**Open Space Ratio (OSR).** The Open Space divided by the Floor Area of structures located on the parcel.

**Open Use.** (See “Use, Open”)

**Ordinance.** A designated legislative action, however denominated, of a local government body having the force of law, including an amendment or repeal of any ordinance.

**Outside Storage.**

- (a) The presence of equipment, materials, goods, or other articles outside of commercial or industrial structures.
- (b) Outside storage does not include off street parking, but does include abandoned vehicles, unregistered vehicles, salvage vehicles, and vehicles awaiting repair if any of the above are left outside overnight.

**Overhang.** Any portion of a building structure that extends beyond the exterior wall of the building without support. Overhangs shall not project more than three (3) feet from the building, and in no case shall be used to shelter an automobile.

**Owner.** Any person, group of persons, firm(s), corporation(s), or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

**Parcel.** A part or portion of land having a legal description formally set forth in a conveyance together with the boundaries thereof, in order to make possible its easy identification.

**Parking Area, Public.** An open area, other than a street or alley, designed for use or used for the temporary parking of motor vehicles, whether free or for compensation, or as an accommodation for clients, customers, or employees.

**Parking Garage.** A garage, where parking but not repairs are available to the public.

**Parking Space.** An open space, and portion of the Car Area, exclusive of maneuvering aisle and driveway for the parking of a motor vehicle.

**Pavement Width.** The pavement width is measured from far edge of outside travel lane to the opposite edge of the outside travel lane.

**Perimeter Street.** Any existing street to which the parcel of land to be subdivided abuts on only one side.

**Permanent Foundation.** Any structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe capacity of the supporting soil.

**Permanent Perimeter Enclosure.** A permanent perimeter structure system completely enclosing the space between the floor joists of the home and the ground, except for necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

**Person.** A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a human being.

**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/adjointing property.

**Planned Unit Development.** Planned unit development is a means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted “as of right” under the County Zoning ordinance but requiring under that ordinance or a special ordinance a special review and approval process.

**Plat.** A map or chart indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.

**Preliminary plat.** A tentative map indicating the subdivision or resubdivision of land, prepared in accordance with the requirements of this Ordinance as a basis for consideration prior to the preparation of the final plat.

**Primary Approval.** An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance (per IC 36-7-4-700 series: Subdivision Control).

**Primary Arterial.** A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.

**Primary Structure.** (See “Principal Use Building”)

**Principal Use.** The primary use to which the premises are devoted, and the main purpose for which the premises exist.

**Principal Use Building.** A building in which is conducted the main or principal use of the lot on which said building is situated. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

**Private Garage.** (See “Garage, Private”)

**Private School.** Private pre-primary, primary, grade, high or preparatory school or academy approved and licensed by the State of Indiana for educational purposes.

**Professional Office.** An office of a member of a recognized profession, such as an architect, attorney, dentist, engineer, physician, surgeon, or other such professional person.

**Project.** A lot or parcel of contiguous land to be developed for use or uses permitted in accordance with the Zoning Ordinance.

**Public Agency.** An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

**Public Building.** Any building owned, leased or held by the United States, the state, the county, a city, town township, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.

**Public Garage.** (See “Garage, Public”)

**Public Improvement.** Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly bonded.)

**Public Right-Of-Way.** A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a transportation or transmissions facility.

**Public Uses.** Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

**Public Utility.** Any person, firm or corporation duly authorized to furnish electricity, gas, telephone, telegraph, water or sewage systems to the public under public regulation.

**Rear Lot Line.** For an interior or corner lot, this means the lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot it means the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

**Rear Yard.** A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

**Recreational Vehicle (RV).** A temporary dwelling for travel, recreation and vacation use including, but not limited to:

- (a) Travel Trailer – A vehicle identified by the manufacturer as a travel trailer built on a chassis, designed to move on the highway, and not designed or approved for permanent residence, but designed for vacation or travel purposes.
- (b) Pick-up Coach – A structure designed to be mounted on a truck chassis or cut-down car.
- (c) Motor Home – A self-propelled vehicle with living accommodations constructed as an integral part of the vehicle and used for vacation or travel purposes.
- (d) Camping Trailer – A collapsible or folding structure, built on a chassis with wheel and designed to move on the highway and used for vacation or travel purpose.

**Registered Land Surveyor.** A land surveyor properly licensed and registered or through reciprocity permitted to practice in the state of Indiana.

**Registered Professional Engineer.** An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.

**Regulatory Flood.** That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

**Regulatory Flood Elevation.** The maximum elevation, as established by the Indiana Department of Natural Resources, reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision under consideration.

**Regulatory Floodway.** (See “Regulatory Flood”)

**Residence.** A building or portion thereof, used primarily as a place of abode for one (1) or more human beings, but not including hotels, lodging or boarding houses or tourist homes.

**Residence, Single Family.** A building, on a separate lot, containing one dwelling unit with a nine hundred and fifty (950) square foot minimum main floor area exclusive of garages, carports, and open porches, and has a minimum width of twenty-four (24) feet.

**Residence, Two Family.** A detached residential building containing two living units, designed for occupancy by not more than two families.

**Residence, Multi-Family.** A residential building designed for three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Residence, Resort.** A resort area established for temporary or permanent living.

**Residential Block.** (See “Block, Residential”)

**Resort Residence.** (See “Residence, Resort”)

**Restrictive Covenants.** Limitations of various kinds on the usage of lots or parcels of land within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare by the Commission, that are recorded with the plat run with the land.

**Resubdivision.** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Right-Of-Way.** (See “Public Right-Of-Way”)



**Road(s).** (See “Street”)

**Sale or Lease.** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

**Screening.** Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except as permitted or required under the Zoning Ordinance. Where required by the Zoning Ordinance a screen shall be installed along or within the lines of a plot as a protection for adjoining or nearby properties. Earth berms may be incorporated as part of such screening measures where appropriate.

**Secondary Approval.** The stage of application for formal Plan Commission approval of a final plat of a subdivision the construction of which has been completed or substantially completed which, if approved and signed by the designated officials may be submitted to the County Recorder for filing.

**Secondary Arterial.** A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

**Section.** A unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.

**Sectional Home or Modular Home.**

- (a) A structure manufactured in two (2) or more sections or modules and transported to its permanent location as separate sections or modules. A sectional/modular home must be installed on a permanent foundation with no rolling chassis components, and must be at least 24’ in width.
- (b) A Sectional/Modular Home is distinguished from a Mobile Home in that the running gear, including springs, wheels, axles, and other rolling suspension parts remain a part of a Mobile Home residence. Such parts have been removed from a Sectional/Modular Home at the time of placement onto a permanent foundation.
- (c) For matters of Zoning Policy, Sectional/Modular Homes shall be considered equal to stick built homes.

**Setback.** A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in the County Zoning Ordinance.

**Show Cause Hearing.** Hearing before the Area Plan Commission members to present a violation and “Show Cause” as to why legal action should or should not be taken.

**Side Lot Lines.** Any lines separating two lots other than front or rear lot lines.

**Side Yard.** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space. The width of the required side yard is measured horizontally at 90° with the side lot line, from the nearest part of the main building.

**Sign.** Any outdoor announcement, declaration, device, demonstration, or insignia used for directions, information, identification or to advertise or promote any business, product, activity, services or interests.

- (a) Advertising Sign – Any cloth, card, metal, glass, wooden, plastic, plaster, or stone sign or any other sign, device or structure of any character whatsoever including a statuary, or on any tree, wall, bush, rock, post.
  1. The term “placed” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.
  2. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure.
  3. Neither directional warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of the Ordinance.
  4. A sign which directs attention to any business, product, activity, or service which may or may not be located in the same place as the sign.
- (b) Billboard – An off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.
- (c) Business Sign – A sign which identifies a building or directs attention to a business product, activity or service manufactured, sold, or offered upon the premises where such sign is located.
- (d) Facing – The surface of the sign upon, against or through which the message of the sign is exhibited.
- (e) Free-standing Sign - Any sign supported by structure or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

- (f) **Incidental Sign** – A name plate or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information or real estate for sale, rent or lease.
- (g) **Portable Sign** – A sign which is designed to be transportable.
- (h) **Projecting Sign** – A sign suspended from or supported by a building structure, or column and projecting out more than eighteen (18) inches from the building.
- (i) **Sign Structure** – The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides, where the angle formed between and of the sides (or projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.
- (j) **Sign Surface** – The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the display.

**Single Family Residence.** (See “Residence, Single Family”)

**Soil Survey, General.** A survey done by a combination of visual inspection and utilization of existing information about the area which is sufficiently detailed to delineate soil area of questionable suitability as an adequate foundation for structures or of questionable suitability for on-site sewage disposal and areas subject to flooding.

**Soil Survey, Operational.** A highly detailed analysis of soil characteristics (e.g., texture, structure, acidity or alkalinity, permeability, moisture capacity) and identification of kinds of soil as described and named in a nationwide system.

**Special Exception Permit.** A special permit issued upon application by the Board of Zoning Appeals for conducting activities which do not conform to the zoning for the site.

**Special Use.** The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized.

**State Acts.** Such legislative acts of the State of Indiana as they affect these regulations.

**State Plane Coordinate System.** A system of plans co-ordinates, based upon the Transverse Mercator Projection for the Eastern Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

**Stick-Built Home or Custom-Built Home.** A permanent residential structure constructed of building materials at its site, and built on a permanent foundation.

**Storage Warehouse.** A structure or room for the storage of commodities, materials or goods.

**Street.** A dedicated public right-of-way, other than an alley, intended for vehicular traffic, including expressways, parkways, collector streets, primary thoroughfares, local streets, cul-de-sacs, marginal access streets, roads, lanes and other public ways.

**Street, Dead End.** (See “Dead End Street”)

**Street Right-of-Way Width.** The distance between property lines measured at right angles to the center line of the street.

**Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels. (Refer to “Building”)

**Structural Alteration.** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or in the dimensions or configuration of the roof or exterior walls.

**Subdivider.** Any person who (1), having a proprietary interest in land, cause it, directly or indirectly, to be divided into a subdivision; or who (2), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who (3) engages directly, or through and agent, in the business of selling, leasing, developing, or offering for sale, lease, or development of a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

**Subdivision.** The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of ten acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the contest, shall relate to the process of subdividing or to the land subdivided.

**Subdivision Agent.** Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision except an attorney-at-law whose representation of another person consists solely on rendering legal services, and is not involved in developing, marketing or selling real property in the subdivision.

**Subdivision, Major.** (See “Major Subdivision”)

**Subdivision, Minor.** (See “Minor Subdivision”)

**Swimming Pool.** A pool, pond, lake or open tank containing at least eighteen (18) inches of water at any point and maintained by the owner or manager.

**Temporary Improvement.** Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond or turnaround improvements

at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

**Thoroughfare Plan.** That part of the Comprehensive Plan for the County now or hereafter adopted, which included a Major Thoroughfare Plan and sets forth the general or approximate location, alignment, dimensions, identifications, and classifications of existing and proposed highways and other thoroughfares, located within the jurisdiction of the Commission.

**Through Lots.** (See “Lots, Through”)

**Total Car Ration (TCR).** The total number of parking spaces divided by the number of living units.

**Tourist Home or Bed & Breakfast.** (See “Bed & Breakfast”)

**Trade or Business School.**

- (a) A secondary or higher education facility teaching usable skills that prepares students for jobs in a trade, business, or vocation.
- (b) Secretarial or Business School or College conducted as a commercial enterprise for teaching trades or technical vocations such as instrumental music, dancing, barbering or hair dressing, drafting, industrial and/or technical arts.

**Tree.** Any object of natural growth.

**Two Family Residence.** (See “Residence, Two Family”)

**Unnecessary Clutter.** Items, junk, or debris littered or strewn in a heap, or in a confused and disorderly manner.

**Use.** The nature of employment or occupation of a building, structure or land for a person’s service, benefit or enjoyment.

**Use, Open.** The use of land principally for purposes that do not require a building, or including a building (1) whose use is unconnected with the use of the remaining land, or (2) which is incidental to the use of the open land. This definition shall include, but not be limited to, the following: parking facilities, storage, open space, and natural areas.

**Use Variance.** The approval of a use other than that prescribed by this zoning ordinance. Changes of allowed uses are not permitted by this ordinance except by zoning map amendment.

**Variance.** A modification of the specific requirements of this Chapter granted upon request and application by the Board of Zoning Appeals.

**Vehicles, Junk.** (See “Junk Vehicles”)

**Vision Clearance on Corner Lots.** A triangular space at the street corner of a corner lot, free from any kind of visual obstruction between the heights of three (3) and twelve (12) feet above the established street grade for the purpose of observing activity which might obstruct or endanger traffic safety.

**Yard.** A space of a lot which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Chapter.

**Yard, Front.** (See “Front Yard”)

**Yard, Rear.** (See “Rear Yard”)

**Yard, Side.** (See “Side Yard”)

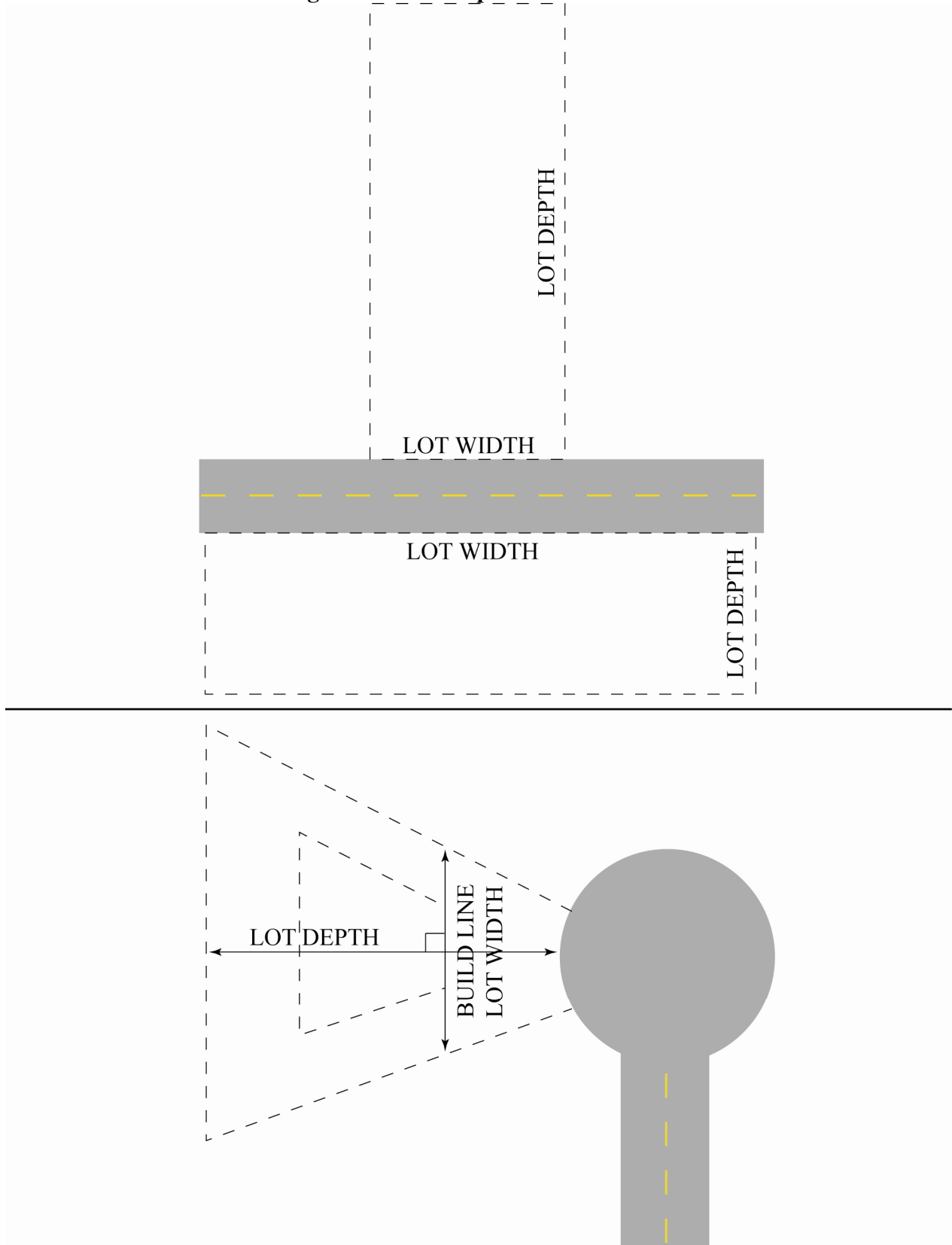
**Yard Sales.** A sale of items belonging to the resident of the household or multi-family households.

**Zone Map.** The words “Zone Map” refer to the current editions of maps entitled “Jennings County, Indiana Zone Map”, and “Jennings County, Indiana Jurisdictional Area and Zone Map”, with amendments, and are on file and available for public inspection in the Area Plan Commission Office of Jennings County.

**Zoning.** A police power measure, enacted by the governing body of local governments, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building standards, placement, and other development standards. Requirements vary from district to district, but they must be uniform within zoning districts. The Zoning Ordinance consists of two parts: a narrative text and a map.

**Zoning Enforcement Officer.** The person employed and delegated the primary responsibility of enforcing this Ordinance and issuing relevant permits.

**Figure 4-1: Lot Depth to Width Ratio**







## V. AGRICULTURAL ZONING

### A. INTRODUCTION

For documentation of issues addressed in this chapter, see JENNINGS COUNTY COMPREHENSIVE PLAN, Chapter VI: "Land Use," November 1, 1994.

Changes in zoning in an Agricultural district shall require a record of covenant between the original owner and the new owner stating that the property is in a predominantly agricultural area, and all farming operations (including but not limited to livestock and field crop operations), as described in this chapter, may continue to be practiced in the district. The new owner (on behalf of himself and all future owners and occupants of the property) shall waive the right to bring claim against any farmer or agricultural producer for the practice of any reasonable or necessary farming or livestock activity, including existing uses or new practices. All such agreements, covenants, and restrictions shall be transferred to future owners and occupants of the property, and shall be binding upon the applicant and the applicant's successors in interest.

### B. ESTABLISHMENT OF AGRICULTURAL ZONING DISTRICT

The following Agricultural zoning district is established in Jennings County, Indiana, and is abbreviated as indicated. Land within Jennings County is classified, divided and zoned into said district as designated on the zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this Chapter.

<u>Agricultural District</u>	<u>Abbreviation</u>
Agricultural	AG

### C. AGRICULTURAL REGULATIONS

1. It is the intent and policy of the Jennings County Area Plan Commission that individual farmers be allowed to perform any and all activities necessary to support the operation of their farms without unnecessary and burdensome regulations. Therefore, any development which is proposed within or adjacent to an Agricultural district is expected to acknowledge and accept the character of the nearby agricultural operation and its accompanying activities without claim of nuisance.
  - (a) The individual farmer shall be allowed all activities necessary to support the production of crops and/or livestock within an Agricultural district.
  - (b) With regard to the storage of agrichemicals, the farmer shall be allowed to store any chemicals necessary to support agricultural activities within the Agricultural District, so long as the farmer does not engage in the retail sale of said chemicals.
  - (c) An Agricultural parcel can be subdivided to accommodate a residence for a family member without submitting a plat.

- (d) A division of land for agricultural purposes into lots or parcels of ten acres or more and not involving a new street shall not be deemed a subdivision, however, these lots or parcels shall meet the residential standards for lot width to depth ratios. (See Chapter VI. “Residential Zoning”)
- (e) Roadside stands for retail sale of agricultural produce shall be permitted so long as the goods sold are locally produced.
- (f) Agricultural buildings are exempt from a building permit, if they are being used for “Agricultural Purposes” only. (Reference IC 22-12-1 for definition of “Agricultural Purpose”).

2. Confined Feeding Operations

- (a) A Confined Feeding Operation is the confinement for any period of time of livestock or fowl, whether open or enclosed, to any area less than required in the following schedule:

CLASS OF LIVESTOCK	LOT AREA (SQ. FT. PER ANIMAL)(1)	SHED (SQ. FT. PERANIMAL)
Feeder calves (less than 600 lbs)	60	60
Feeder calves (600 lbs or greater)	80	50
Beef breeding cows	100	80
Hogs growing (40 – 120 lbs)	10	6
Hogs finishing (100 – 255 lbs)	24	12
Sows	60	30
Feeder lambs	30	14
Ewes	60	30
Farm laying flock per hen	12	6
Commercial flock per hen	8	4
Dairy Cows	250 (2)	150

- (1) For unpaved lots double the space requirements.
- (2) Double lot size for complete confinement (no exercise lot).
- (b) Confined feeding operations as defined herein shall be operated in compliance with IC 13-18-10 and all applicable laws and regulations of the State of Indiana.
- (c) Confined feeding operations shall be located no less than 1,000 feet from any residential zoning district, nor less than 1,000 feet from any existing residence in an agricultural zoning district.

3. “Junk” Automobiles (Vehicles)

- (a) Vehicles not in operating condition and parked at a residence more than 30 days may be removed from the property with the notification by Certified Mail to the vehicle owner. These vehicles will be towed at the owners expense to a holding area for 30 (thirty) days and then disposed of to a legal salvage yard. Notification

and removal will be under Court and Police supervision. A “Show Cause” hearing will not be held for these violations.

4. Mobile Home (See the Jennings County Comprehensive Plan Chapter III “Housing” and Chapter VI “Land Use Patterns” for documentation of issues addressed)
  - (a) A mobile home or manufactured home which is less than fifteen (15) years and exceeding six hundred (600) square feet of occupied space may only be placed on real estate owned or being purchased by the applicant, or owned by an immediate family member and must contain no less than one (1) acre in area, with 150’ frontage onto a County Road, with a minimum set back line of 50’ from property line (75’ from center of County Road) and with a side line set back of 25’. Only mobile homes having sleeping accommodations, a flush toilet and tub or shower bath shall be occupied by applicant as living quarters. Mobile homes must be placed in accordance with Council of American Building Officials (CABO) One and Two Family Dwelling Code, Appendix A. A skirt must be erected around the bottom of the mobile home. The sewage (septic) Disposal System for the mobile home must be approved by the Jennings County Department of Health. Upon satisfaction of these requirements a Certificate of Occupancy must be obtained from the Director of the Area Plan Commission.
  - (b) A mobile home of manufactured home constructed after January 1, 1981 and more than fifteen (15) years old shall receive a Certificate of Occupancy from the Director of the Area Plan Commission if it is inspected by the Jennings County Building Inspector or an inspector certified by the Department of Housing and Urban Development and the inspector certifies, in writing, that it is suitable and safe for living and meets all of the other requirements above, except the age requirement. In the event that the permit is denied under this paragraph, the applicant may apply for a variance under this ordinance.
5. Unnecessary Clutter
  - (a) No one shall be permitted to heap, litter or strew in a confused and disorderly manner, any materials or objects on property owned, leased or rented for agricultural purposes.
6. Yard Sales
  - (a) Each residential household is permitted three (3) yard (garage) sales per calendar year, not to exceed three (3) days each. Time established will be sunrise to sunset, and items not sold must be cleared from the premises within a 24-hour period.



## **VI. RESIDENTIAL ZONING**

### **A. INTRODUCTION**

For documentation of issues addressed in this chapter, see JENNINGS COUNTY COMPREHENSIVE PLAN, Chapter III: “Housing” and Chapter VI: “Land Use,” November 1, 1994.

### **B. ESTABLISHMENT OF RESIDENTIAL ZONING DISTRICTS**

The following Residential zoning districts are established in Jennings County, Indiana, and are abbreviated as indicated. Land within Jennings County is classified, divided and zoned into said districts as designated on the zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this Chapter.

<u>Residential Districts</u>	<u>Abbreviations</u>
Residential Single Family	R-1F
Residential Two Family	R-2F
Residential Multiple Family	R-MF
Residential Resorts	R-R

1. Residential Single Family (R-1F) districts are designed for detached single family dwellings.
2. Residential Two Family (R-2F) districts are designed for two family dwellings commonly known as “duplexes or doubles”.
3. Residential Multiple Family (R-MF) districts are designed for multi-family residences, such as apartments, or any type of residential building designed to accommodate more than two families.
4. Residential Resort (R-R) districts are designed for resort living.

### **C. RESIDENTIAL REGULATIONS**

The following regulations shall apply to all land within the Residential Districts.

1. Regulation Conformation after the effective date of this Chapter:
  - (a) With the exception of legally established non-conforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Chapter.
  - (b) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this Chapter. (For steps on how to obtain a building permit, refer to Chapter II. “Administration & Enforcement”, section K.)

- (c) Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage destruction does not exceed two-thirds (2/3) of the gross floor area of the structure or facilities affected.
- (d) Provided, however, any previously officially recorded, platted lot having less than the minimum lot area and/or minimum lot width required by the applicable Residential District regulations of this Chapter of a one family dwelling, shall be deemed an exception to such minimum lot area requirement, and a one-family dwelling may be constructed thereon provided all other requirements of this Chapter, including minimum yard and setback requirements, shall be met.
- (e) Provided further, however, any legally established nonconforming use, public elementary, junior high or high school (including any structures, facilities and parking areas accessory thereto) may be constructed, erected, converted, enlarged, reconstructed or relocated for such public elementary, junior high or high school use on the same lot or parcel.

## 2. Performance Standards

All uses established or placed into operation after the effective date of this Chapter shall comply with the following performance standards. No use in existence on the effective date of this Chapter shall be so altered or modified as to conflict with these standards.

- (a) Vibration – No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (b) Smoke, Particulate Matter, Noxious Matter – No use shall emit smoke of a density exceeding that of a normal residence, nor burn any materials or chemicals other than standard heating fuels such as fuel oil, propane or natural gas, with the exception of burning wood in approved residential places.
- (c) Odor – No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (d) Sound – No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (e) Heat and Glare – No use shall produce heat or glare creating a hazard perceptible from any point beyond lot lines.
- (f) “Junk” Automobiles (Vehicles) – Vehicles not properly licensed nor in running condition and parked at a residence more than thirty (30) days may be removed from the property with the notification by Certified Mail to the vehicle owner. These vehicles will be towed at owner’s expense to a holding area for thirty (30) days and then disposed of to a legal salvage yard. Notification and removal will be

under Court and Police supervision. A “Show Cause” hearing will not be held for these violations.

- (g) Unnecessary Clutter – No one shall be permitted to heap, litter or strew in a confused and disorderly manner, any material or objects on property owned, leased, or rented for residential purposes.
- (h) Waste Burning – No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Department of Environmental Management or in such a manner as to endanger the public health, safety or welfare or cause injury to property.
- (i) Leaf Burning – Burning of leaves shall be regulated by the incorporated community. In unincorporated areas, however, burning of leaves shall be permitted in residential zones after dawn and before dusk.
- (j) Yard Sales – Each residential household is permitted three (3) yard (garage) sales per calendar year, not to exceed three (3) days each. Time established will be sunrise to sunset, and items not sold must be cleared from the residence within a 24-hour period.

### 3. Residential Development Standards

Development standards in Residential districts fall into two categories, dictated by the type of sanitation provided for the residences, either by the provision of sanitary sewers or provision of septic tank disposal. Multiple family residences must have sewer service and are not permitted to use septic tanks.

- (a) R-MF Special Development Standards – R-MF districts shall meet the following development standards in addition to those shown above.
  - (1) The lot area shall be a minimum of 3,000 square feet for every living unit.
  - (2) Buildings shall occupy not more than 30% of the lot area.
  - (3) All parking shall be provided as required in Chapter XV. Off Street Parking and Loading Facilities.

**Table 6-1: Residential Lot Layouts**

	<b>R-1F Septic</b>	<b>R-1F Sewer</b>	<b>R-2F Septic</b>	<b>R-2F Sewer</b>	<b>R-MF Sewer</b>
<b>Lot Size</b>					
Minimum Lot (5)	1 acre	10,000 sq. ft.	2 acres	15,000 sq. ft.	12,000 sq. ft.
Minimum Lot Width (1)(5)	150 ft.	80 ft.	250 ft.	100 ft.	150 ft.
<b>Setback &amp; Yards</b>					
Minimum Front Yard Setback (2)(6)	75 ft.	50 ft.	75 ft.	50 ft.	60 ft.
Minimum Rear Yard Setback (6)	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.
Minimum Side Yard Setback (6)	25 ft.	10 ft.	50 ft.	15 ft.	10 ft.
<b>Structure Size (4)</b>					
Maximum Height	32 ft.	32 ft.	32 ft.	32 ft.	40 ft.
Minimum Floor Area	950 sq. ft.	950 sq. ft.	1,700 sq. ft.	1,700 sq. ft.	600 sq. ft./unit
<b>Off-Street Parking (3)</b>					
Minimum Spaces	2	2	4	4	1.5 per unit

(Refer to figure 6-1 through 6-4 for graphical representations)

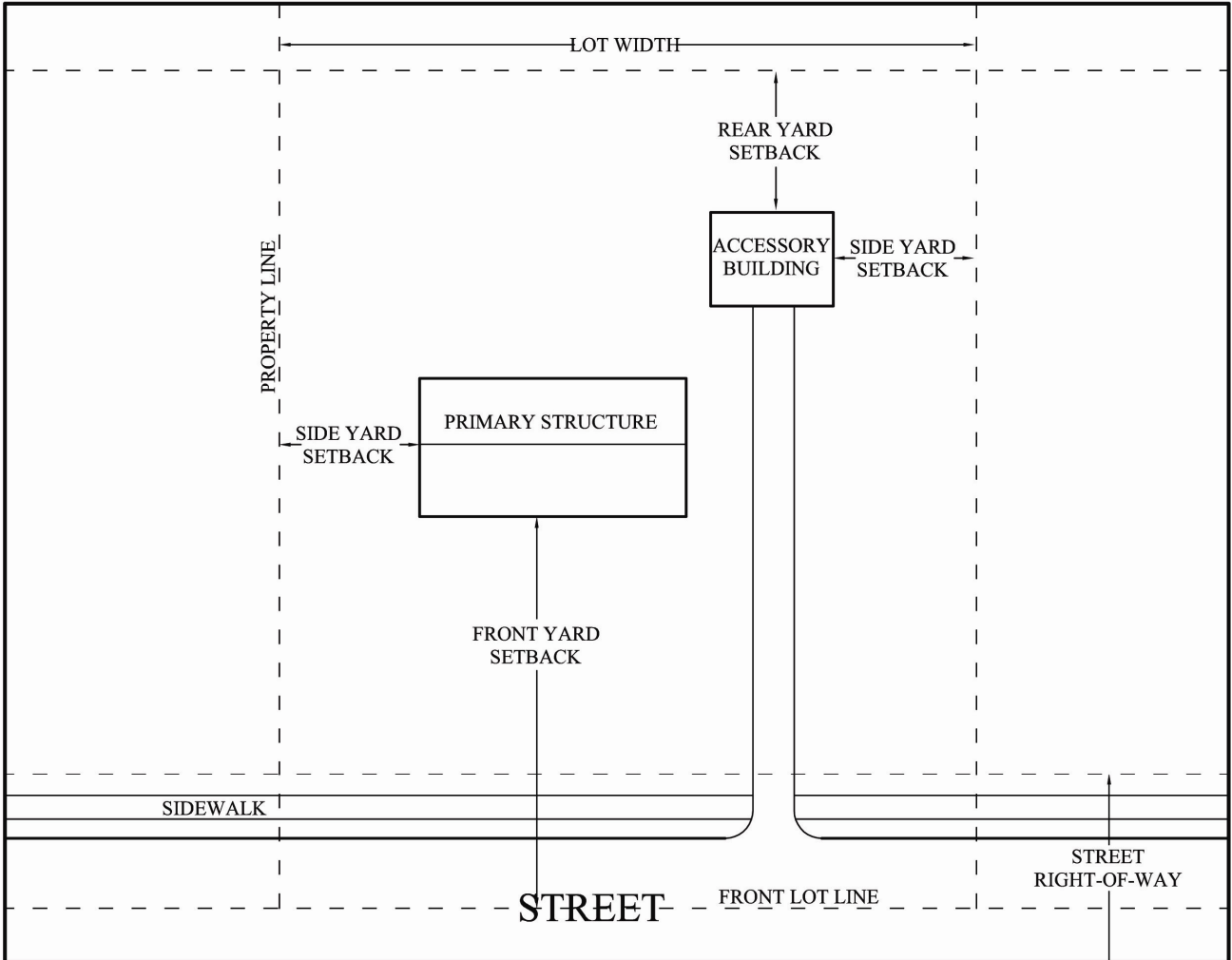
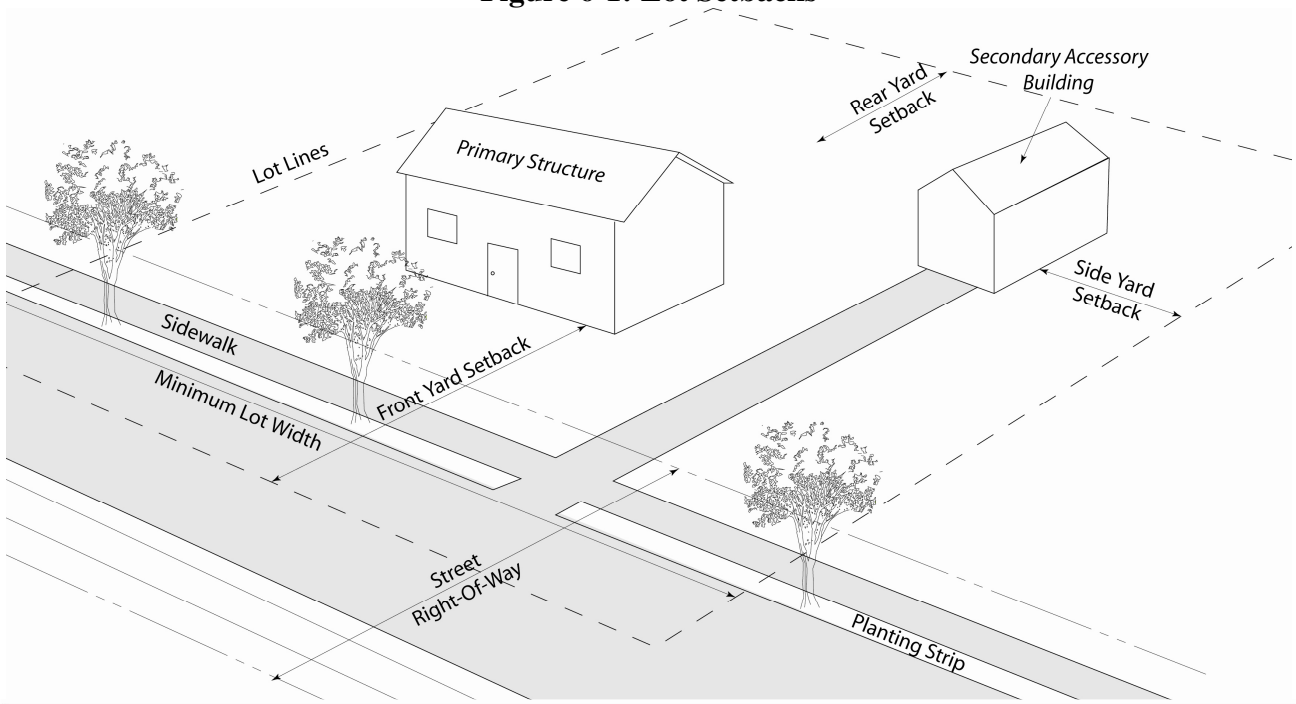
-Fences in any residential district shall not exceed six (6) feet in height as long as it does not obstruct view of public ways and in a way that promotes and maintains essential values: public safety, protection of individual property rights, and quality life for residents.

-The depth to width ratio of any residential lot may not exceed a maximum of 6 to 1 or a minimum of 2/3 to 1. (Where 1 is the lot width in both cases) (See figure 4-1: Depth to Width Ratio for an example)

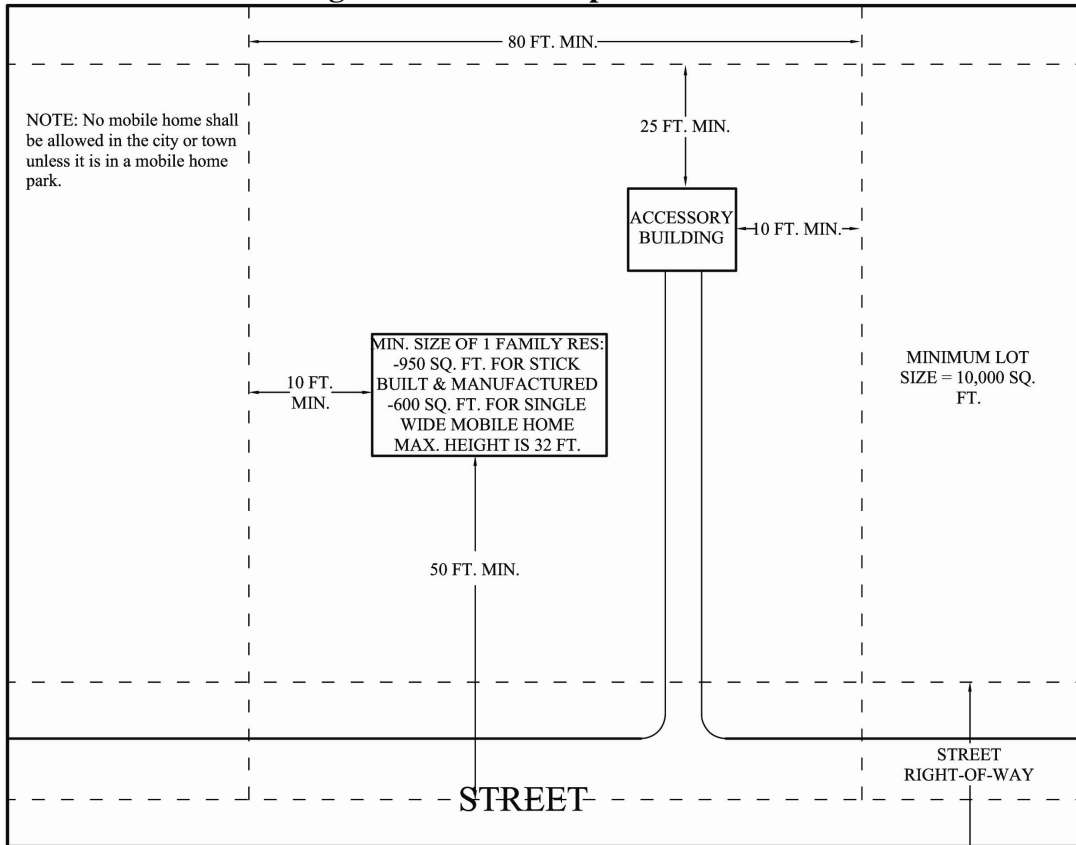
- (1) Lot width is measured at the Building Line
- (2) Any side of a lot that faces a public street or public right-of-way shall be considered a front and shall have appropriate setback, measured from the centerline of the road or street.
- (3) Off-street parking spaces as defined in Chapter 2, Section C.
- (4) No singlewide mobile homes are permitted inside the Town of Vernon or City of North Vernon.
- (5) Corner lots shall be 15 feet wider than the minimum required or 20% larger in total area. (See Figure 6-4 for visual of a corner lot)
- (6) Any lot that is adjacent to a state highway shall be 1.5 times the standard setback for any front that faces the highway.



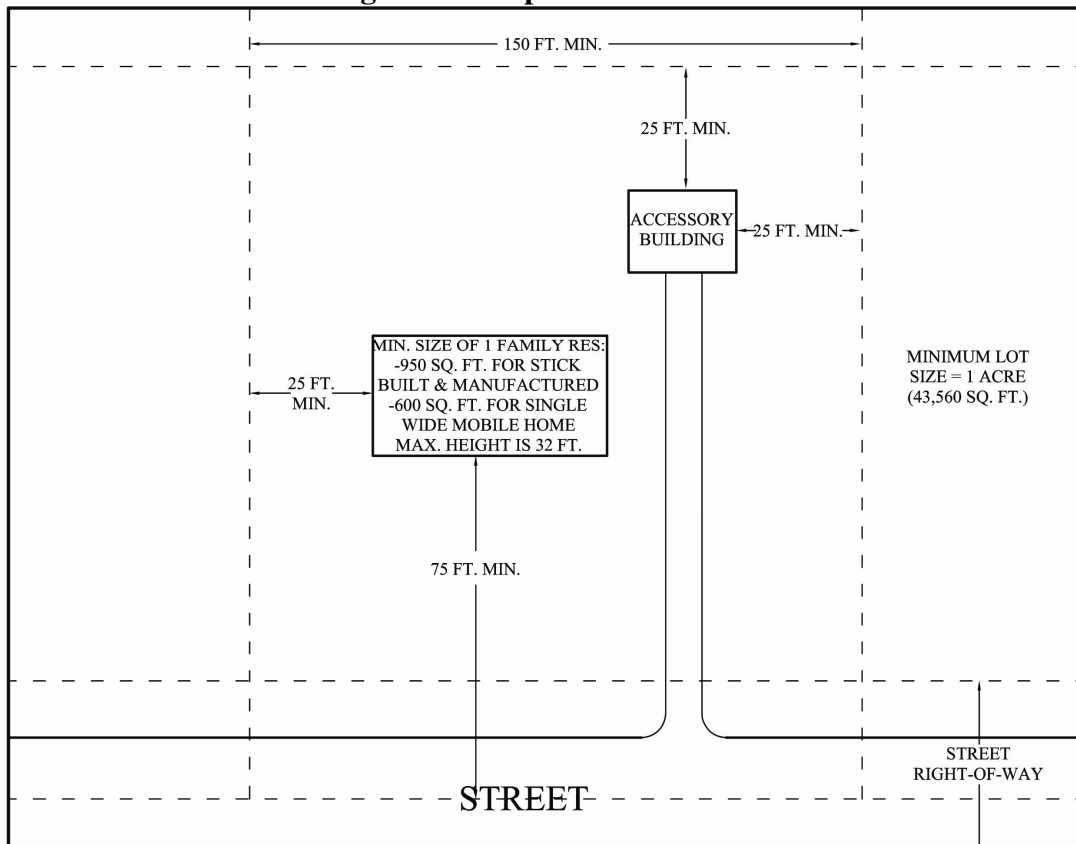
**Figure 6-1: Lot Setbacks**



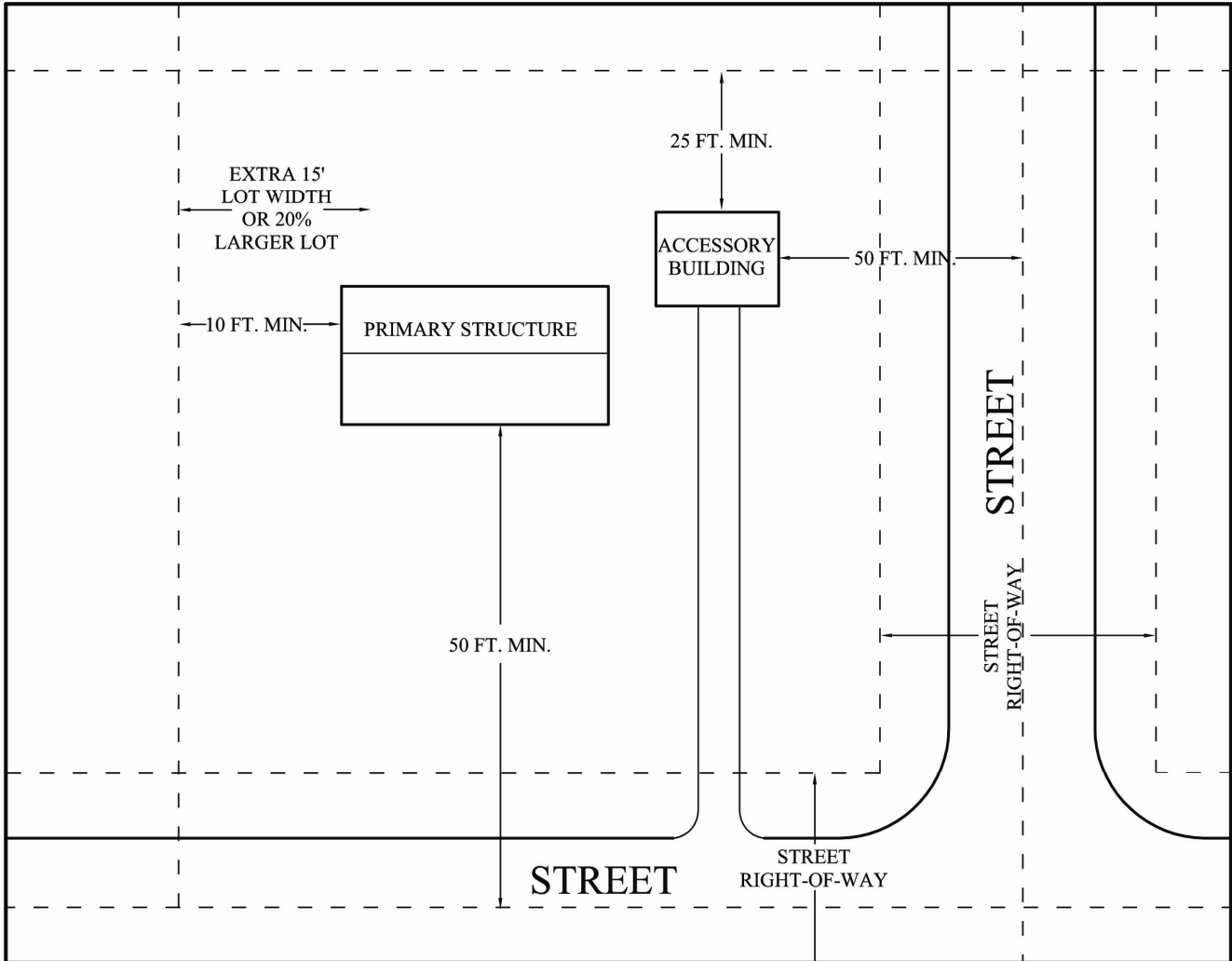
**Figure 6-2: Sewer Tap Lot Setbacks**



**Figure 6-3: Septic Lot Setbacks**



**Figure 6-4: Corner Lot Setbacks**



#### **D. SPECIAL REGULATIONS FOR MOBILE HOMES, RECREATIONAL VEHICLES, TRAVEL TRAILER, AND TENTS**

1. Mobile homes, as defined in the definitions section, shall comply with all regulations for Residential districts and shall comply with all following special regulations for mobile homes.
2. Every mobile home must retain a HUD certification tag, verifying that the home was constructed in accordance with the regulations of the U.S. Department of Housing and Urban Development.
3. Every mobile home shall meet State of Indiana requirements for tie-downs and underpinnings.
4. Single-wide mobile homes that are not in mobile home parks must have the area under each unit, surrounded by a permanent skirt of sufficient construction so as to cover the area between the bottom of the unit and the top of the base or ground. Any double-wide mobile home over 16' x 80' shall be on a permanent foundation.
5. Trailers and mobile homes shall not be permitted in any district as accessory buildings.
6. Mobile homes shall not be parked or stored in any district, except at a permitted trailer sales establishment. Mobile homes, trailers, or recreational vehicles shall not be occupied for dwelling or lodging purposes except in an approved mobile home park. Travel trailers are not suitable for use as residences. A mobile home, recreational vehicle, or travel trailer, belonging to a guest of the occupant of a dwelling in an agricultural district or residential district, may be parked and occupied for lodging purposes on the same lot as the dwelling for not more than 72 hours in any 30-day period.
7. Trailers, recreational vehicles, or mobile homes may be used as temporary offices or storage space incidental to construction of a building development for a period of time as such construction is actively undertaken provided the trailer or mobile home is located on the same lot as the building development.
8. Tents shall not be erected, used, or maintained for dwelling, lodging, or other purposes, except as regulated herein.

#### **E. SPECIAL USES - RESIDENTIAL DISTRICTS**

1. Mobile Home Park
  - (a) Mobile Home Park shall be a special use permitted only in R-MF districts.
  - (b) A Mobile Home Park must be on a lot no less than five acres in area, with a minimum road frontage of 300 feet. No mobile home shall be nearer than 50 feet to a county road. There shall be a minimum of two entrances to a Mobile Home Park, unless a different number is approved by the Plan Commission.

- (c) Each mobile home site shall be no less than 5,000 square feet in area and no less than 50 feet in width, with an average of all sites to be no less than 5,000 square feet in area. Each mobile home lot shall have a minimum 24 feet setback from Mobile Home Park streets and minimum 10 feet side and rear yards.
- (d) A Mobile Home Park may include accessory uses, buildings, or structures such as a community center, laundry facilities, offices, etc., provided that they are located, designed, and intended to serve only persons living in the park, and provided that such buildings shall not occupy more than ten percent of the total area of the park, and provided that such uses shall present no visible evidence of the commercial nature of their uses to areas outside the park.
- (e) There shall be a park or playground area equal to at least eight percent of the park area.
- (f) Sanitary sewage, storm sewer, and water systems, service drives, off-street parking equal to at least 2 parking spaces for each mobile home, grading and landscaping, buildings, and other improvements shall be constructed in accordance with development plans and specifications approved by the Board of Zoning Appeals. No on-street parking is permitted.
- (g) Street construction shall meet the standards of the Subdivision Control Ordinance of the County and/or other governmental unit in which the Mobile Home Park is located. Mobile home park streets shall be paved with Portland Cement Concrete or Bituminous Concrete. Such streets shall be a minimum of 24 feet wide.
- (h) A paved sidewalk shall be installed on at least one side of each Mobile Home Park street. The minimum width of such sidewalks is four feet.
- (i) Surface drainage as approved by the Plan Commission shall be installed and maintained by the applicant or his successor in title. The Plan Commission may require curbs and/or gutters in Mobile Home Parks where, in the opinion of said Commission, drainage of surface water is insufficient to properly carry such surface water.
- (j) Outside storage is prohibited. Applicant/developer shall provide minimum storage space and requirements for storage buildings in the covenants.
- (k) Each mobile home shall be installed in accordance with CABO one & two family.
- (l) All exterior lights shall be located and shielded to prevent direct illumination outside the park. All refuse containers shall be screened from view. A dense greenbelt of evergreen trees or shrubs, not less than six feet in height, shall be located and maintained along all park boundaries.
- (m) Prior to issuance of an improvement location permit, an applicant must file with the Director a letter from the Indiana State Board of Health evidencing approval by such board and compliance with the requirements of such board.

## 2. Bed & Breakfast

Operation of a Bed & Breakfast, as defined in Chapter II, Section C, within a Residential district shall be subject to all following regulations for a Bed & Breakfast.

- (a) There shall be on the premises a minimum of 1 (one) parking space per rental unit.
- (b) The Bed & Breakfast must meet State approved standards for lodging, food preparation, food service, and any other state-regulated activities conducted in the operation of the Bed & Breakfast.
- (c) A single unlighted business sign, not larger than 1 square foot, may be posted on the premises.
- (d) This is a special use within Residential districts and will be revoked if the requirements are violated.

## 3. Home Occupation or Home Business

Operation of a Home Occupation, as defined in Chapter II, Section C, within a Residential district shall be subject to all regulations of Residential districts and shall be subject to the following regulations for a Home Occupation.

- (a) A single unlighted business sign, not larger than 5 (five) square feet, may be posted on the premises.
- (b) The business must provide off-street parking for clients/customers, as well as for every employee. At such time as the parking needs of the business exceed the parking available on the residential premises, the business shall no longer be considered a Home Occupation and must operate in a commercial district.
- (c) A Home Occupation shall not employ more than 2 non-family employees. Businesses with more than 2 non-family employees must operate in a commercial district. Off-street parking shall be provided at 1 space for every employee plus two additional spaces for customers, clients, and suppliers.
- (d) This is a special use within Residential districts and will be revoked if the requirements are violated.

## 4. Residential Facility for the Mentally Ill

- (a) Pursuant to IC 12-28-4-7, a residential facility for the mentally ill is hereby excluded from a residential area if the residential facility will be located within three thousand (3,000) feet of another residential facility for the mentally ill, as measured between lot lines.

## VII. COMMERCIAL ZONING

### A. INTRODUCTION

For documentation of issues addressed in this Chapter, see JENNINGS COUNTY COMPREHENSIVE PLAN, CHAPTER VI: "Land Use," November 1, 1994.

### B. ESTABLISHMENT OF COMMERCIAL ZONING DISTRICTS

The following Commercial zoning districts are established in Jennings County, Indiana, and are abbreviated as indicated. Land within Jennings County is classified, divided and zoned into said districts as designated on the zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this Chapter.

<u>Commercial Districts</u>	<u>Abbreviations</u>
Commercial Planned Business	C-PB
Commercial Single Site	C-SS
Commercial Historic Downtown	C-HD
Commercial Office	C-O

1. Commercial Planned Business (C-PB) districts are designed for those high intensity, high traffic commercial uses which are least suited to mixing with residential uses because of the traffic they generate, parking needs, or other possible negative impacts on residences. These districts may contain several adjacent businesses.
2. Commercial Single Site (C-SS) districts are for medium intensity commercial uses with a single commercial lot adjacent to residential or commercial districts, or entirely within predominantly residential areas. These districts should include only those commercial uses which are conducted entirely indoors in a permanent structure, which require no outside storage, and which fully provide for off-street parking of employees and customers.
3. Commercial Historic Downtown (C-HD) districts are for those buildings and sites within a downtown area which were approved and developed prior to the date of enactment of this Ordinance and which do not meet the development standards of C-PB and C-SS districts. This classification is for existing development only, and no new development shall be eligible for C-HD zoning. The storefront ground level of any mixed-use building in this district may only contain a commercial use.
4. Commercial Office (C-O) districts are designed for low intensity businesses adjacent to residential or commercial zones which have office operations only, and no "Over-the-counter" retail trade. This classification may include professional offices.

### C. COMMERCIAL REGULATIONS

The following regulations shall apply to all land within the Commercial Districts.

1. Regulation Conformation after the Effective Date of this Chapter:

- (a) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Chapter.
- (b) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this Chapter. (For steps on how to obtain a building permit, refer to chapter II. "Administration & Enforcement", section K.)
- (c) PROVIDED, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster.
- (d) PROVIDED, however, any previously officially recorded, platted lot having less than the minimum development standards required by the applicable Commercial District regulations of this Chapter shall be approved as a non-conforming use.
- (e) PROVIDED FURTHER, however, any legally established nonconforming use, public elementary, junior high or high school (including any structures, facilities and parking areas accessory thereto) may be constructed, erected, converted, enlarged, reconstructed or relocated for such public elementary, junior high or high school use on the same lot or parcel.

## 2. Performance Standards

All uses established or placed into operation after the effective date of this Chapter shall comply with the following performance standards. No use in existence on the effective date of this Chapter shall be so altered or modified as to conflict with these standards.

- (a) Vibration – No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (b) Smoke, Particulate Matter, Noxious Matter – No use shall emit smoke of a density exceeding that of a normal commercial establishment. No use shall be permitted to burn any materials or chemicals other than standard heating fuels such as fuel oil, propane or natural gas, with the exception of food preparation facilities. Commercial operations which require the burning of other materials must be approved by the Area Plan Commission.
- (c) Odor – No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (d) Sound – No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (e) Heat and Glare – No use shall produce heat or glare creating a hazard perceptible from any point beyond lot lines.



- (f) Waste matter – No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Department of Environment Management or in such a manner as to endanger the public health, safety or welfare or cause injury to property.
- (g) “Junk” Automobiles (Vehicles) – Vehicles not in operating condition and parked at a commercial location more than thirty (30) days may be removed from the property with the notification by Certified Mail to vehicle owner. These vehicles will be towed at owner’s expense to a holding area for thirty (30) days and then disposed of to a legal salvage yard. Notification and removal will be under Court and Police supervision. A “Show Cause” hearing will not be held for these violations.
- (h) Unnecessary Clutter – No one shall be permitted to heap, litter or strew in a confused and disorderly manner, any materials or objects on property owned leased or rented for commercial purposes.
- (i) Burning of Materials – No use shall permit burning of any materials or chemicals except as fuels in approved heating or manufacturing process facilities.

### 3. Commercial Development Standards

- (a) Transitional Yards – Where a Commercial lot abuts a Residential lot, the Commercial lot shall have a transitional yard adjacent to the Residential lot at least equal in width to the required yard for that type of Residential district. Where an alley separates a Commercial lot from a Residential lot, the Commercial lot shall have a Yard adjacent to the alley of not less than 5 feet in width.
- (b) Parking – All commercial districts except C-HD shall provide parking as required in the “off-street parking & loading facilities” Chapter XV, oriented such that parking and maneuvering are conducted entirely off public thoroughfares. In C-HD districts no use, new or existing, or the parking area currently provided.

**Table 7-1: Commercial Lot Layouts**

	<b>C-PB</b>	<b>C-SS</b>	<b>C-HD(4)</b>	<b>C-O</b>
<b>Lot Size</b>				
Minimum Lot Area	(Sewer) 20,000 sq. ft. (Septic) 2 Acres	(Sewer) 15,000 sq. Ft. (Septic) 2 Acres	7,200 sq. ft.	(Sewer) 10,000 sq. ft. (Septic) 2 Acres
Minimum Lot Width (1)	125 ft.	100 ft.	60 ft.	80 ft.
<b>Setback &amp; Yards</b>				
Minimum Setback (2)(3)(5)	50 ft.	50 ft.	0	25 ft.
Minimum Rear Yard (3)(5)	25 ft.	25 ft.	0	25 ft.
Minimum Side Yard (3)(5)	50 ft.	25 ft.	0	25 ft.
Minimum Open Space (3)	10%	15%	0	20%
<b>Structure Size</b>				
Maximum Height	35 ft.	35 ft.	35 ft.	35 ft.
Minimum Floor Area (3)	1,200 sq. ft.	1,000 sq. ft.	0	1,200 sq. ft.
Minimum Area Per Floor (3)	1,000 sq. ft.	1,000 sq. ft.	0	1,000 sq. ft.

All new construction shall include the required improvements as listed in Chapter II Section L.  
“Required Improvements”.

-The depth to width ratio of any commercial lot may not exceed a maximum of 4 to 1 or a minimum of 3/4 to 1. (Where 1 is the lot width in both cases) (See Figure 4-1: Depth to Width Ratio for an example)

- (1) Lot width is measured at the Building Line.
- (2) Any side of a lot that faces a public street or public right-of-way shall be considered a front and shall have appropriate setback.
- (3) C-HD has no requirements for existing structures. Building modifications require approval by the Plan Commission.
- (4) Only a commercial use shall be permitted on the storefront ground level of any mixed use structure within the C-HD zone.
- (5) Any lot that is adjacent to a state highway shall be 1.5 times the standard setback for any front that faces the highway.

## VIII. INDUSTRIAL ZONING

### A. INTRODUCTION

For documentation of issues addressed in this chapter, see JENNINGS COUNTY COMPREHENSIVE PLAN, Chapter VI; "Land Use," November 1, 1994.

Generally, it is the intent and policy of the Plan Commission that Heavy Industries are those that meet either of two criteria: the manufacture of products from raw materials and the requirements of outside storage of process materials and/or products. Light industries are generally those which manufacture products by assembling components or processing semi-finished products and do not require outside storage. Other criteria, such as emissions, water consumption, noise, vibrations, and other factors established as "nuisances" will also guide the Commission in distinguishing heavy and light industrial uses.

### B. ESTABLISHMENT OF INDUSTRIAL ZONING DISTRICTS

The following Industrial zoning districts are established in Jennings County, Indiana, and are abbreviated as indicated. Land within Jennings County is classified, divided and zoned into said districts as designated on the zoning maps, which are attached hereto, incorporated herein by reference and made a part of this Chapter.

<u>Industrial Districts</u>	<u>Abbreviations</u>
Light Industrial	I-L
Heavy Industrial	I-H

1. The I-L District is designed for those industries which carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside an enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are enclosed or shielded by a solid screening. This district has strict controls on the intensity of land use, providing protection of each industry from the encroachment of other industries. All uses in the I-L District shall conform to the I-L Development Standards and Performance Standards.
2. The I-H District is for those industries that meet either of two criteria: the manufacture of products from raw materials or the necessity of outside storage of material and/or products. Manufacturing, mining, or other industrial processes which produce emissions, water consumption, noise, vibrations, the storage of potentially hazardous materials, and other factors established as "nuisances," may be designated by the Commission as heavy industry.

### C. INDUSTRIAL REGULATION

The following regulations shall apply to all land within the Industrial Districts.

1. Regulation Conformation after the Effective Date of this Chapter.

- (a) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Chapter.
- (b) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this Chapter. (For steps on how to obtain a building permit, refer to Chapter II. "Administration & Enforcement", section K.)
- (c) Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structure or facilities affected.
- (d) Provided, however, any previously officially recorded, platted lot having less than the minimum lot area and/or minimum lot width required by the applicable Industrial District regulations of this Chapter shall be deemed an exception to such minimum lot area requirement; and an industry may be constructed thereon provided all other requirements of this Chapter, including minimum yard and setback requirements, shall be met.
- (e) Provided further, however, any legally established non-conforming use, public elementary, junior high or high school (including any structures, facilities and parking area accessory thereto) may be constructed, erected, converted, enlarged, reconstructed or relocated for such public elementary, junior high or high school use on the same lot or parcel.

## 2. Performance Standards

All uses established or placed into operation after the effective date of this Chapter shall comply with the following performance standards. No use in existence on the effective date of this Chapter shall be so altered or modified as to conflict with these standards.

- (a) Vibration – No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (b) Smoke, Particulate Matter, Noxious Matter – No use shall emit smoke of a density equal to or greater than No. 1 according to the Ringelmann Scale, as now published and used by the U.S. Bureau of Mines, and subject to the regulatory limitations of the Indiana Department of Environmental Management (IDEM). The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of IDEM and the Indiana Air Pollution Control Board.
- (c) Odor – No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

- (d) Sound – No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (e) Heat and Glare – No use shall produce heat or glare creating a hazard perceptible from any point beyond lot lines.
- (f) Waste Matter – No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Department of Environmental Management or in such a manner as to endanger the public health, safety or welfare or cause injury to property.
- (g) “Junk” Automobiles (Vehicles) – Vehicles not in operating condition and parked at a commercial location more than thirty (30) days may be removed from the property with the notification by Certified Mail to the vehicle owner. These vehicles will be towed at the owner’s expense to a holding area for thirty (30) days and then disposed of to a legal salvage yard. Notification and removal will be under Court and Police supervision. A “Show Cause” hearing will not be held for these violations.
- (h) Unnecessary Clutter – No one shall be permitted to heap, litter or strew in a confused and disorderly manner, any materials or objects on property owned, leased or rented for commercial purposes.
- (i) Burning of Materials – No use shall permit burning of any materials or chemicals except as fuels in approved heating or manufacturing process facilities.

### 3. Development Standards

- (a) Drainage and Runoff – See Chapter II, Section L. Required Improvements Section for drainage and runoff requirements.
- (b) Parking – All parking shall be provided as required in Chapter XV. Off Street Parking and Loading Facilities.
- (c) Transitional Yards – Where an Industrial lot abuts a Residential lot or Commercial lot, the Industrial lot shall have a transitional yard adjacent to the Residential or Commercial lot at least equal in width to the required yard for that type of Residential or Commercial district.

**Table 8-1: Industrial Lot Layouts**

	<b>I-L</b>	<b>I-H</b>
<b>Lot Size</b>		
Minimum Lot Area	(Sewer) .5 acres (Septic) 5 Acres	(Sewer) 1 acre (Septic) 10 Acres
Minimum Lot Width (1)	100 feet	200 feet
<b>Setback &amp; Yards</b>		
Minimum Setback (2)	50 feet	100 feet
Minimum Setback Abutting Arterial (2)	100 feet	150 feet
Minimum Rear Yard	25 feet	50 feet
Minimum Side Yard	25 feet	50 feet
Maximum building coverage of lot	40%	30%
Minimum Open Space	25%	25%
<b>Structure Size</b>		
Maximum Height	40 feet	40 feet
Minimum Floor Area	1,200 sq. ft.	1,200 sq. ft.
Minimum Area Per Floor	1,000 sq. ft.	1,000 sq. ft.

All new construction shall include the required improvements as listed in Chapter II Section L.  
“Required Improvements”.

-The depth to width ratio of any industrial lot may not exceed a maximum of 4 to 1 or a minimum of 1 to 1. (Where 1 is the lot width in both cases) (See Figure 4-1: Depth to Width Ratio for an example)

- (1) Lot width is measured at the Building Line.
- (2) Any side of a lot that faces a public street or public right-of-way shall be considered a front and shall have appropriate setback.
- (3) Minimum setback to any residential lot shall be 100 ft.

## **D. SPECIAL USES – INDUSTRIAL DISTRICTS**

### **1. Landfills**

- (a) Landfills shall be permitted only as a Special Use in Heavy Industrial (I-H) districts and shall comply with all regulations of industrial districts.
- (b) Before zoning for a landfill can be received, the applicant must have approval from the Indiana Department of Environmental Management.
- (c) Landfills must have 1,500 feet setback from all public roads.
- (d) Landfills must be visually screened throughout the year from all roads or thoroughfares and commercial or residential districts.
- (e) The Unified Zoning Ordinance shall comply with all IDEM setbacks from public roads.

### **2. Salvage Yards and Impoundment Yards**

- (a) A salvage yard is 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 sorted; including, but not limited to, 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 purposes of wrecking or salvaging parts therefrom.
- (b) An impoundment yard is any place where automobiles or other vehicles not being operated are held by the Police, auto towing company, or other authority or individual for confiscation, evidence, bond, disposition, or storage.
- (c) Salvage yards and impoundment yards shall be permitted only in Heavy Industrial (I-H) districts and shall comply with all regulations of Industrial Districts.
- (d) Salvage yards and impoundment yards must be visually screened throughout the year from all roads or thoroughfares and commercial or residential districts.

### **3. Airports**

- (a) Any location, including necessary buildings, either on land, water, or structure, which is designed or used for landing and taking-off of aircraft, shall be located in a Heavy Industrial (I-H) district. Airports are a special use within I-H districts, and approval of the Plan Commission is required prior to development or use of property as an airport.

- (b) All airports must comply with the regulations and policies of the Federal Aviation Administration and various other federal and state agencies with applicable jurisdiction. Documentation of such compliance may be required by the Plan Commission prior to the approval of the Special Use. The Local Airport Ordinance is located in Chapter XI “Airport Zoning”.



## **IX. INSTITUTIONAL ZONING**

### **A. INTRODUCTION**

The Institutional Zoning District is intended to provide a district for facilities devoted to serving the public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development, and they normally will be located on an arterial street or thoroughfare.

### **B. ESTABLISHMENT OF INSTITUTIONAL DISTRICTS**

To identify the nature of institutional districts on zoning maps, they shall be classified as the following zone:

<u>INSTITUTIONAL DISTRICT</u>	<u>ABBREVIATION</u>
Institutional	INS
Institutional Utilities	INS-UTIL

1. Institutional Districts (INS) are designed for buildings and land that are developed for an institutional use. These permitted institutional uses include:
  - (a) Public or private schools.
  - (b) Place of worship.
  - (c) Libraries, community centers, museums and public art galleries.
  - (d) Public parks and recreational areas.
  - (e) Public administrative offices and public service buildings, including fire and police stations.
  - (f) Cemetery.
  - (g) Funeral Homes.
  - (h) Hospitals, sanitariums, nursing homes and clinics.
  - (i) Utility plants greater than 20,000 square feet.
2. Institutional Utility Districts (INS-UTIL) are designed for the above ground or underground construction of supplementary utility uses of a size less than 20,000 square feet and greater than 1,000 square feet. These permitted institutional utility uses include:
  - (a) Cell or radio towers or antennas.
  - (b) Water towers.
  - (c) Pumping Stations.
  - (d) Stand pipes.
  - (e) Substations.
  - (f) Telephone Exchanges.
3. Exempt Utilities. The following utilities are exempt from the institutional zoning district:
  - (a) Strip utilities, lines, or pipes.

- (b) Utilities under 1,000 square feet.

### **C. INSTITUTIONAL REGULATIONS**

The following regulations shall apply to all land within the Institutional Districts.

#### **1. Regulation Conformation after the Effective Date of this Chapter:**

- (a) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Chapter.
- (b) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this Chapter. (For steps on how to obtain a building permit, refer to chapter II. "Administration & Enforcement", section I.)
- (c) PROVIDED, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster.
- (d) PROVIDED, however, any previously officially recorded, platted lot having less than the minimum development standards required by the applicable Institutional District regulations of this Chapter shall be approved as a non-conforming use.

#### **2. Performance Standards**

All uses established or placed into operation after the effective date of this Chapter shall comply with the following performance standards. No use in existence on the effective date of this Chapter shall be so altered or modified as to conflict with these standards.

- (a) Vibration – No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (b) Smoke, Particulate Matter, Noxious Matter – No use shall emit smoke of a density exceeding that of a normal institutional establishment. No use shall be permitted to burn any materials or chemicals other than standard heating fuels such as fuel oil, propane or natural gas, with the exception of food preparation facilities. Institutional operations which require the burning of other materials must be approved by the Area Plan Commission.
- (c) Odor – No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (d) Sound – No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.

- (e) Heat and Glare – No use shall produce heat or glare creating a hazard perceptible from any point beyond lot lines.
- (f) Waste matter – No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Department of Environment Management or in such a manner as to endanger the public health, safety or welfare or cause injury to property.
- (g) “Junk” Automobiles (Vehicles) – Vehicles not in operating condition and parked at a commercial location more than thirty (30) days may be removed from the property with the notification by Certified Mail to vehicle owner. These vehicles will be towed at owner’s expense to a holding area for thirty (30) days and then disposed of to a legal salvage yard. Notification and removal will be under Court and Police supervision. A “Show Cause” hearing will not be held for these violations.
- (h) Unnecessary Clutter – No one shall be permitted to heap, litter or strew in a confused and disorderly manner, any materials or objects on property owned leased or rented for commercial purposes.
- (i) Burning of Materials – No use shall permit burning of any materials or chemicals except as fuels in approved heating or manufacturing process facilities.

### 3. Institutional Development Standards

- (a) Transitional Yards – Where an Institutional lot abuts a Residential lot, the Institutional lot shall have a transitional yard adjacent to the Residential lot at least equal in width to the required yard for that type of Residential district. Where an alley separates an Institutional lot from a Residential lot, the Institutional lot shall have a Yard adjacent to the alley of not less than 5 feet in width.
- (b) Parking – All institutional districts shall provide parking as required in the “off-street parking & loading facilities” Chapter XIII, oriented such that parking and maneuvering are conducted entirely off public thoroughfares.

**Table 9-1: Institutional Lot Layouts**

	<b>INS</b>	<b>INS-UTIL</b>
<b>Lot Size</b>		
Minimum Lot Area	20,000 sq. ft.	1,000 sq. ft.
Minimum Lot Width (1)	100 ft.	25 ft.
Minimum Corner Lot Width (1)	125 ft.	35 ft.
<b>Setback &amp; Yards</b>		
Minimum Setback (2)(3)	50 ft.	20 ft.
Minimum Rear Yard (2)	25 ft.	5 ft.
Minimum Side Yard (2)	25 ft.	5 ft.
Minimum Open Space	20%	30%
<b>Structure Size</b>		
Maximum Height	35 ft. (4) 150 ft. (5)	20 ft. (4) 150 ft. (5)
Minimum Floor Area	2,000 sq. ft. (6)	150 sq. ft. (6)
Minimum Area Per Floor	2,000 sq. ft. (6)	150 sq. ft. (6)

All new construction shall include the required improvements as listed in Chapter II Section L. "Required Improvements".

- (1) Lot width is measured at the Building Line.
- (2) Any side of a lot that faces a public street or public right-of-way shall be considered a front and shall have appropriate setback.
- (3) Any lot that is adjacent to a state highway shall be 1.5 times the standard setback for any front that faces the highway.
- (4) For building if part of installation.
- (5) For towers.
- (6) If a building is part of the installation.

**X. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)**

**A. INTRODUCTION**

The IC 36-7-4-1500 series allows a zoning ordinance to provide for Planned Unit Developments (PUD’s). This district is intended to provide more development flexibility than is possible through the application of traditional zoning regulations. In recognition of the fast changing design and technology in the housing market, it is deemed necessary to meet those changes in a matter that will be consistent with the best interests of Jennings County.

**B. PURPOSE**

The goal of this section is to provide a variety of environmentally appropriate residential, nonresidential, and mixed-use developments to meet the needs of the community.

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 site considerations.

**C. ESTABLISHMENT OF PUD DISTRICTS**

To identify the nature of planned unit developments on zoning maps, they shall be classified as one of the following three zones:

<u>PUD DISTRICTS</u>	<u>ABBREVIATIONS</u>
Residential	PDRS
Nonresidential	PDNR
Mixed Use	PDMX

1. PUD Residential (PDRS) districts are designed for all buildings and land that are developed for residential use and those activities customarily accessory to residential use;
2. PUD Nonresidential (PDNR) districts are designed for all buildings and land that are not developed for residential use, but rather for commercial and/or industrial and/or recreational and/or some other nonresidential use;
3. PUD Mixed Use (PDMX) districts are designed for all buildings and land that are developed as a mix of both residential and nonresidential uses.

#### **D. PLANNED UNIT DEVELOPMENT REGULATIONS**

1. The Planned Unit Development District may be applied to any underlying zoning district already established by the Jennings County Zoning Ordinance, provided that the proposed Planned Unit Development complies with the requirements of this section and supplementary regulations in this zoning ordinance.
  - (a) The property proposed for the PUD shall be large enough to accommodate the use and any accessory or ancillary activities, including parking, loading and unloading, landscaping, offices, storage building, and utilities.
  - (b) All PUDs shall have adequate access and street frontage. There may be required on-site and/or off-site improvements to infrastructure in order to ensure safe and proper access to the facility. In making this determination, the types, sizes, and numbers of vehicles that are expected to use the facility, shall be considered.
  - (c) All PUDs shall be adequately landscaped and buffered from neighboring land uses. Minimum separation distances between the facility and adjacent land uses may be required.
  - (d) Financial guarantees of performance may be required, in order to provide assurance that the PUD will be completed in conformance with the approved plan.
  - (e) Other development regulations shall be as prescribed by the PUD or specific plan and deemed necessary for consistency with the intent of this ordinance.
2. Performance Standards

All uses established or placed into operation after the effective date of this Chapter shall comply with the following performance standards. No use in existence on the effective date of this Chapter shall be so altered or modified as to conflict with these standards.

- (j) Vibration – No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (k) Smoke, Particulate Matter, Noxious Matter – No use shall emit smoke of a density exceeding that of a normal establishment. No use shall be permitted to burn any

materials or chemicals other than standard heating fuels such as fuel oil, propane or natural gas, with the exception of food preparation facilities. Operations which require the burning of other materials must be approved by the Area Plan Commission.

- (l) Odor – No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (m) Sound – No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (n) Heat and Glare – No use shall produce heat or glare creating a hazard perceptible from any point beyond lot lines.
- (o) Waste matter – No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Department of Environment Management or in such a manner as to endanger the public health, safety or welfare or cause injury to property.
- (p) “Junk” Automobiles (Vehicles) – Vehicles not in operating condition and parked at a commercial location more than thirty (30) days may be removed from the property with the notification by Certified Mail to vehicle owner. These vehicles will be towed at owner’s expense to a holding area for thirty (30) days and then disposed of to a legal salvage yard. Notification and removal will be under Court and Police supervision. A “Show Cause” hearing will not be held for these violations.
- (q) Unnecessary Clutter – No one shall be permitted to heap, litter or strew in a confused and disorderly manner, any materials or objects on property owned leased or rented for commercial purposes.
- (r) Burning of Materials – No use shall permit burning of any materials or chemicals except as fuels in approved heating or manufacturing process facilities.

## **E. PLANNED UNIT DEVELOPMENT PROCESS**

PD zones are not identified on the zoning maps in advance. PD zones are the result of a public hearing to rezone a specific parcel(s) to a new PD zone based on the negotiated development plan between the petitioner(s), Area Plan Commission, and representatives of the checkpoint agencies.

- 3. Application for designation of a Planned Unit Development District shall be made to Jennings County Area Plan Commission. The application shall include the following materials:
  - (a) Legal description of the property included in the request;

- (b) Drawing indicating the existing features of the site and property within one half mile of the site, including significant vegetation, water features, topography, soil characteristics, flood hazard areas, drainage, structures, land uses, zoning, and any other pertinent features.
  - (c) Site plan showing the details of the proposed development, including proposed structures, fill areas and maximum heights of fill, borrow areas, access drives, parking areas, screening and/or buffering, and any other similar information the City or County deems pertinent to the request.
4. The Area Plan Commission shall hold a public hearing on the request and make a favorable recommendation, unfavorable recommendation, or no recommendation. Such hearing shall be conducted in accordance with IC 36-7-4 and with the Commission's Rules of Procedure.
  5. In making a favorable recommendation, the Plan Commission may recommend such conditions of approval as it deems appropriate to ensure consistency with the spirit and intent of this ordinance.
  6. The legislative body shall approve or deny the request in the same manner as an amendment to the zoning map. The legislative body shall hold a public hearing at the meeting at which the ordinance will be decided. In approving the request, the legislative body may impose such conditions as it deems appropriate to ensure consistency with the intent of this ordinance. These conditions may be, but are not required to be, those recommended by the Area Plan Commission.
  7. If a Planned Unit Development District is approved, the property may be developed for said uses only in accordance with the approved plan for the district. Any material changes to said plan must be approved, which may refer proposed changes to the Area Plan Commission for review and recommendation.
  8. No construction may be commenced until all required permits are obtained. Construction includes any grading, filling, excavation, structural alterations or other similar activity. Any such activity which is required in order to obtain needed permits, such soil borings, is excluded from this provision.
  9. A planned unit development has been abandoned if two years have passed since the date on which rezoning to PDRS, PDNR, or PDMX was granted, and no Final been approved and recorded for the project.



## **XI. AIRPORT ZONING**

### **A. PREAMBLE**

The purpose of the Airport Zoning Ordinance is to provide for regulations restricting the height of structures and objects of natural growth in the vicinity of North Vernon Municipal Airport by creating appropriate zones and establishing the boundaries of such zones; to control the use of land and property within the zones for the prevention of hazards to air navigation; to protect the health, safety, and general welfare of property owners around the airport by promoting land development and uses which are compatible with airport development; and to define certain terms used herein. Any State or Federal Laws not covered by the Ordinance will be still in force.

### **B. GENERAL PROVISIONS**

#### **1. Short Title**

This Ordinance shall be known and may be cited as "The North Vernon Municipal Airport" Zoning Ordinance of Jennings County, Indiana.

#### **2. Authority**

This Ordinance is adopted pursuant to the authority conferred by Indiana Code as subsequently amended.

#### **3. Policy**

(a) It is hereby found that an airport hazard endangers the lives and property of users of The North Vernon Municipal Airport, and property or occupants of land in its vicinity. Accordingly, it is declared:

- (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by The North Vernon Municipal Airport.
- (2) that it is necessary in the interest of the public health, safety and general welfare that the creation or establishment of airport hazards be prevented; and
- (3) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

(b) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City of North Vernon may raise and expend public funds and acquire land or interests in land.

#### **4. Airport Zoning (AZ) District Established**

The Airport Zoning (AZ) District shall include all zones as indicated on the North Vernon Municipal Airport Zoning Map, dated August 4, 1981 and Exhibit "A", Airport Layout Plan, dated May 12, 1975 which are a part of this ordinance and incorporated herein by reference. All land so indicated is hereby zoned and classified as the Airport Zoning District.

#### **5. Conflicting Regulations**

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the

conflicts are with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

6. Severability

If any of the provisions of this Ordinance of the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**C. AIRPORT ZONES AND ZONE HEIGHT LIMITATIONS**

1. Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the approach zones, conical zone, horizontal zone, noise sensitive zones, and transitional zones as they apply to the airport. Such zones are shown on the North Vernon Municipal Airport Zoning Map, dated August 4, 1981, which is attached to this Ordinance and made a part thereof. The various zones are hereby defined as follows:

- (a) Utility Runway 15-33, Visual Approach Zones -The inner edge of this approach zone coincided with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (b) Runway 5-23, Larger Than Utility With A Visibility Minimum Greater Than  $\frac{1}{2}$  Mile, Non-Precision Instrument Approach Zone -The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
- (c) Conical Zone -The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zone and the transitional zones.
- (d) Horizontal Zone -The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (e) Noise Sensitive Zone -These zones are established as the areas lying 1,500 feet on either side of the centerline and extended centerline of runways for a distance of one (1) nautical mile from the point which the extended runway centerline crosses the airport boundary of the airport. There are no slope or height limitations.
- (f) Transitional Zones -These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90 degree angles to the runway centerline and the runway extended centerline. Transitional zones, for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90 degree angles to the extended runway centerline.

## 2. Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure or tree erected, altered, allowed to grow, or be maintained in any zone created by this Ordinance to a height in excess of the applicable height limits herein established for such zone.

The applicable zone height limitations are hereby described as follows:

- (a) Utility Runway 15-33, Visual Approach Zone -Slope upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (b) Runway 5-23, Larger Than Utility With A Visibility Minimum Greater Than  $\frac{1}{2}$  Mile, Non-Precision Instrument Approach Zone -Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (c) Conical Zone -Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (d) Horizontal Zone -One hundred and fifty (150) feet above the airport elevation and a height of 908 feet mean sea level.
- (e) Transitional Zones -Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation and 908 feet mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- (f) Excepted Height Limitations -Nothing in this Ordinance shall be construed as prohibiting the planting, growth, construction, or maintenance of any tree or structure to a maximum height of 150 feet above the ground for which the structure is erected on or 908 feet above mean sea level, which ever is less; provided however, that such maximum height does not conflict with any of the approach and transitional zones of this Ordinance.

## **D. USES PROHIBITED AND PERMITTED IN AZ DISTRICT**

### 1. Uses Prohibited

- (a) Communication and Visibility -No use may be made of land within the established Airport Zoning (AZ) District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between lights and others, result in glare in

the eyes of pilots using the airport, impair visibility in the vicinity of the airport of otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft.

- (b) Places of Public Assembly -No structures, buildings, or premises used for public assembly, including schools, libraries, churches, hospitals, child care institutions, stadiums, theaters, public assembly halls and auditoriums, carnivals and amusement parks, sports arenas, museums, or similar facilities shall be erected, relocated or converted for use within the Approach Zones, Noise Sensitive Zones and Transitional Zones.
- (c) Residential Uses -No single-family, two-family, or multi-family residential uses, including mobile home parks, shall be allowed within the approach, transitional and noise sensitive zones established by this Ordinance, except when such use is accessory to agricultural or other principal use of land. Also, excepting those single-family residential uses that agreed to the Covenant, as worded in Appendix One of this Ordinance and recorded with the deed.

## 2. Uses Permitted

The following uses are permitted, provided however, that they meet other requirements of this Ordinance:

- (a) Agricultural uses, utility and service system buildings and lands, cemetery or crematory, low density park, picnic and recreational facilities, improvement and/or expansion of the airport, automobile and farm equipment sales, repair and services, parking lots.
- (b) Accessory buildings and uses.

## 3. Special Exceptions

The following uses are permitted as special exceptions when authorized by the Board of Zoning Appeals. Such special exceptions shall be subject to the requirements the Board of Zoning Appeals feels necessary to further the purpose of the Airport Zoning District as stated in the preamble.

- (a) Quarrying and mining of natural resources, sanitary landfill and other types of landfill, public or private golf courses and driving ranges, industrial parks and light industrial uses, commercial greenhouses, plant nurseries, hotel, motel, sale barns for livestock resale, business and retail uses, restaurants and other service facilities, police or fire stations.
- (b) Advertising structures and signs, elevated water storage tanks, elevated transmission and communication lines.
- (c) Present church and school properties under existing ownerships as of the and prior to the date of the adoption of the Airport Zoning District are exempted when used in conjunction with the intended school and church activity.

## 4. Non-Conforming Uses

- (a) Regulations Not Retroactive -The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

- (b) Marking and Lighting -Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the North Vernon Board of Aviation Commissioners to indicate to the operators or aircraft in the Vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of North Vernon, Jennings County, Indiana.

## E. PERMITS

### 1. Future Uses

No material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted.

- (a) However, a permit for a structure of less than 150 feet of vertical height above the ground and 908 feet above mean sea level shall not be required in the horizontal and conical zones.
- (b) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use or structure would conform to the regulations herein described. If such determination is in the affirmative the permit shall be granted.
- (c) An application is required for a tree anticipated to encroach upon the approach or transitional zones.
- (d) Each application will require proof of the Department of Transportation, Federal Aviation Administration (FAA) Aeronautical Study Review and Determination of No Hazard. Notice of Proposed Construction or Alteration, FAA Form 7460-1, or as amended may be requested by writing to the:

Department of Transportation  
Federal Aviation Administration  
Airspace and Procedures Branch  
Great Lakes Region  
2300 East Devon Avenue  
Des Plaines, Illinois 60018

- (e) In the event the Board of Aviation Commissioners of the City of North should determine at some point in the future to extend the runway at the City of North Vernon's Airport from its present length of 4,500 feet to its planned length of 5,000, the Board of Aviation Commissioners shall give notice to contiguous property owners of its intention to construct said extension at least six (6) months prior to the commencement of construction or whatever period may be required by Federal Regulation. In the event such extension is carried out, any tree cutting or topping made necessary by the extension of said runway shall be done at the cost of the Board of Aviation Commissioners. In the event it shall become necessary to remove timber due to said extension, the Board of Aviation Commissioners shall obtain at least two (2) appraisals of the fair market value of the timber to be removed and shall pay the owner thereof fair compensation for the removal of said timber. In the event the Board of Aviation Commissioners removes said timber, the Board of Aviation Commissioners shall be entitled to dispose of it in the manner in which it

sees fit. This paragraph number (e) shall be deemed to apply only to those trees or other natural growth which are in existence on the original date of the enactment of this amendment by the Common Council of the City of North Vernon, which date was March 30, 1987.

2. Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Non-Conforming Uses Abandoned or Destroyed

Whenever the Building Commissioner determines that a non-conforming tree or structure has been abandoned or more than 80 percent tom down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Zoning Appeals for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Ordinance. The Indiana Department of Transportation, Division of Aeronautics will be notified of all intended variance approvals and allowed thirty (30) days for review and comment.

5. Hazard Marketing and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the North Vernon Board of Aviation Commissioners, at the Board's expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

## **F. ENFORCEMENT AND PENALTIES**

1. Enforcement

It shall be the duty of the Jennings County Plan Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Jennings County Plan Commission upon a form furnished by them. Applications required by this Ordinance to be submitted to the Jennings County Plan Commission shall be promptly considered and granted or denied by them. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Jennings County Plan Commission.

**APPENDIX 1 (AIRPORT ZONING ORDINANCE)**

EASEMENT AND COVENANT

Comes now \_\_\_\_\_ owner(s) of certain real property in County, State of Indiana, being more particularly described as follows:

And, for and in consideration of the issuance by \_\_\_\_\_ of a permit to construct a certain residence on said real property in accordance with the terms of owners' application, owner(s) hereby give, grant and demise unto \_\_\_\_\_, its successors and assignments as easement for the passage of aircraft using said airport at a safe and reasonable height above the residence. Said easement shall continue in full force and effect at all times so long as there shall be an airport at or near the present location of \_\_\_\_\_.

Owners agree not to construct or erect any building, improvement, tower or antenna which would extend higher than \_\_\_\_\_ feet above the existing ground level.

It is understood by the owners and owners' successors in interest that the above-described real property lies in close proximity to an operating airport and that the operation of the airport and the landing and take-off of aircraft may generate high noise levels.

Owners covenant that they shall not initiate or support any action in any court or before any governmental agency if the purpose of the action is to interfere with, restrict, or reduce the operation of the airport or the use of an airport by any aircraft. Owners further covenant that they shall not protest or object to the operation of the airport or the landing or take-off of aircraft before any court or agency or government. The covenants contained herein shall run with the land and shall be binding upon the owners and their heirs, successors, and assigns.

In witness whereof owners have executed this Easement and Covenant this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Signature \_\_\_\_\_(Seal)  
Printed \_\_\_\_\_  
owner/grantor

Signature \_\_\_\_\_(Seal)  
Printed \_\_\_\_\_  
owner/grantor

STATE OF  
COUNTY OF

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ who acknowledged the execution of the foregoing Easement and Covenant, and who having been duly sworn, states that any representations therein contained are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires \_\_\_\_\_.

Signature \_\_\_\_\_ Printed \_\_\_\_\_, Notary Public  
Resident of \_\_\_\_\_ County

This instrument was prepared by \_\_\_\_\_, attorney at law.

County Jennings Range 8E  
Towship 7N Section 22 & 23

**RIGHT OF WAY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned (unmarried) (husband and wife) for a good and valuable consideration, receipt of which is hereby acknowledged, hereby grant, convey and warrant unto SOUTHEASTERN INDIANA RURAL ELECTRIC MEMBERSHIP CORPORATION, grantee, a corporation whose post office address is Osgood, Indiana, and to its successors and assigns, the right to enter upon the lands of the undersigned, situated in the County of Jennings, State of Indiana, and more particularly described as follows:

A tract of approximately 173/198 acres situated in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section 22 & 23 in Township 7N, in Range 8E, in Jennings County, Indiana, more commonly known as North Vernon Airport

To place, mark, construct, reconstruct, rephase, inspect, operate, repair, maintain, remove, relocate and replace thereon, and in or upon all streets, roads or highways abutting said lands, an electric distribution line or underground system, or any part thereof.

To cut and trim or control the growth by chemical means, machinery or otherwise of trees, brush or shrubbery that may interfere with or threaten to endanger the operations and maintenance of said line or system, including any control of the growth of other vegetation in the right-of-way which may incidentally and necessarily result from the means of control employed, and to cut down from time to time all dead, weak, or leaning trees.

In granting this easement, it is understood that at structure locations, only a single structure and appurtenances will be used, actual location of electrical distribution facilities is incorporated in the official records of the grantee. Reservation of the full use and enjoyment of the said land insofar as it shall not interfere with the easement hereby granted is hereby expressly made.

The grantee is further permitted to license, permit, or otherwise agree to the joint use or occupancy of the line or system by any other person, association or corporation for electrification, telephone, cable television or communication purpose.

The undersigned agree that all poles, wires, transformers, vaults, pedestals and other facilities, including any main service entrance equipment, installed on the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative, upon termination of service to or on said lands.

The undersigned agree to keep the land (ground), above the route of underground electrical conductors or below the route of overhead electrical line conductors (pursuant to current National Electrical Safety Code requirements), free of buildings, trees and other impedances that limit sufficient access for inspection, operation, maintenance, replacement, reconstruction, rephasing, and repair of said underground or overhead electrical facilities.

The undersigned covenants that he is the owner of the above described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following:

Should this covenant be violated, the undersigned shall indemnify and hold harmless Grantee for any liabilities or costs it may incur as a result.

In accordance with IND. CODE § 32-5-2-2, the foregoing easement is being created from real estate deeded to Grantor as described in Deed Record 78, page(s) 634-636 in the Office of the Recorder of Jennings County, Indiana.

IN WITNESS THEREOF, the undersigned have set \_\_\_\_\_ hands and seal this 1st day of July, 1997

Received for Record #49703281  
This 11 day of July 1997 at 8:00 o'clock A.M. and \_\_\_\_\_  
Howard Malcomb (L.S.)  
Howard Malcomb

William H. Black (L.S.)  
William H. Black

STATE OF INDIANA  
County of Jennings SS: Board of Aviation Commissioners of the City of North Vernon

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the within named.

And acknowledged the execution of the foregoing instrument for the uses and purposes therein set forth to be voluntary act this 1st day of July, 1997.

Notary Public Vicki L. Hemmings  
Printed Name Vicki L. Hemmings

Resident of Jennings County My Commission Expires 5/26/2000

(N.P. Seal)

This instrument prepared by: Board of Aviation Howard Malcomb  
Name Title  
William H. Black







## **XII. FLOODPLAIN ZONING**

### **A. INTRODUCTION**

The district is created to guide development in those areas adjoining any waterway which has or which may be expected hereafter to be covered by flood water, as determined by the Indiana Department of Natural Resources (IDNR), various other state or federal agencies with applicable jurisdiction, or other reliable sources, or as determined by local authorities on the basis of historical or technical data. This district is created to protect the public health and safety and to reduce the financial burdens which may be imposed on the community as a result of improper use of land having excessively high water tables or which are subject to periodic flooding.

### **B. ESTABLISHMENT OF FLOODPLAIN DISTRICTS**

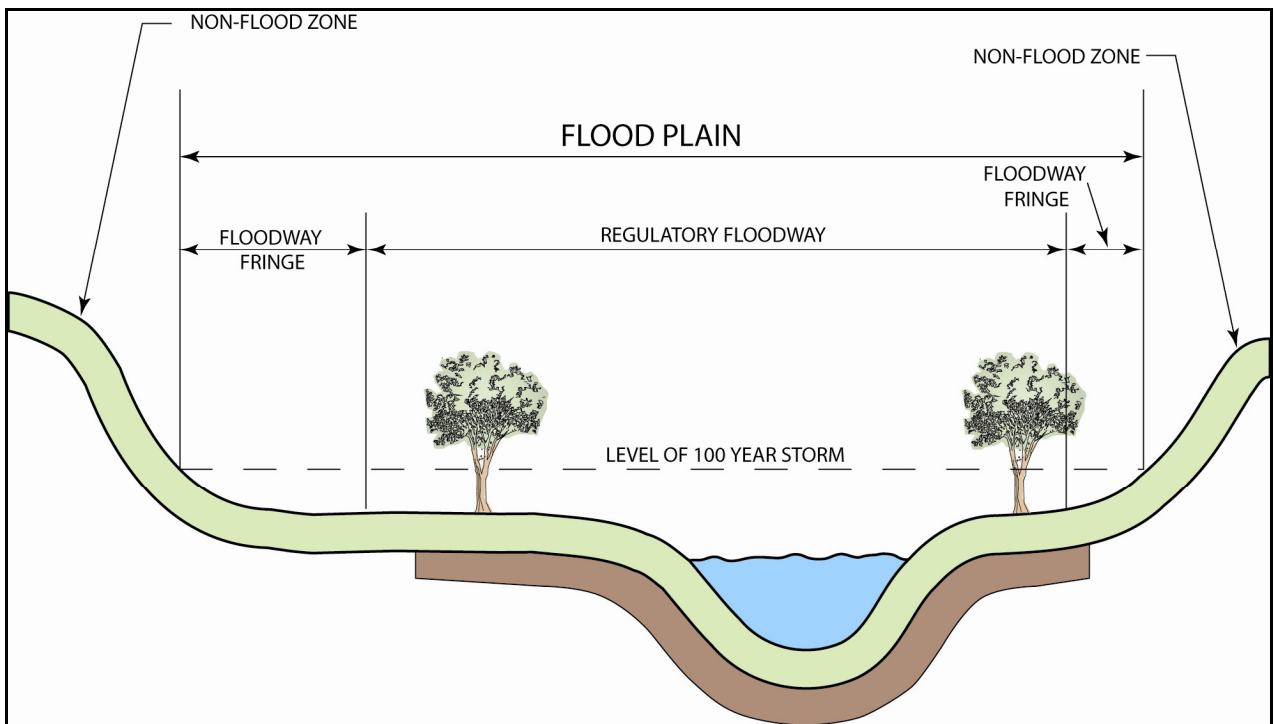
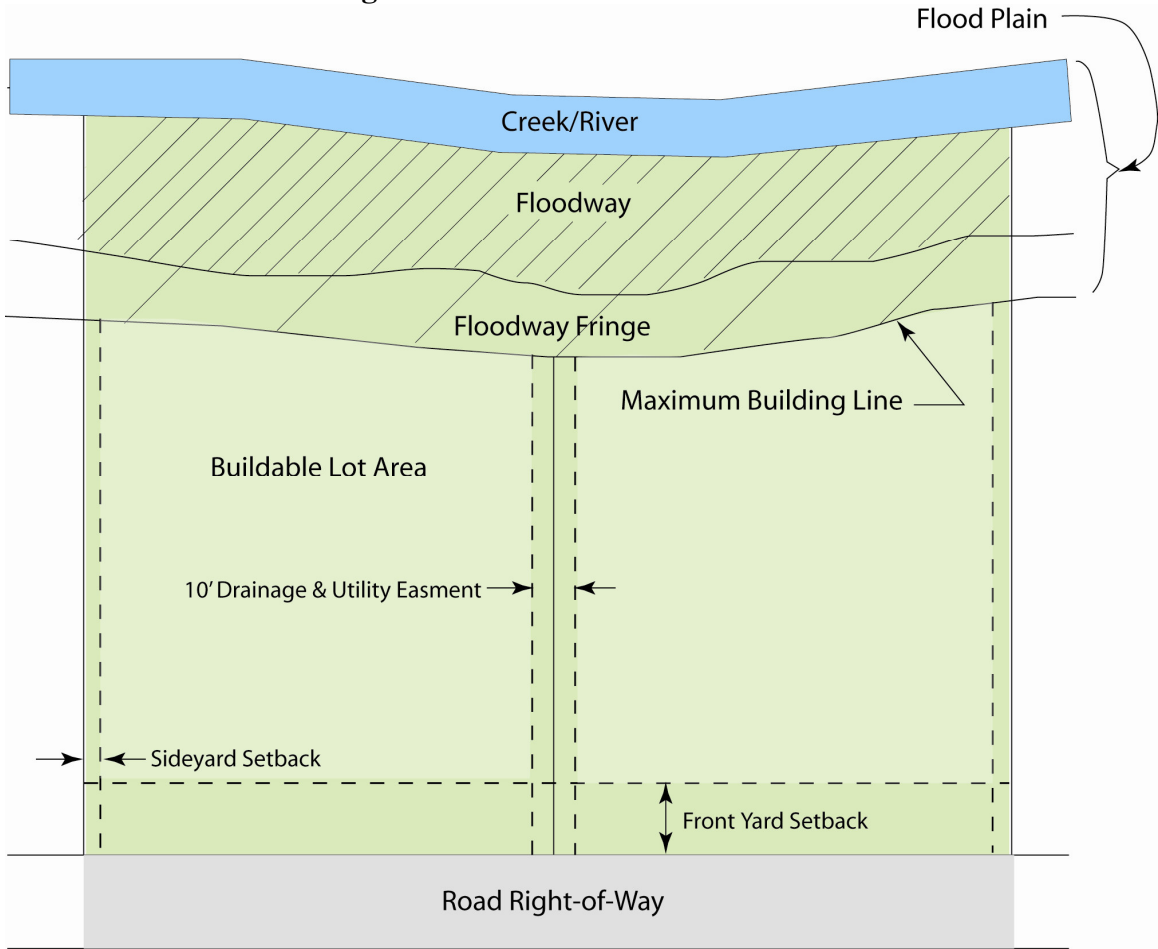
The following Floodplain zoning district is established in Jennings County, Indiana and is abbreviated as indicated. Land within Jennings County is classified, divided and zoned into said districts as designated on the zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this Chapter. (Refer to figure 12-1 for graphical representation)

<u>FLOODPLAIN DISTRICT</u>	<u>ABBREVIATIONS</u>
Floodplain	FP

### **C. FLOODPLAIN REGULATIONS**

1. No residential development shall be permitted in FP districts.
2. Permitted uses in FP districts shall include open space, mineral extraction, agriculture, and recreation.
3. Alterations to land or structures, construction, and other uses in FP districts shall be conducted in accordance with the rules and policies of the Indiana Department of Natural Resources (IDNR) and other state and federal agencies with statutory jurisdiction over floodways, aquifers, and waterways.
4. The Plan Commission may approve development in FP districts where the area has been suitably filled and graded such that permanent structures constructed shall have ground floor elevation minimum 3 feet above flood height, which elevation shall be determined by IDNR. Copy of said determinations shall be presented along with the plat of proposed development to the Plan Commission for approval.

**Figure 12-1: Flood Plain Delineation**



### **XIII. ELECTRICAL LICENSING**

“An Ordinance establishing Electricians or Electrical Contractor Regulations for the County of Jennings, City of North Vernon and Town of Vernon, Indiana.”

WHEREAS, The County of Jennings, City of North Vernon and Town of Vernon has previously enacted electricians and electrical contractor regulations and needs to create a non-reverting fund for technical support maintenance and for deposit of license fees. This will reflect the use of the Indiana Electrical Code as well as the National Electric Code.

#### **A. INSPECTION AND LICENSING REQUIREMENTS**

##### **1. INSPECTION**

Inspection by the Department of Planning and Zoning, Area Plan Commission/Department of Code Enforcement.

The Department of Planning and Zoning, through the office of the Building Commissioner/ Inspector, shall be responsible for inspection of electrical wiring in the County of Jennings, City of North Vernon and Town of Vernon.

##### **2. LICENSING**

To operate or engage in business as an electrician, or an independent electrical contractor within the County of Jennings, City of North Vernon and Town of Vernon, the individual desiring to operate or engage in such business, shall be duly licensed according to the provisions of this Ordinance. Such license shall be issued only in the name of the individual, making application for such license.

Any change in address shall be reported to the Department of Planning and Zoning, Area Plan Commission/Department of Code Enforcement within five (5) days after such change occurs.

The examination required by Division II of this Ordinance shall be binding upon all individuals.

Nothing in this Ordinance shall be construed as prohibiting industrial manufacturing concerns from installing and maintaining customary electrical installation incidental to the operations of such concern without complying with the licensing provisions of this Ordinance. Service panel or switch gear installations, alterations, and repairs shall comply with the licensing and inspection provisions of this Ordinance. This licensing program will begin on approval of all governing bodies in the County of Jennings, City of North Vernon and Town of Vernon.

##### **3. LICENSE FEES**

The fee for a license to operate as an electrician, or an independent electrical contractor within the County of Jennings, City of North Vernon or Town of Vernon shall be Twenty-five Dollars (\$25.00) for the first license issued to such applicant and Fifteen Dollars (\$15.00) for a three (3) year (re-licensing) renewal of such license and for each additional individual engaged in electrical wiring by the licensee, an additional fee of Ten Dollars (\$10.00) for the first license issued to such applicant and Five Dollars

(\$5.00) for each annual renewal of such license shall be charged. The County of Jennings, City of North Vernon and Town of Vernon are hereby authorized to set fees upon the recommendation of the Building Commissioner/Inspector.

An individual having passed a Block examination will be qualified to do Electrical wiring in the County of Jennings, City of North Vernon and Town of Vernon.

#### 4. ISSUANCE OF LICENSE AND DISPOSITION OF FEES

The license provided for in this Ordinance shall be issued by the Area Plan Commission of Jennings County, Building Commissioner/Inspector. All fees for licenses shall be deposited in the Jennings County general fund, or a fund specifically designated by the Jennings County Auditor. All expenditures from this fund shall be approved by the Jennings County Council and/or Jennings County Commissioners.

#### 5. EXPIRATION AND RENEWAL

All licenses issued under this Ordinance shall expire on the 31<sup>st</sup> day of December in the year for which such license was issued. No license shall be issued for a longer period than three (3) calendar years, but a license may be renewed without reexamination as provided for in this Ordinance. However, no license holder will be entitled to renew a license without examination unless an application shall be filed in due form and the proper fee for such renewal paid not later than thirty (30) days after the expiration of the latest license in the Office of the Department of Planning and Zoning, Area Plan Commission, but if such application is so filed and such fee is so paid within thirty (30) days from such expiration date of the latest license, then such renewal license shall be granted without examination. No license shall be transferable to any individual, firm, partnership or corporation.

#### 6. SUSPENSION OF LICENSE

The Building Commissioner/Inspector is authorized to suspend the license of any electrician or electrical contractor issued under this Ordinance for a period of not more than thirty (30) days for a violation of this Ordinance; and any such individual whose license has been suspended may appeal such suspension to the Board of Electric Examiners by filing therewith a written request for a hearing within ten (10) days of the Building Commissioners/Inspectors action. Such Board shall have the power to reverse or affirm the decision appealed from, or to permanently revoke such license.

#### 7. PENALTY OF NON-LICENSED INDIVIDUALS

Any individual, firm, corporation, or independent contractor doing electrical wiring, for hire/pay without an electrical license shall receive a fine ranging from \$100.00 to \$2,500.00 as set by the County of Jennings, City of North Vernon and Town of Vernon from time to time.

#### 8. "SPEC" HOMES FOR SALE, INCLUDING RENTALS

The penalties specified in Section G pertain to person/or persons building "spec" homes and rentals.

The penalties specified in Section G do not apply to rewiring motors. They apply only to structural wiring and only to what is covered in current code.

## **B. RULES OF EXAMINATION**

### **1. BOARD OF ELECTRICAL EXAMINERS**

A Board of Electrical Examiners is created and shall consist of:

A Master Electrician (as designated by Commissioners),  
A representative from Cinergy PSI (as designated by PSI),  
A representative from all R.E.M.C.'s (as designated by RE.M.C.),  
Executive Director of the Area Plan Commission  
And the Building Commissioner/Building Inspector.

The Executive Director of the Area Plan Commission and the Building Commissioner/Building Inspector are non-voting members of the board.

### **2. EXAMINATION**

Any individual desiring to engage in electrical wiring, (as referenced in Sec. A-2 & A-8), for hire/pay within the County of Jennings, City of North Vernon or Town of Vernon is required to pass an examination as required by this Ordinance concerning their ability, experience, training and fitness to engage in such line of work. Such examinations are to begin with the passage of this Ordinance.

### **3. APPLICATION FOR EXAMINATION**

Any applicant desiring to take an examination for an electrician's license, where such examination is required by this Article, shall be entitled to take such examination within thirty (30) days after the date of filing and perfecting his application in the office of the Area Plan Commission.

### **4. FAILURE TO PASS EXAMINATION**

In the event of an applicant failing to pass an examination for an electrician's license, he/she may, after thirty (30) calendar days from the filing date of his/her prior application, apply for another examination.

### **5. CERTIFICATE OF INSPECTION**

When electrical wiring, etc., conforms to the requirements of this Ordinance, then the Building Commissioner/Inspector or his designated representative shall give his certificate of inspection to the person performing such work. The certificate shall state the description and location of such work. The certificate shall state the description and location of the building inspected and the date the work is approved. If such work shall not conform to the provisions of this Ordinance, then the Building Commissioner/Inspector or his designated representative shall notify the person performing such work wherein it fails to conform. If more than two (2) re-inspections,

for the same violation are required, then there shall be an additional inspection fee of Twenty-five dollars (\$25.00) for each such additional inspection.

Three (3) inspections require no additional fee.

#### 6. FURNISHING ELECTRIC CURRENT

No individual shall furnish any electric current to any building hereafter wired for electricity within the County of Jennings, City of North Vernon and Town of Vernon until it has been furnished with a certificate of Inspection signed by the Building Commissioner/Inspector or his designated representative showing that such work conforms to the rules and requirements established in this Ordinance. If power is provided without approval of Building Commissioner/Inspector, the home owner or individual doing wiring and Company supplying electricity are in violation and subject to fines, as deemed by the Board of Electric Examiners.

#### 7. LIABILITY FOR DAMAGES

This ordinance shall not relieve any individual from liability for damages or injuries to persons or property because of the installation any electric wiring, devices, appliances or equipment; nor shall the County of Jennings, City of North Vernon, nor Town of Vernon assume any such liability by reason of the inspection authorized in this Ordinance or the certificate of inspection issued as provided in this Ordinance.



## XIV. SIGNS

### A. GENERAL PROVISIONS

1. Whereas the State of Indiana, adhering to the Federal Highway Beautification Act of 1965, had made provisions to control outdoor advertising by enacting P.L. 112-1993, section 3, requiring the Indiana Department of Transportation to establish a permit system for the effective control of outdoor advertising, all provisions contained herein relating to the local control of such advertising, including billboards, erected or affixed signs, shall be subordinate to and regulated by said Public Law.
2. No sign shall be erected or maintained at any location where by reason of its position, wording, size, shape, color or illumination it may obstruct, obscure, impair or interfere with the view of or be confused with any authorized traffic control device signal or sign.
3. No part of any sign attached to the exterior wall of a building shall be erected to a height in excess of six feet above the roof line or parapet line of such building.
4. No illuminated sign shall be permitted within 50 feet of any residential district unless it is so designed that it does not reflect or shine light onto said district.
5. No part of any free-standing sign shall be erected to a height greater than that specified for other structures in the district in which it is located; rooftop signs shall not extend more than 20 feet above the roof line nor shall such sign be located closer to an exterior wall than a distance equal to the height such sign extends above the roof.
6. The minimum setback of free-standing signs from street rights-of-way shall not be less than:

<u>Area of Sign</u>	<u>Minimum Setback</u>
0 to 14.9 Square Feet	10 Feet Setback
15 to 49.9 Square Feet	20 Feet Setback
50 to 99.9 Square Feet	30 Feet Setback
100 to 149.9 Square Feet	60 Feet Setback
150 or more Square Feet	100 Feet Setback

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

10. One “For Sale” or “For Rent” sign not more than 12 square feet in area for each dwelling unit, garage, or other quarters where appropriate.
11. One sign, not more than 20 square feet in area, pertaining to the sale of agricultural products raised on the premises.
12. Signs shall not be allowed in the public right-of-way unless the sign is established by, or by order of, any governmental agency.
13. One sign, not more than 12 square feet in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development is actually underway.
14. For an event of public interest such as a county fair or church event, one sign, not over 24 square feet in area and located upon the site of the event shall be permitted. Such sign shall not be erected more than 30 days before the event in question and shall be removed immediately after such event. Also directional signs, not more than three square feet in area, showing only a directional arrow and the name of the event of public interest. Such sign shall not be erected more than 14 days before the event in question and shall be removed immediately after such event.
15. For each real estate development that has been approved in accordance with the subdivision regulations, one sign, not more than 300 square feet in area, advertising the sale of property in such subdivision shall be permitted, but only when located on some portion of the subdivision being advertised for sale. Such sign may be illuminated, but no flashing, intermittent, or animated illumination is permitted. Such sign shall be maintained only during such time as some portion of the land advertised for sale remains unsold. Permits for such signs shall be issued for one-year periods and may be renewed for additional one-year periods to allow time for reasonable display.
16. No sign which does not conform to the provision of this section shall be replaced, enlarged or structurally reinforced so as to extend its useful life.
17. Any billboard addition within the City Limits of North Vernon, Town of Vernon, or County of Jennings must be approved by the appropriate ruling body before being erected. (See XIV Section F, for Billboard Regulations)

## **B. RESIDENTIAL DISTRICT**

1. A nameplate which shall not exceed one square foot in area is permitted for each dwelling unit of a single-family, or row house structure; such nameplate shall indicate nothing other than name and/or address of the occupant, and/or customary home occupation. No other sign shall be allowed.
2. Multiple-family residences and residential projects of all types may display identification signs indicating nothing other than name and/or address of the premises and/or name of the management. Such sign shall not exceed 12 square feet in area.

3. For uses other than those listed in paragraphs (1) and (2), bulletin boards or identification signs indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises; such signs shall not exceed 12 square feet in area.
4. For each use of paragraphs (2) and (3) eligible to display a sign, only one sign per street frontage shall be permitted; except that uses occupying extended frontages shall be permitted one such sign per 500 feet of frontage or major fraction thereof.

**C. COMMERCIAL DISTRICT**

1. Residential uses shall be subject to the provisions of Section B.
2. For each public recreation, community facility, or clinic use, shall be permitted one bulletin board or identification sign, not to exceed 12 square feet, except that uses occupying extended frontages shall be permitted one such sign per 500 feet of frontage or major fraction thereof.
3. For each primary use other than those listed in paragraphs (1) and (2), signs shall be permitted according to the number and net area of signs set forth below:

<u>District</u>	<u>Number of Signs</u>	<u>Net Area (Each)</u>
Residential	1	60 Square Feet
Commercial	2	60 Square Feet

However, one additional sign shall be permitted for each 50 lineal feet of store front in excess of 50 feet.

4. No sign shall project over a lot line and no sign shall project into a required yard by more than two feet, except in those blocks where 25 percent of the frontage is already occupied by business uses and where overhanging signs are already established. Signs may project to within two feet of an established curb line but in no event shall a sign extend more than six feet beyond the face of the building.

**D. INDUSTRIAL DISTRICT**

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

**E. AGRICULTURAL AND FLOODPLAIN DISTRICTS**

No more than one sign structure shall be allowed per 2,640 feet of frontages on the same side of the road; no such sign structures shall contain more than two facings, and no facing shall display more than two signs.

**F. OUTDOOR ADVERTISING SIGNS (BILLBOARDS)**

Billboard signs are permitted only along and oriented towards State Road 7, State Road 3, and U.S. 50, and shall meet the following requirements:

1. Billboards shall be allowed in commercial and industrial districts only, and must comply with the existing zoning requirements.

2. Size, setback, height and area restrictions:

<u>Minimum Setback</u> 50 Feet from all lot lines & Right-of-ways	<u>Maximum Height</u> 40 Feet	<u>Maximum Area</u> 672 sq. ft.
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3. Billboards shall be separated by two thousand (2,000) feet in all directions, and pertaining to limited access highways, no outdoor advertising sign may be located adjacent to or within five hundred (500) feet of an interchange, at-grade intersection, or rest area; said five hundred (500) feet shall be measured from the right-of-way line.

4. No billboard shall be permitted if it is located within two thousand (2,000) feet of any residential zoning district or residential use.

5. No billboard sign structure shall contain more than two (2) facings and no facing shall display more than two (2) signs.

6. The maximum area for any one sign shall be 672 square feet and the maximum width 25 feet and maximum length of 60 feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed 20 percent of the sign area. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.

7. The application for a billboard shall follow the same steps as in the rezoning process (Refer to Chapter II Section F. Rezoning Process).

- (a) Notify adjacent property owners.
- (b) Prepare an exhibit showing proposal.
- (c) Take to required Essential Service and Area Plan Commission meetings.
- (d) Approval by individual legislative body.

8. Permits must be obtained from INDOT or the State Highway Department prior to issuance of a local permit. (See the permit fee schedule in the appendix for local permit fees)

## **XV. OFF-STREET PARKING AND LOADING FACILITIES**

### **A. SCOPE OF REGULATIONS**

The off-street parking and loading provisions of this Ordinance shall apply as follows:

1. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by this Ordinance. However, where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.
2. When the intensity of use of any building, structure, or premise shall be increased through the addition of dwelling units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this Ordinance shall be required to provide such additional parking or loading facilities unless the aggregate increase in units of measurements exceeds an amount equal to 15 percent of the number of units of measurement existing upon the effective date of this Ordinance.
3. Wherever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use had the latter been subject to the parking and loading provisions of this Ordinance.
4. In order to prevent undue traffic congestion in areas of extensive business concentration and so promote an orderly and efficient circulation of pedestrians and vehicles, it is necessary and reasonable that off-street parking facilities be provided in such areas only in conformity with an overall, coordinated parking plan. To secure these objectives no accessory off-street parking facilities shall be required for any use in the central business district code area defined as follows:

**That land bounded by Jennings, Main and Chestnut Streets and the Penn-Central right-of-way.**

### **B. EXISTING PARKING FACILITIES**

Accessory off-street parking facilities in existence on the effective date of this Ordinance and located on the same lots as the building or use served shall not hereafter be reduced or further reduce below, the requirements for a similar new building or use under the provisions of this Ordinance.

### **C. PERMISSIVE PARKING AND LOADING FACILITIES**

Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of 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.

### **D. DAMAGE OR DESTRUCTION**

For any conforming or legal non-conforming building or use which is in existence on the effective date of this Ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation.

### **E. CONTROL OF OFF-STREET PARKING FACILITIES**

In cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same control as the lot occupied by the building or use to which the parking facilities are accessory. Such control may be either by deed or long-term lease, the term of such lease to be determined by the Board of Zoning Appeals. The parking facilities must also be located on land which is zoned the same as the building or use for which it serves. The owner of the land on which the parking facilities are located shall be bound by covenants filed on record in the Office of the Recorder of Deeds or the Registrant of Titles of Jennings County, requiring such owner, his or her heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of the said lease, whichever shall terminate sooner.

### **F. OFF-STREET PARKING**

Off-street parking facilities shall be provided in accordance with additional regulations set forth herein:

#### 1. Use

Off-street parking facilities required for uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants or employees.

#### 2. Exemption

When the application of the off-street parking regulations specified herein results in a requirement of not more than three spaces on a single lot in any business or commercial district, such parking spaces need not be provided. However, where two or more uses are located on a single lot, the foregoing exemption shall apply only if the total requirement for all uses is three spaces or less.

#### 3. Computation

When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-third or less may be disregarded while a fraction in excess of one-third shall be counted as one parking space.

4. Collective Provision

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 spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

5. Area

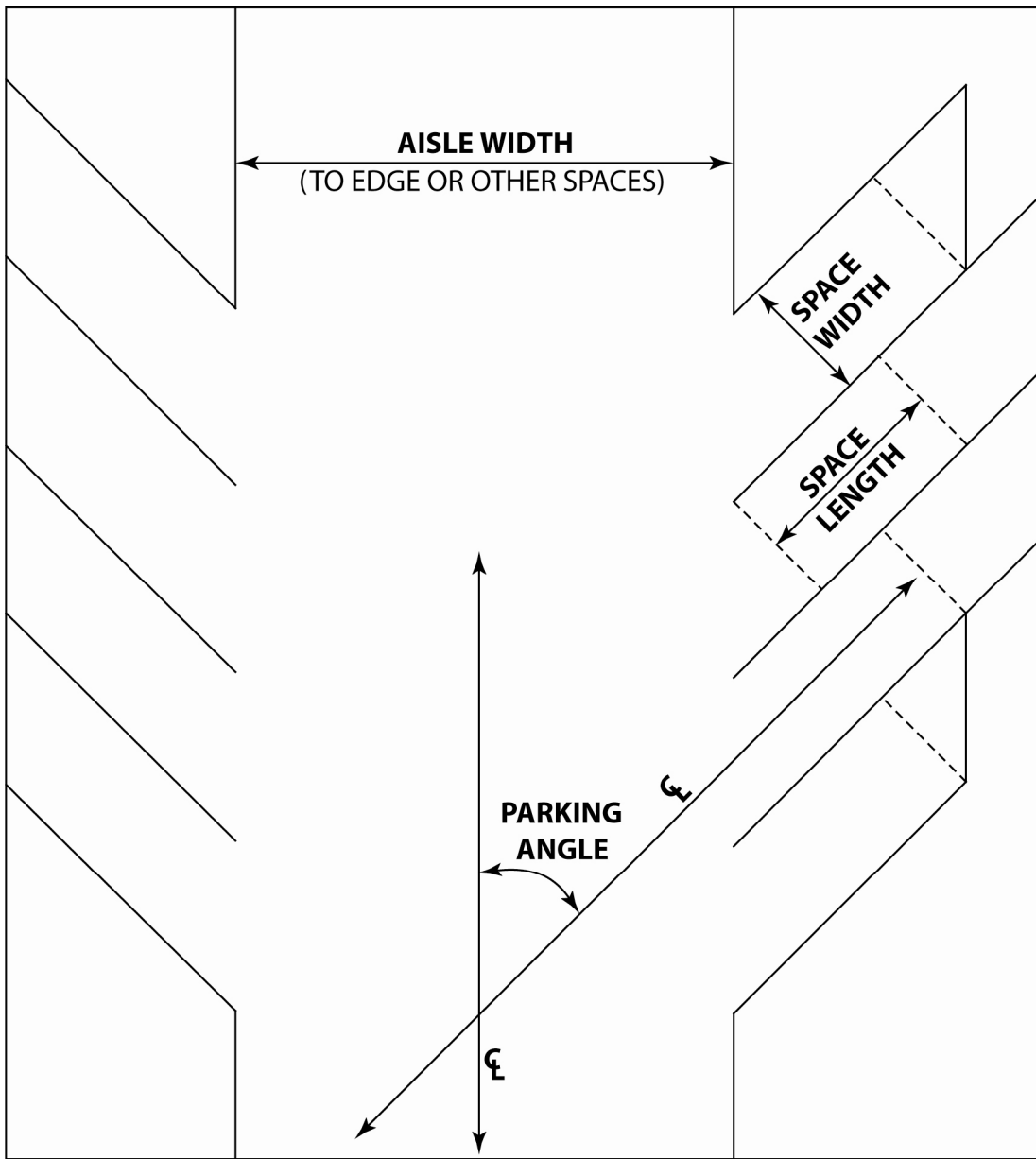
All parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table:

**Table 15-1: Parking Dimensions**

<b>Minimum Parking Space and Aisle Dimensions for Parking Areas (in feet)</b>				
<u>Angle of Parking</u>	<u>Width of Parking Space</u>	<u>Length of Parking Space</u>	<u>Maneuvering Aisle (1 way)</u>	<u>Maneuvering Aisle (2 way)</u>
76 ° - 90°	9'	18'	22'	22'
61 ° - 75 °	9'	18'	18'	22'
46 ° - 60 °	9'	18'	17'	22'
0 ° - 45 °	8'	22'	12'	22'

Measurement of parking space width and length, aisle width and parking angle shall be made as per the following diagram:

**Figure 15-1: Parking Space Measurements**



**6. Access**

Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide a safe and efficient means of vehicular access to such parking space. All off-street parking 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. No driveway across public property at the right-of-way line shall exceed a width of 25 feet.

Obtaining a driveway permit:



- (a) From the County garage if the drive comes off a county road and there is no existing culvert. (346-2967)
- (b) From the Indiana Department of Transportation (Madison Sub-District Office) if drive comes off a state highway. (812-574-4368)
- (c) From the City if the drive comes off a city street, at the City Street Department (346-1616) or the City Clerk Treasurer (346-5907).

## 7. Design and Maintenance

- (a) Open and enclosed parking spaces - Accessory parking spaces may be open to the sky or enclosed in a building.
- (b) Surfacing - All open off-street parking areas containing more than 4 parking spaces shall be improved with a stabilized base, not less than 6 inches thick, surfaced with asphalt or treated with some comparable all-weather dustless material.
- (c) Screening and Landscaping - All open automobile parking areas, containing more than 4 parking spaces, located less than 40 feet away from a property line shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, or densely planted compact hedge, not less than 5 feet nor more than 8 feet in height.
  - (1) For an outdoor parking area containing twenty (20) or more parking spaces, at least one (1) tree shall be planted for every ten (10) parking spaces on any side of the perimeter of such parking area that abuts the side line of a private or public way, or abuts the lot line of land in residential districts or land used for residential purposes.
  - (2) In any outdoor parking area, a landscaped open space having an area of not less than 10% of the outdoor parking area on the lot shall be provided. A minimum of one half of the required landscaped open space shall be located in the interior of the parking area and contain ornamental or shade trees and/or shrubs and/or other appropriate plant materials to provide shade and color easily visible when the lot is full of cars.
  - (3) Trees required by the provisions of this subsection shall be at least two (2) inches in diameter at a height of five (5) feet at the time of planting and shall be of a species characterized by rapid growth and by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this subsection.
- (d) Lighting – Any lighting used to illuminate an off-street parking area, maneuvering space, or driveway shall be directed and shielded away from residential properties in such a way as to not create a nuisance. All parking areas, maneuvering spaces, and driveways shall be designed or shielded so that direct lighting from automobile headlights are not directed on to residential property.

- (e) On any parking area in any district, all paved portions of all parking spaces and maneuvering aisles shall be set back five (5) feet from any wall of a building, and five (5) feet from any private or public way, or any lot line of any land in residential districts or used for residential purposes.

8. Location

All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this Ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this Ordinance may be served by parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are within 500 feet walking distance of a main entrance to the use served.

9. Employee Parking

Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

10. Maximum Number of Spaces

The total number of accessory parking spaces provided for a single-family, two-family, or multiple-family dwelling shall not exceed that required by this Ordinance for such use or for an equivalent new use by more than 50 percent or 4 spaces, whichever is greater.

11. Required Spaces

Off-street parking spaces accessory to designated uses shall be provided as follows:

<u>USE</u>	<u>PARKING SPACES</u>
Hospitals	1 per 4 beds, plus 1 per 2 employees, plus 1 per staff doctor.
Hotels	1 per guest room
Laundromats	1 per 2 washing machines, plus 1 per 2 employees.
Libraries, Museums and Art Galleries	10 plus 1 per 300 square feet of floor area over 2000 square feet.

USEPARKING SPACES

Manufacturing, Industrial or Wholesale Establishment, Laboratory, Company Bottling Plant, Warehouse or Similar Establishments	1 per 2 employees on maximum working shift, plus adequate space to accommodate company vehicles.
Medical and Dental Clinics	5 per each doctor
Motel, Tourist Homes	1 per guest room plus 2 at office and tourist courts
Motor Vehicle Sales	1 per 300 square feet of sales floor area in excess of 1,000 square plus 1 per 2,000 square feet of open area.
Nursery, Elementary, Junior High and High Schools	1 per classroom and office, or 1 per 10 seats in the auditorium, whichever is greater.
Nursing, Convalescent Rest Homes and Other Health Homes and Institutions	1 per 4 beds, plus 1 per 2 employees, plus 1 per staff doctor.
Offices and Office Buildings	1 per 400 square feet of floor area
Residential – One and Two Family Dwellings	2 per dwelling unit
Multi-Family Dwellings	1 ½ per dwelling unit
Restaurants (Except Drive-ins, Night Clubs, Taverns and Lounges)	1 per 3 persons based upon the maximum number of persons that can be accommodated at the same in accordance with design capacity.
Retail Stores or Personal Service Establishments	1 per 200 square feet of floor area plus 1 per 2 employees
Rooming, Boarding or Lodging Houses	1 per 2 rooms, plus 1 for owner or manager
Theaters, Auditoriums, Gymnasiums, Stadium Areas, Convention Halls	1 per 5 seats, plus 1 per 2 employees.

and Places of Assembly with Fixed Seats

## **G. OFF-STREET LOADING**

Off-street loading berths accessory to designated uses shall be provided as follows:

### 1. Location

All required loading berths shall be located on the same lot as the use served. All loading berths which abut a residential district or intervening alley separating a residential district from a business, commercial or manufacturing district shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or solid non-deciduous, screen planting, or any combination thereof, not less than 6 feet in height. No loading berth shall be located within 40 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required, front or side yard, and any loading berth located in a required rear yard shall be open to the sky.

### 2. Area

Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 60 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.

### 3. Access

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

### 4. Surfacing

All open off-street loading berths shall be improved with a cement concrete pavement, not less than seven inches thick, or a comparable hard surface pavement.

### 5. Repair and Service

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

### 6. Utilization

Space allocated for vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

### 7. Minimum Facilities

Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities,

shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive or open shape of the same lot.

#### 8. Off-Street Berth Requirements

Off-street loading facilities accessory to uses requiring the receipt of shipping of material or merchandise by trucks or similar vehicles shall be provided in accordance with the following minimum requirements:

<u>USE</u>	<u>FLOOR AREA (SQUARE FEET)</u>	<u>NUMBER OF SPACES</u>
Hotel, Offices, Hospitals or Similar Institutions; Private Clubs & Lodges; Educational and Cultural Institutions; Places of Public Assembly	20,000 to 200,000	1
Funeral Home or Mortuary	20,000 to 100,000	1
	Each Additional 100,000	1
Retail, Service Repair Establishments, Restaurants	10,000 to 20,000	1
	20,000 to 40,000	2
	40,000 to 100,000	3
	100,000 to 250,000	4
	Each Additional 100,000	1
Warehouse & Storage, Wholesale & Industrial Establishments	5,000 to 20,000	1
	20,000 to 100,000	2
	Each Additional 100,000	1

For all other business or commercial uses, loading facilities shall be provided in accordance with the following schedule:

<u>GROSS FLOOR AREA OF ESTABLISHMENT</u>	<u>REQUIRED NUMBER AND SIZE OF BERTHS</u>
5 to 10	1 – (12 ft. x 35 ft.)
10 to 25	2 – (12 ft. x 35 ft. each)
25 to 40	2 – (12 ft. x 60 ft. each)
40 to 100	3 – (12 ft. x 60 ft. each)

For each additional 200,000 square feet of gross floor area or fraction thereof over 100,000 square feet of gross floor area; one additional loading berth shall be provided; such additional berth to be at least 12 feet in width by 60 feet in length.

For all uses that are not business, commercial or manufacturing establishments, loading facilities shall be provided in accordance with requirements designated by the Board of Zoning Appeals.



## **XVI. JENNINGS COUNTY BUILDING CODE**

The current Jennings County Building Code can be obtained separately from the Jennings County Area Planning Commission.





## **XVII. SEXUALLY ORIENTED BUSINESSES**

### **A. PURPOSE**

It is the purpose of this ordinance to regulate sexually oriented business and related activities to promote the health, safety, and general welfare of the citizens of Jennings County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented business within Jennings County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or Article I, § 9, of the Indiana Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

### **B. ESTABLISHMENT OF A SEXUALLY ORIENTED BUSINESS ZONING DISTRICT**

The following Sexually Oriented Business zoning district is established in Jennings County, Indiana, and is abbreviated as indicated. Land within Jennings County is classified, divided and zoned into said district as designated on the zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this Chapter.

<u>Sexually Oriented Business District</u>	<u>Abbreviation</u>
Sexually Oriented Business	SOB

### **C. DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- 1. ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguishable or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
- 2. ADULT BOOKSTORE or ADULT VIDEO STORE.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe “specific sexual activities” or “specified anatomical areas;” or
  - (b) Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

A principal business purpose exists if materials offered for sale or rental depicting or describing “specified sexual activities” or “specified anatomical areas” generate 25% or more of the business’s income, or account for 25% or more of inventory, or occupy 25% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an adult book store or adult video store. Such other business purpose will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe “specified sexual activities” or “specified anatomical areas.”

3. **ADULT CABARET.** A nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:
  - (a) Persons who appear in a state of nudity or semi-nudity; or
  - (b) Live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
  - (c) Films, motion pictures, video cassettes, digital video disks, slides, photographic reproduction, or other image producing devices that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
  - (d) Persons who engage in “exotic” or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
  
4. **ADULT MOTEL.** A motel, hotel, or similar commercial establishment which:
  - (a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
  - (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - (c) Allows tenant or occupant of a sleeping room to sub-rent the room the room for a period of time that is less than ten (10) hours.
  
5. **ADULT MOTION PICTURE THEATER.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, digital video disks, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
  
6. **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
  
7. **CHARACTERIZED BY.** This term means the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented

business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

8. **COMMERCIAL SEXUAL ENTERTAINMENT CENTER.** Any commercial establishment not otherwise described herein which as one of its principal uses regularly offers matter, services or entertainment appealing to adult sexual interests if the establishment or its entertainment, services or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.
9. **EMPLOYEE.** A person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.
10. **ESCORT.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
11. **ESCORT AGENCY.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
12. **ESTABLISHMENT.** Includes any of the following:
  - (a) The opening or commencement of any sexually oriented business as a new business;
  - (b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - (c) The additions of any sexually oriented business to any other existing sexually oriented business; or
  - (d) The relocation of any sexually oriented business; or
  - (e) A sexually oriented business or premises on which the sexually oriented business is located.
13. **LICENSEE.** A person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.
14. **LIVE THEATRICAL PERFORMANCE.** A play, skit, opera, ballet, concert, comedy, or musical drama.
15. **MASSAGE PARLOR.** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or where any person providing this treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a

licensed physician, surgeon, chiropractor, osteopath, or certified massage therapist, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, osteopath, or certified massage therapist, nor by trainers for any amateur, semi-professional, or professional athlete or athletic team or school athletic program.

16. **NUDE MODEL STUDIO.** Any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.
17. **NUDITY or STATE OF NUDITY.** The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
18. **OPERATE or CAUSE TO OPERATE.** To cause to function, or to put or keep in a state of doing business.
19. **OPERATOR.** Any person on the premises of a sexually oriented business who operates or manages the business or exercises overall control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.
20. **PERMITTED OR LICENSED PREMISES.** Any premise that requires a license or permit and that is classified as a sexually oriented business.
21. **PERMITTEE** is the same as *LICENSEE*.
22. **PERSON.** An individual, proprietorship, partnership, corporation, association, or other legal entity.
23. **PREMISES.** The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license.
24. **PRINCIPAL USE.** A substantial or significant use, but not necessarily a majority of the business activity or stock in trade. The fact that a business may have one or more other principal uses unrelated to sexually oriented business shall not relieve the business from the provisions of this chapter applicable to sexually oriented business establishments. Principal use shall exist in the following circumstances:
  - (a) Where a business establishment dedicates, or permits the use of, at least 25% of the utilized square footage of its premises for sexually oriented business activity or activities; or
  - (b) Where at least 25% of the gross receipts of a business establishment, excluding food and beverage receipts, result from sexually oriented business activity or activities.

25. **PUBLIC BUILDING.** Any building owned, leased or held by the United States, the state, the county, a city, town, township, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for government purposes.
26. **PUBLIC PARK or RECREATION AREA.** Public land which has been designated for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within Jennings County which is under the control, operation, or management of the United States, the state, the county, a city, town, township, any special district, school district, or any other agency or political subdivision of the state or the United States.
27. **REGULARLY.** As used in the phrases herein such as "regularly features" and "regularly offers," the term "regularly" means a consistent and repeated course of conduct engaged in or permitted by the operator of the business.
28. **RELIGIOUS INSTITUTION.** Any church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities.
29. **RESIDENCE.** Any structure, manufactured home or mobile home used by one or more persons as a dwelling.
30. **RESIDENTIAL DISTRICT OR USE.** A single family, duplex, townhouse, multiple family, or mobile home park or subdivision and campground as defined in the Jennings County Code.
31. **SCHOOL.** Any public or private educational facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
32. **SELF-DESIGNATED SEXUALLY ORIENTED BUSINESS CENTER.** Any establishment which designates all or a portion of its premises as for adults only and has a policy of excluding minors from its premises or from a portion of its premises and which advertises so as to convey the impression that the services, entertainment, matter or goods available at the premises or at the portion of the premises designated for adults only are characterized or distinguished by displays of human genitals or sexual activities.
33. **SEMI-NUDE OR SEMI-NUDITY.** The appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt,

leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

34. **SEMI-NUDE MODEL STUDIO.** Any place where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
35. **SEX CLUB** also known as a **SWINGERS CLUB.** An establishment which provides patrons the opportunity to voluntarily engage in and/or view live consensual sexual activity and which collects remuneration of any kind, including entrance fees, facility use fees, gratuities, fees for goods provided far in excess of their value, and/or donations.
36. **SEXUAL DEVICE.** Any three-dimensional object designed and marketed for stimulation of the male or female human genital organ or anus, or for sado-masochistic use or abuse of oneself or others, and shall include devices such as dildos, vibrators and penis pumps, and shall also include other devices with non-sex related utility, such as leather whips, straps and ligatures, when such devices are marketed in a context suggesting sexual or sado-masochistic purposes. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy. Nothing in this definition shall be construed to restrict sales by any pharmacy, drug store, medical provider or any establishment primarily dedicated to providing medical or healthcare products or services.
37. **SEXUAL DEVICE SHOP.** A commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services.
38. **SEXUAL ENCOUNTER CENTER** or **ESTABLISHMENT.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
  - (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (b) Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity  
A principal business purpose exists if the services offered are intended to generate business income.
39. **SEXUALLY ORIENTED BUSINESS.** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
40. **SPECIFIED ANATOMICAL AREAS.** Includes any of the following:
  - (a) The human male genitals in a discernibly turgid state, even if fully and opaquely covered;

- (b) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
41. **SPECIFIED CRIMINAL ACTIVITY.** Includes any of the following offenses:
- (a) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries.
  - (b) For which:
    - (1) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
    - (2) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense;
    - (3) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period;
  - (c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
42. **SPECIFIED SEXUAL ACTIVITIES.** Includes any of the following:
- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
  - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - (c) Masturbation, actual or simulated; or
  - (d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.
43. **SUBSTANTIAL ENLARGEMENT OF SEXUALLY ORIENTED BUSINESS.** The increase in floor areas occupied by the business by more than fifteen (15%) percent, as the floor areas existed on the effective date of this ordinance.
44. **TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS.** Includes any of the following:
- (a) The sale, lease, or sublease of the business;
  - (b) The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or
  - (c) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

## **D. CLASSIFICATION**

Sexually oriented business uses are classified as either non-live entertainment, or live entertainment, as follows:

1. Non-live entertainment shall include:
  - (a) Adult arcades; or
  - (b) Adult bookstores or adult video stores; or
  - (c) Adult motels; or
  - (d) Adult motion picture theaters.
  
2. Live entertainment shall include:
  - (a) Adult theaters; or
  - (b) Adult cabarets; or
  - (c) Escort agencies; or
  - (d) Nude model studios; or
  - (e) Sexual encounter centers.

## **E. LOCATION RESTRICTIONS**

Sexually oriented businesses shall only be permitted in any Sexually Oriented Business (SOB) zoning district provided that:

1. the sexually oriented business may not be operated within:
  - (a) 1,000 feet of a church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
  - (b) 1,000 feet of a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior colleges, and universities; school includes the school ground, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - (c) 1,000 feet of a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas, or other similar public land within the village which is under the control, operation, or management of the village park and recreation authorities;
  - (d) 1,000 feet of a property line of a zoned lot for residential or mixed-use and devoted to a residential or mixed-use as defined in the zoning ordinance; or
  - (e) 1,000 feet of another sexually oriented business.
  
2. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business that is classified in accordance with Section D "Classification".
  
3. Performance Standards



All uses established or placed into operation after the effective date of this Chapter shall comply with the following performance standards. No use in existence on the effective date of this Chapter shall be so altered or modified as to conflict with these standards.

- (j) Vibration – No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (k) Smoke, Particulate Matter, Noxious Matter – No use shall emit smoke of a density exceeding that of a normal commercial establishment. No use shall be permitted to burn any materials or chemicals other than standard heating fuels such as fuel oil, propane or natural gas, with the exception of food preparation facilities. Commercial operations which require the burning of other materials must be approved by the Area Plan Commission.
- (l) Odor – No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (m) Sound – No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (n) Heat and Glare – No use shall produce heat or glare creating a hazard perceptible from any point beyond lot lines.
- (o) Waste matter – No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Department of Environment Management or in such a manner as to endanger the public health, safety or welfare or cause injury to property.
- (p) “Junk” Automobiles (Vehicles) – Vehicles not in operating condition and parked at a commercial location more than thirty (30) days may be removed from the property with the notification by Certified Mail to vehicle owner. These vehicles will be towed at owner’s expense to a holding area for thirty (30) days and then disposed of to a legal salvage yard. Notification and removal will be under Court and Police supervision. A “Show Cause” hearing will not be held for these violations.
- (q) Unnecessary Clutter – No one shall be permitted to heap, litter or strew in a confused and disorderly manner, any materials or objects on property owned leased or rented for commercial purposes.
- (r) Burning of Materials – No use shall permit burning of any materials or chemicals except as fuels in approved heating or manufacturing process facilities.

## **F. MEASUREMENT OF DISTANCE**

1. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented business and any religious institution, school, boys club, girls club, public park, or any residence or property zoned for residential use, shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted, to the nearest property line of the premises of a religious institution, school, boys club, girls club, public park, or any residence or property zoned for residential use.
2. For purposes of subsection (1) of this section, the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

## **G. EXEMPTIONS**

1. It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:
  - (a) By a proprietary school, licensed by the State, a college, junior college, or university supported entirely or partly by taxation.
  - (b) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
2. Notwithstanding any other provision in this ordinance, movies rated G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ordinance.
3. It is a defense to prosecution for a violation of this chapter that an employee of a sexually oriented business, regardless of whether or not it is permitted under this chapter, exposed any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only to employees.

## **H. NON-CONFORMING USES**

1. Any business lawfully operating on the effective date of this ordinance that is in violation of the location or structural configuration requirements of this ordinance shall be deemed a non-conforming use. The non-conforming use will be permitted to operate for a period not to exceed one (1) year following the effective date of this ordinance in order to make a reasonable recoupment of its investment in its current location. Such non-conforming uses shall not be increased, enlarged, extended or altered except that

the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.

2. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, or residential district within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid business license, and does not apply when an application for a business license is submitted after an operator's license has expired or has been revoked.

## **I. PERMITS; ENFORCEMENT RESPONSIBILITY**

1. It shall be unlawful and a person is in violation of this chapter if he or she operates or causes to be operated a sexually oriented business without this permit. (See Permit Fee Schedule in the appendix of the Jennings County Zoning Ordinance)
2. The Area Plan Commission of Jennings County, Indiana is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business permits for proposed or existing sexually oriented businesses. The Area Plan Commission of Jennings County, Indiana is also responsible for ascertaining whether a proposed sexually oriented business for which a permit is being applied for complies with all locational requirements and all applicable zoning laws.

## **J. APPLICATION PROCEDURE**

1. No "person" shall maintain, operate, conduct, or cause to be conducted, any sexually oriented business within the limits of Jennings County without first obtaining a permit under this section.
2. Applications for a sexually oriented business permit, whether original or renewal, must be made to the Area Plan Commission of Jennings County by the intended operator of the enterprise. An application shall be considered complete if it includes the information required in this section. The applicant shall be qualified according to the provisions of this chapter. The application is complete when it includes the information and items required in subsections (a) and (b) below:
  - (a) The following information shall be provided on the application form:
    - (1) The full true name of the applicant, and any other names or aliases used in the preceding five (5) years.
    - (2) The applicant's current street address (and mailing address if different).
    - (3) Proof that the applicant is at least eighteen (18) years of age, consisting of either
      - (i) a copy of the applicant's birth certificate and current photo, or
      - (ii) a copy of

- the applicant's driver's license with picture, or (iii) another picture identification document issued by a government agency.
- (4) The name of the business, the business location and legal description of the property, a description of the type of "sexually oriented business."
  - (5) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
  - (6) A signed statement stating the following:
    - i. That the business is authorized by the State of Indiana to conduct business within the state; and
    - ii. That the site being applied for meets the requirements of section E of this chapter; and
    - iii. The name and address of the statutory agent or other agent authorized to receive service of process.
  - (7) If a person wishing to operate a sexually oriented business is an individual, he or she shall sign the application for a permit as applicant. If an entity (partnership, corporation, Limited Liability Company, etc.) or group of individuals seeks to obtain a permit, each individual with thirty percent (30%) or greater ownership interest must sign as an applicant under oath and provide the information required in this subsection.
- (b) The applicant shall be required to pay a non-refundable application fee as set forth in attached Permit Fee Schedule in the Appendix of the zoning ordinance.
  - (c) The information provided by an applicant in connection with the application for a permit under this chapter shall be maintained by the County on a confidential basis, and may be disclosed only: (1) to other governmental agencies in connection with a bona fide law enforcement or public safety function, or (2) as may otherwise be required by law or a court order.
  - (d) Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that the information changes in any way from what is stated on the application. The failure to comply with this continuing duty within thirty (30) days from the date of the change by supplementing the application on file with the Area Plan Commission shall be grounds for suspension of a permit.
  - (e) In the event that the Building Commissioner of Jackson County or their designee determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, the Building Commissioner shall promptly notify the applicant of that fact and allow the applicant ten (10) days to properly complete the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

## **K. INVESTIGATION**

1. Upon receipt of an application properly filed with the County and upon payment of the nonrefundable application fee, the Area Plan Commission shall immediately stamp the application as received and shall immediately thereafter send photocopies of the

application to the County agencies responsible for enforcement of this Chapter. Each department or agency shall promptly conduct an investigation of the applicant, application, and the proposed sexually oriented business in accordance with its responsibilities under law and as set forth in this chapter. The investigation shall be completed within twenty (20) days of receipt of the application by the County. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproves, state the reasons therefore.

2. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to Jennings County.

#### **L. ISSUANCE OR DENIAL OF PERMIT**

1. The Area Plan Commission shall either issue a permit or a written denial to the applicant within thirty (30) days of the receipt of the application.
2. After the investigation, the Area Plan Commission shall issue a sexually oriented business permit, unless it is determined that one or more of the following is true:
  - (a) The applicant is under the age of eighteen (18) years;
  - (b) The applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
  - (c) The premises to be used for the sexually oriented business are not in compliance with the location requirements of section E “Location Restrictions” of this Chapter;
  - (d) The applicant failed to pay the non-refundable permit application fee;
  - (e) The applicant has had a sexually oriented business permit revoked within the previous year.
3. The granting of a sexually oriented business permit to a permittee shall be for a period of one year and non-transferable to any other person other than the applicant(s) listed on the application and is valid only for the location listed on the application.

#### **M. FEES**

The application fee for a sexually oriented business is listed in the permit fee schedule which is located in the appendix of the Jennings County Zoning Ordinance.

#### **N. INSPECTION**

A sexually oriented business permittee shall permit representatives of the Police Department and/or the Health Department to inspect the premises at any time the establishment is open for business. Such inspection shall be limited to visual assessment of the activities conducted in areas to which patrons have access or are allowed access; to requests for inspection of the licenses required under this ordinance; and to requests for identification of those individuals who reasonably appear to be under the age of 18.

## **O. EXPIRATION OF PERMIT**

Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section I “Issuance or Denial of Permit”. Application for renewal shall be made not more than one hundred twenty (120) days and not less than ninety (90) days before the expiration date, and when made less than ninety (90) days before the expiration date, the expiration of the permit will not be affected.

## **P. SUSPENSION**

The County shall issue a written notice of intent to suspend a permit for a period not to exceed thirty (30) days if a permittee has knowingly violated any section of this chapter or has knowingly allowed an employee of the Sexually Oriented Business to violate this chapter. The issuance of a written notice of intent to suspend shall not be a prerequisite to issuance of a written notice of intent to revoke a permit per section Q “Revocation”.

## **Q. REVOCATION**

1. The Area Plan Commission of Jennings County or their designee shall issue written notice of intent to revoke a permit if a cause of suspension in section P “Suspension” occurs and the permit has been suspended for any reason within the preceding twelve (12) months.
2. The Area Plan Commission of Jennings County or their designee shall issue written notice to revoke a permit if:
  - (a) A permittee gave materially false or misleading information in the material submitted during the application process;
  - (b) A permittee has, with knowledge, permitted the possession, use, or sale of controlled substances on the premises;
  - (c) A permittee has, with knowledge, permitted prostitution on the premises;
  - (d) A permittee has, with knowledge, operated the sexually oriented business during a period of time when the permittee’s permit was suspended; or
  - (e) A permittee has, with knowledge, permitted any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises.
3. When the County revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a permit for one (1) year from the date revocation became effective.

## **R. ADMINISTRATIVE AND JUDICIAL REVIEW**

1. If facts exist for denial, suspension, or revocation of a permit under this Chapter, the Area Plan Commission shall notify the applicant or permittee (respondent) in writing of the intent to deny, suspend, or revoke the permit, including the grounds therefore, by

personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the Area Plan Commission. Within five (5) working days of receipt of such notice, the respondent may provide to the Area Plan Commission, in writing, a response that shall include a statement of reasons why the permit or permit should not be denied, suspended, or revoked. Within three (3) days of the receipt of respondent's written response, the Area Plan Commission shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding.

Within ten (10) working days of the receipt of respondent's written response, the Area Plan Commission shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf. The Area Plan Commission shall issue a written opinion and decision within five (5) days of the hearing. If a response is not received by the Area Plan Commission in the time provided or, if after a hearing, the Area Plan Commission finds that grounds as specified in this Chapter exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final five (5) days after the Area Plan Commission sends, by certified mail, written notice that the permit has been denied, suspended, or revoked. Such notice shall include a statement advising the applicant or permittee of the right to appeal such decision to a court of competent jurisdiction.

If the Area Plan Commission finds that no grounds exist for denial, suspension, or revocation of a permit, then within five (5) days after the hearing, the Area Plan Commission shall withdraw the intent to deny, suspend, or revoke the permit, and shall so notify the respondent in writing by certified mail of such action and, in the case of an application for a permit, shall contemporaneously issue the permit.

2. When a decision to deny, suspend, or revoke a permit becomes final, the applicant or permittee (aggrieved party) whose application for a permit has been denied, or whose permit has been suspended or revoked, shall have the right to appeal such action to a court of competent jurisdiction. The following shall apply to businesses that have previously obtained a license under this Chapter: Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the County's enforcement of the denial, suspension, or revocation, the County shall immediately issue the aggrieved party a Provisional Permit. The Provisional Permit shall allow the aggrieved party to continue operation of the sexually oriented business, and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain, or otherwise enjoin the County's enforcement.

## **S. NO TRANSFER OF PERMIT**

1. A permittee shall not transfer his/her permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any other place than the address designated in the application and set forth in the operator's permit.
2. An operator's permit shall not be transferable from one location to another.

## **T. MINORS ON PREMISES PROHIBITED**

A person is in violation of this chapter if he or she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for that business under this chapter, and knowingly or with reasonable cause to know, permits, suffers, or allows:

1. Admittance of a person under eighteen (18) years of age to the business premises;
2. A person under eighteen (18) years of age to remain at the business premises;
3. A person under eighteen (18) years of age to purchase goods or services at the business premises; or
4. A person who is under eighteen (18) years of age to work at the business premises as an employee.

## **U. EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES**

1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any matter except to the extent permitted by the provisions of this ordinance.
3. All off-street parking areas and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises. (For further parking regulations see Chapter XV "off-street parking & loading facilities" in the Zoning Ordinance.)

## **V. HOURS OF OPERATION**

1. No sexually oriented business may remain open at any time between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. of any particular day.
2. This section shall not apply to prohibit the operation of businesses licensed by the state Alcoholic Beverage Commissioner during the lawful hours of operation as provided by the state Alcoholic Beverage Commission.



## **W. PUBLIC NUDITY PROHIBITED**

1. The U.S. Supreme Court decision in *Barnes v. Glen Theatre, Inc.* 501 U.S., 111 S.Ct. 2456, (June 21, 1991), which upheld the rights of local governments to prohibit live public exposure of a person's private parts, specifically applies to sexually oriented businesses, regardless of whether or not a permit has been issued to those businesses under this chapter, including those businesses where no alcoholic beverages are sold, served, or consumed at the premises.
2. Public nudity is prohibited within the county, including any sexually oriented business. Any sexually oriented business which is found in violation of this section shall have its permit suspended pursuant to the provisions of section P "Suspension" of this chapter.

## **X. OPERATING WITHOUT VALID PERMIT PROHIBITED**

A person is in violation of this chapter if he or she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for that business under this chapter, and that person knows or should know that:

1. The business does not have a sexually oriented business permit under this chapter for any applicable classification;
2. The business has a permit which is under suspension;
3. The business has a permit which has been revoked; or
4. The business has a permit which has expired.

## **Y. CULPABLE MENTAL STATE REQUIRED TO ESTABLISH LIABILITY**

Where any provision or offense herein fails to state a necessary level of culpability to establish a violation or liability, the offense shall be established upon a showing that the person acted knowingly or recklessly with regard to the predicate act. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee shall be imputed to the sexually oriented business permittee for the purpose of establishing a violation of this chapter, or for purposes of license denial, suspension, or revocation only if a permittee allowed, either knowingly or recklessly, a violation of this chapter to occur. It shall be a defense to liability that the sexually oriented business permittee was powerless to prevent the violation.

## **Z. INJUNCTION**

A person who operates or causes to be operated a sexually oriented business in violation of this chapter, is subject to a suit for injunction. If any injunction must be sought, attorney's fees and costs will be assessed at the discretion of the court against the violator.

**Table 17-1: Sexually Oriented Business Lot Layouts**

	<b>SOB</b>
<b>Lot Size</b>	
Minimum Lot Area	15,000 sq. ft.
Minimum Lot Width (1)	100 ft.
Minimum Corner Lot Width (1)	120 ft.
<b>Setback &amp; Yards</b>	
Minimum Setback (2)	50 ft.
Minimum Rear Yard	25 ft.
Minimum Side Yard	15 ft.
Minimum Open Space	10%
<b>Structure Size</b>	
Maximum Height	35 ft.
Minimum Floor Area	1,000 sq. ft.
Minimum Area Per Floor	1,000 sq. ft.

(1) Lot width is measured at the Building Line.

(2) Any side of a lot that faces a public street or public right-of-way shall be considered a front and shall have appropriate setback.

## **XVIII. REGULATIONS ADDRESSING ABANDONED OR INOPERATIVE VEHICLES**

### **A. PUBLIC NUISANCE FINDING**

The County of Jennings, City of North Vernon and the Town of Vernon finds that abandoned vehicles are a public nuisance, safety and health hazard.

### **B. DEFINITIONS:**

#### 1. Abandoned Vehicle Means:

- (a) A vehicle located on public property illegally;
- (b) A vehicle left on public property continuously without being moved for three (3) days;
- (c) A vehicle located on public property in such a manner as to constitute a hazard of obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (d) A vehicle that has remained on private property without the consent of the owner, for more than forty-eight (48) hours;
- (e) A vehicle from which there has been removed the engine, transmission, or differential, or that is otherwise partially dismantled or inoperable and left on public property.
- (f) A vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than the State's Abandoned Vehicle Act, if the vehicle, once impounded, is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal); or
- (g) A vehicle that is six (6) or more model years old and mechanically inoperable, and is left on private property continuously in a location visible from the public property for more than thirty (30) days.

#### 2. Automobile Salvage Yard

A business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.

#### 3. Bureau

The Indiana Bureau of Motor Vehicles.

#### 4. Fiscal Body

The Jennings County Sheriff's Department, North Vernon City Council or Vernon Town Marshall.

5. Officer

The Jennings County Sheriff's Department, North Vernon City Police or Vernon Town Marshall.

6. Owner

The last known titleholder of a vehicle according to records of the Bureau under I.C., 9-1-2.

7. Parts

All components of a vehicle that as assembled do not constitute a complete vehicle.

8. Person

An individual, firm, corporation, association, fiduciary, or governmental entity.

9. Private Property

All property other than public property.

10. Public Agency

Area Plan Commission acting through the Jennings County Sheriff's Department, North Vernon City Police and the Vernon Town Marshall, which given the responsibility by this Article for the removal, storage and disposal of abandoned vehicles.

11. Public Property

A public right-of-way, street, highway, alley, park, or other state, county, or municipal property.

12. Towing Service

A business that engages in moving or removing disabled vehicles, and, once removed, to store or impound vehicles.

13. Vehicle

An automobile, motorcycle, truck, trailer, semi trailer, tractor, bus, school bus, recreational vehicle, or motorized bicycle.

### **C. LIABILITY OF OWNER**

The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for the costs incidental to the removal, storage, and disposal of the vehicle or parts.

### **D. UNLAWFUL ACTIVITIES**

It shall be unlawful for any person, firm, corporation or other organization, either as the owner thereof, or as the entity in possession of, any real estate within the County of Jennings, City of North Vernon, or Town of Vernon, to permit, cause, suffer or otherwise allow, one or more inoperative, or partially or totally wrecked, motor vehicle, or any other item of equipment, machinery or other personal property, in either a similar state of disrepair or in a state that is commonly recognized or defined as junk, to be, stored, or otherwise retained or remain upon any real estate within this County, City, or Town for any period in excess of three (3) days on public property, provided that, this Section shall not be applicable to any such motor vehicle or other personal property, as aforesaid, parked, stored, or retained within a garage, or other similar enclosed structure, which structure is permanently located on such real estate to rear if the building line of the principal building on such real estate.

### **E. PUBLIC POLICY**

It is further declared to be the public policy of this County, City, and Town that any inoperative, or partially or totally wrecked motor vehicle, which is permitted to remain parked, over, upon and along any street or other public thoroughfare within this County, City or Town for any period in excess of forty-eight (48) hours, shall be, and is expressly declared to be presumed to be an “abandoned” motor vehicle, within the meaning of, and the context of, the appropriate statutes of the State of Indiana, as now exist, or as hereafter may be amended, and that in the event such motor vehicle, as aforesaid, is so parked or stored, the Police Department, Sheriff’s Department or Town Marshall of this County, City, or Town shall be, and by this Ordinance, specifically is directed, authorized and required to take action against such “abandoned” motor vehicle as authorized and required by the appropriate statutes of the State of Indiana, reference “Abandoned” motor vehicles.

### **F. PROCEDURE FOR DECLARATION OF ABANDONMENT**

1. When an officer discovers a vehicle in the possession of a person other than the owner and the person cannot establish his right to the possession of this vehicle, the vehicle shall be taken to and stored in suitable place. The Bureau shall be notified within seventy-two (72) hours of the location and description of the vehicle. Upon receipt of notification, the Bureau shall cause a search to be made to determine and notify the owner in accordance with the Indiana Code 9-9-1.1.1.6.
2. If the owner of the vehicle cannot be determined, the Bureau shall declare the vehicle abandoned and provide for its disposal in accordance with the Indiana Abandoned Vehicle Act.

3. If the properly identified owner or lien holder appears at the site of storage before disposal of the vehicle or parts and pays all proper costs incurred against it at the time, then the vehicle or parts shall be released. A copy of the release must contain the owner or lien holder's signature, name, address, vehicle or parts description, costs, and the date of release.
4. If the vehicle is not released to the owner or lien holder, the Bureau will declare the vehicle abandoned and provide for disposal in accordance with the Indiana Abandoned Vehicle Act.

#### **G. NOTICE TAG AND DISPOSAL OR STORAGE OF VEHICLES**

1. An officer who finds a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:
  - (a) The date, time, officer's name, public agency, and address and telephone number to contact for information;
  - (b) That the vehicle or parts are considered abandoned;
  - (c) That the vehicle or parts will be removed after seventy-two (72) hours;
  - (d) That the owner will be held responsible for all costs, incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges will be suspended on that car by the Bureau.
  - (e) That the owner may avoid costs by removal of the vehicle or parts within seventy-two (72) hours.
2. If a tagged vehicle or parts are not removed within that seventy-two (72) hour period, the officer shall prepare a written Abandoned Vehicle Report of the vehicle or parts, including information of the condition, missing parts, and other facts that might substantiate a market value of less than One Hundred Dollars (\$100.00). Photographs shall be taken to describe the condition of the vehicle or parts.
3. If, in the opinion of the officer, the market value of the abandoned vehicle or parts is less than One Hundred Dollars (\$100.00), the officer shall immediately dispose of the vehicle to an automobile salvage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle report shall be forwarded to the Bureau. The Jennings County Sheriff's Department, North Vernon City Police, or Town Marshall of Vernon shall retain the original records and photographs for at least two (2) years.
4. If in the opinion of the officer, the market value of the abandoned vehicle or parts is One Hundred Dollars (\$100.00) or more, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the owner or person who may be in control of the vehicle or parts. After seventy-two (72) hours, the officer shall require the vehicle parts to be towed to a storage area.

## **H. ABANDONED VEHICLE REPORT**

When seventy-two (72) hours after removal of an abandoned vehicle storage area, the Jennings County Sheriff's Department, North Vernon City Police or Vernon Town Marshall shall prepare and forward to the Bureau an Abandoned Vehicle Report containing a description of the vehicle including the make, model, engine number, if any, identification number, the number of the license plate, and request that the Bureau advise the Department of the name and most recent mailing address of the owner and any lien holder.

## **I. THE BUREAU'S RESPONSIBILITY**

(pursuant to IN Code 9-9-1.1-6 (b))

1. To conduct a reasonable search through the national automobile theft bureau and the Indiana State Police Department to determine whether the vehicle or parts have been reported as stolen,
2. To conduct a reasonable search of Bureau records to determine the owner of the vehicle or parts or lien holder of record, and
3. If a reasonable search discloses the name and address of the owner or lien holder, mail a written notice by first class mail to the owner with a copy to any lien holder indicating that the vehicle or parts have been impounded at a certain location and must be removed within fifteen (15) days of the date of mailing of the notice and advising that the vehicle or parts will be disposed of after that time and that all costs incurred in removing and storing the vehicle or parts are his legal responsibility.

## **J. DISPOSITION AND SALE OF STORED VEHICLES**

1. If the vehicle or parts are in such condition that vehicle identification numbers or other means of identification are not available to determine the owner or lien holder, the vehicle may be disposed of without notice.
2. If the owner or lien holder does not appear within fifteen (15) days after the mailing of notice, the Bureau will sell the vehicle or parts to the highest bidder at a public sale conducted after notice under Indiana Code 5-3-1, except only one (1) newspaper insertion one (1) week before the public sale is required.

## **K. BILL OF SALE, DUTIES OF POLICE DEPARTMENT**

1. The purchaser will be furnished a bill of sale for each abandoned vehicle sold by the Bureau. The Jennings County Sheriff's Department, North Vernon City Police, and Vernon Town Marshall shall upon request furnish evidence as to the roadworthiness of any vehicle sold by the Bureau pursuant to the Indiana Abandoned Vehicle Act.
2. In order to facilitate the removal of abandoned vehicles or parts, the Jennings County Sheriff's Department, North Vernon City Police, or the Vernon Town Marshall may

employ personnel and acquire equipment, property and facilities and enter into towing contracts as necessary for the purpose of removal, storage and a disposition of abandoned vehicles and parts.

**L. VEHICLES LEFT ON PRIVATE PROPERTY: COMPLAINTS**

Upon complaint of a private property owner or persons in control of the property that a vehicle has been on the property for forty-eight (48) hours or more without the consent of the owner or persons in control, the officer shall follow the procedures set forth in Procedure for Declaration of Abandonment.

**M. LIABILITY FOR LOSS OR DAMAGE TO VEHICLES DURING REMOVAL, STORAGE OR DISPOSITION**

Pursuant to Indiana Code, 9-9-1.1-11, neither the owner, lessee, or occupant of the property from which an abandoned vehicle or parts are removed nor a public agency, towing service, or automobile salvage is liable for loss or damage to the vehicle or parts occurring during its removal, storage, or disposition.

**N. PAYMENT OF COSTS FROM ABANDONED VEHICLE ACCOUNT: MAXIMUM CHARGE**

The costs for removal and storage of an abandoned vehicle or parts not claimed by the owner or lien holder shall be paid from the abandoned vehicle account. The charge payable by the owner or lien holder for towing, storing, or removing an abandoned vehicle or parts shall not exceed Thirty-five Dollars (\$35.00) for the towing of each abandoned vehicle or load of parts and Four Dollars (\$4.00) per day or any part of a day for the storage of each abandoned vehicle or load of parts.

**O. PROCEEDS OF SALE CREDITED AGAINST COSTS**

The proceeds of sale of an abandoned vehicle or parts in accordance with the Indiana Abandoned Vehicle Act shall be credited against all costs incident to the removal, storage and disposal of the vehicle.

**P. ABANDONED VEHICLE ACCOUNT**

All proceeds from the sale of abandoned vehicles or parts that are disposed of by the Jennings County Sheriff's Department, North Vernon City Police, or Vernon Town Marshall, including all moneys received from owners or lien holders for the cost of removal or storage of vehicles shall be removal or storage of vehicles shall be deposited in the County General Fund by the Jennings County Sheriff's Department, the North Vernon Clerk-Treasurer, or the Clerk-Treasurer for the Town of Vernon and placed in the "Abandoned Vehicle Account Fund". The fiscal body shall annually appropriate sufficient moneys to that account for this purpose.



## **Q. EXEMPT VEHICLES**

This article does not apply to:

1. A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceway,
2. A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment,
3. A vehicle located on a vehicle sales lot or at a commercial vehicle servicing facility,
4. A vehicle located upon property licensed or zoned as an automobile scrap yard,
5. A vehicle registered and licensed under Indiana Code, 9-7-6, as an antique vehicle, or
6. Any duly licensed and operating motor vehicle dealer, agency, garage or business of similar character, when such motor vehicle dealer, agency, garage or business of similar character is storing such motor vehicle preliminary to repair thereof, or solely preliminary to insurance settlement, provided that such motor vehicle so stored, as aforesaid, continues to be titled in the name of some other person than the person, firm or corporation, operating such motor vehicle dealership, agency, garage or other business of similar character.

## **R. PENALTIES**

Any person, firm, or corporation violating any of the provisions of this Article shall be guilty of an Ordinance violation and, upon conviction; such violators shall be fined in any sum not exceeding Two Thousand Five Hundred Dollars (\$2,500.00).



# **APPENDIX**

# JENNINGS COUNTY, INDIANA

## PERMIT FEE SCHEDULE

The current Jennings County Permit Fee Schedule can be obtained separately from the Jennings County Area Planning Commission.

# Rezoning Application

200 E. Brown St., P.O. Box 400, Vernon, IN 47282

<i>For Office Use Only</i>	
Case #:	_____
Hearing Date:	_____
Fees:	_____
Approved	Denied

### 1. Applicant/Property Owner:

Applicant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Owner:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

### 2. Applicant's Attorney/Contact Person and Project Engineer (if any):

Attorney/Contact Person:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Project Engineer:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

### 3. Project Information:

General Location of Property (and address if applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Current Use: \_\_\_\_\_

Current Zoning: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Area (in acres): \_\_\_\_\_

### 4. Reasons for Rezoning Request:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 5. Attachments:

Affidavit & Consent of Property Owner (if applicable)

Proof of ownership (copy of deed)

Letter of Intent

Site Plan

Vicinity Map

Application Fee

Legal Description

**The undersigned states the above information is true and correct as (s)he is informed and believes.**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES**  
**Public Hearing of the Jennings County Area Plan Commission**

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT NOTICE TO INTERESTED  
(Name of person mailing letters)  
PARTIES OF THE PUBLIC HEARING BY THE JEEENINGS COUNTY PLAN COMMISSION, to  
consider the application of: \_\_\_\_\_:  
(Name of person on application)

Requesting: \_\_\_\_\_  
\_\_\_\_\_

For Property Located at: \_\_\_\_\_

Was sent to the following owners and addresses as listed in the Plat Books of Jennings County (attach additional sheets if necessary):

OWNERS

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
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_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

And that said notices were sent on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, being at least ten (10) days prior to the date of the Public Hearing.

\_\_\_\_\_  
(Name of person mailing the letters)



Jennings County Area Plan Commission  
**Application for Improvement Location Permit**  
200 E. Brown St. P.O. Box 400, Vernon, IN 47282

Permit # \_\_\_\_\_

The undersigned agrees that any construction, reconstruction, enlargement, relocation or alteration of structures, or any change in the land or structures by this application will comply with and confirm all applicable laws of the State of Indiana and Ordinance of the County of Jennings, Indiana, adopted under the authority of the Indiana Code:

Name & Address: Phone # \_\_\_\_\_ Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Use: Garage \_\_\_\_\_ Room Addition \_\_\_\_\_ Utility Shed \_\_\_\_\_

Pole Barn \_\_\_\_\_ Pool \_\_\_\_\_ Sign \_\_\_\_\_ Other \_\_\_\_\_

Location of Property: Lot # \_\_\_\_\_ Addition \_\_\_\_\_

Street or Road # \_\_\_\_\_ Township \_\_\_\_\_

Other description of property: \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Zoning classification: \_\_\_\_\_

Type of construction: \_\_\_\_\_ Approx. Cost \_\_\_\_\_

Size: Width \_\_\_\_\_ Depth \_\_\_\_\_ Area (Sq. Ft.) \_\_\_\_\_ Basement \_\_\_\_\_

Living \_\_\_\_\_ Non-living \_\_\_\_\_ Bedrooms \_\_\_\_\_ Full Baths \_\_\_\_\_ 1/2 baths \_\_\_\_\_

Electric Co. \_\_\_\_\_ Flood Zone (A) or (C) \_\_\_\_\_ (Check flood map)

\*\* Material list required for building permits. Plans, sewer and/or septic permits if plumbing is involved, & driveway permit. Check back of property card & discuss setbacks.

General Contractor \_\_\_\_\_

Footer/Foundation \_\_\_\_\_

Structure \_\_\_\_\_

Electrical \_\_\_\_\_

Plumbing \_\_\_\_\_

Mechanical \_\_\_\_\_

Signed: Owner/Agent/Applicant \_\_\_\_\_

Date: \_\_\_\_\_ Permit fee: \_\_\_\_\_ Septic Permit No. \_\_\_\_\_

(If applicable)

Lot Dimensions: \_\_\_\_\_ Lot Width \_\_\_\_\_ Acres \_\_\_\_\_

Setbacks: Front Yard \_\_\_\_\_ Back Yard \_\_\_\_\_ Side Yard \_\_\_\_\_

Site Improvement Location Permit # \_\_\_\_\_

Issued: \_\_\_\_\_ Denied: \_\_\_\_\_



**ENACTMENT**

This Zoning Ordinance shall be in full force and effect from and after its passage and approval by the Board of County Commissioners of the County of Jennings, State of Indiana, and the filing with the County Recorder of a certified copy thereof. The effective date of this ordinance shall be: September 1<sup>st</sup>, 2006

APPROVED THIS \_\_\_\_\_

/s/ VISE President Richard Schneider, President

/s/ [Signature], Commissioner

/s/ \_\_\_\_\_, Commissioner

ATTEST:

/s/ [Signature]

This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of North Vernon, Indiana, and the filing with the County Recorder of a certified copy thereof.

APPROVED THIS July 24, 2006

/s/ [Signature], Mayor - City of North Vernon, Indiana

ATTEST:

/s/ ROGER W. SHORT

Prepared By:  
[Signature]

This Ordinance shall be in full force and effect from and after its passage and approval by the Town Board of Vernon, Jennings County, Indiana, and the filing with the County Recorder of a certified copy thereof.

APPROVED THIS 1<sup>st</sup> day of June 2006

/s/ [Signature], Mayor - Town of Vernon, Indiana

ATTEST:

/s/ Maristha Jean Parkey

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

NAME [Signature]



# **AMENDMENTS**



**AMENDMENT TO THE JENNINGS COUNTY ZONING ORDINANCE**

Any residential facility for the mentally ill, including group homes, shall be required to submit documentation showing their geographic location by map or address. This information will be used to determine if the property is at least 3,000 feet from any other facility for the mentally ill

The above modification is to Chapter VI "Residential Zoning," Section E-4

10/09/2007 02:07:04P 3 PGS  
Mary E Hendrix  
JENNINGS County Recorder IN  
Recorded as Presented



This 9<sup>th</sup> day of July, 2007, the Jennings County Commissioners passed and enacted the attached amendment to the Jennings County Unified Zoning Ordinance.

[Signature]

[Signature]

Robert Walker

#867 This 9<sup>th</sup> day of July, 2007, the North Vernon City Council passed and enacted the attached amendment to the Jennings County Unified Zoning Ordinance.

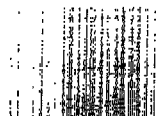
[Signature]

Thomas E. Spear

Allan Colbeck

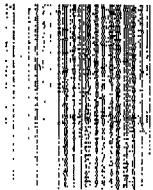
Brian Hatfield

David Kyles









This 5<sup>TH</sup> day of July, 2007, the Common Council of Vernon, Indiana passed and enacted the attached amendment to the Unified Zoning Ordinance.

Danny Stark  
R. J. L.  
[Signature]



**AMENDMENTS TO THE JENNINGS COUNTY ZONING ORDINANCE**

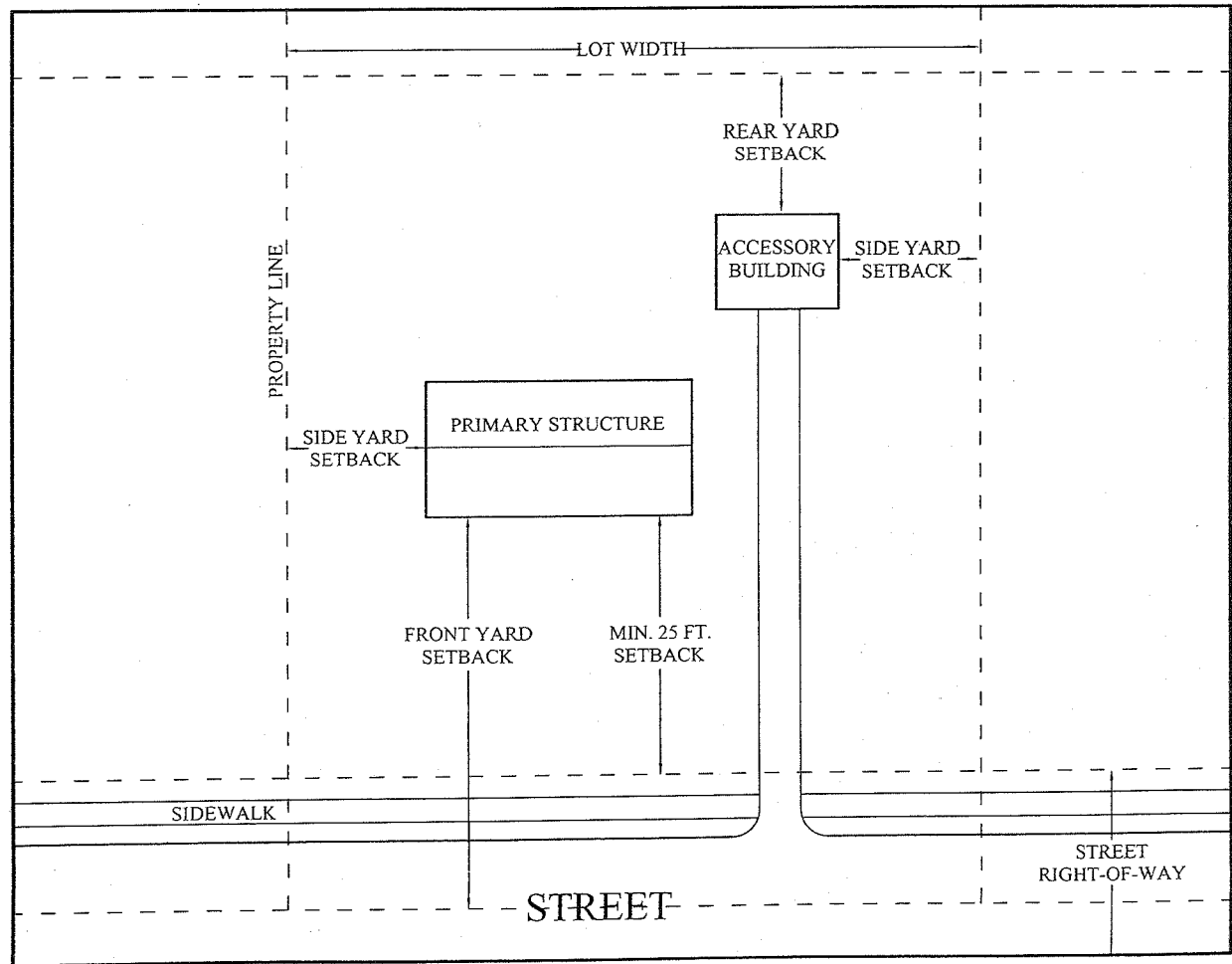
**Amendment #1:**

**Front Yard Setbacks:**

- Chapter VI "Residential Zoning", Table 6-1, Footnote (2)
  - Chapter VII "Commercial Zoning", Table 7-1, Footnote (2)
  - Chapter VIII "Industrial Zoning", Table 8-1, Footnote (2)
  - Chapter IX "Institutional Zoning", Table 9-1, Footnote (2)
  - Chapter XVII "Sexually Oriented Business", Table 17-1, Footnote (2)
- Shall all read as follows:

(2) Any side of a lot that faces a public street or public right-of-way shall be considered a front and shall have the appropriate setback, measured from the centerline of the road or street. Under no circumstance shall the front yard setback be less than 25 ft. from the right-of-way line.

**Lot Setback Example**



**Amendment #2:**

Home Occupation or Home Business:

Chapter VI "Residential Zoning", Section E-3-d shall be removed from the ordinance and replaced with the following:

(d) A home occupation/business that is located in a building not attached to the residence shall be located within 100 ft. and on the same property as the residence.

(e) A home occupation/business permit shall be revoked if any of the said requirements are violated. If a property changes ownership or the business type changes, the owner must re-apply for a home occupation/business permit.

**Amendment #3:**

Agricultural building permits:

Chapter V "Agricultural Zoning", Section C-1-f shall be changed to read as follows:

(f) Agricultural buildings are exempt from a building permit, if they are being used for "Agricultural Purposes" only. Buildings located on less than 10 acres are required to obtain a building permit, regardless of use. (Reference IC 22-12-1 for definition of "Agricultural Purpose").

SO ENACTED THIS 9<sup>th</sup> DAY OF June, 2008.

CITY COUNCIL OF NORTH VERNON, INDIANA

  
\_\_\_\_\_

  
\_\_\_\_\_

*Allene Colbert*  
\_\_\_\_\_

*Amy Meyer-Kelley*  
\_\_\_\_\_

\_\_\_\_\_



SO ENACTED THIS 5<sup>th</sup> DAY OF June, 2008.

COMMON COUNCIL OF  
TOWN OF VERNON, INDIANA

Darryl Hank

[Signature]


[Signature]



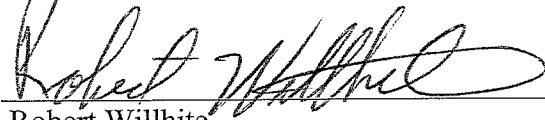


SO ENACTED THIS 23<sup>rd</sup> DAY OF June, 2008.

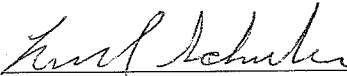
JENNINGS COUNTY, INDIANA COMMISSIONERS



Jim Reeves



Robert Willhite



Richard Schneider



**REMOVAL FROM THE JENNINGS COUNTY ZONING ORDINANCE**

**Removal #1:**

Jennings County Building Code:

The entire Chapter XVI "Jennings County Building Code", shall be removed from the Jennings County Zoning Ordinance and made a separate document. The following shall be used in place of the current chapter:

**XVI. JENNINGS COUNTY BUILDING CODE**

The current Jennings County Building Code can be obtained separately from the Jennings County Area Planning Commission.



SO ENACTED THIS 5<sup>th</sup> DAY OF June 2008.

COMMON COUNCIL OF  
TOWN OF VERNON, INDIANA

Darryl Hank

[Signature]

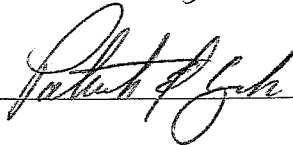
[Signature]



SO ENACTED THIS 9<sup>th</sup> DAY OF June, 2008.

CITY COUNCIL OF NORTH VERNON, INDIANA

  
\_\_\_\_\_

  
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Allene Colbert  
\_\_\_\_\_

Amy Meyer-Kelley  
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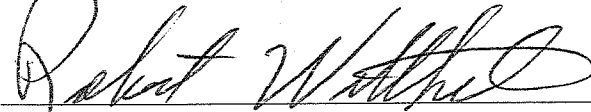


SO ENACTED THIS 23<sup>th</sup> DAY OF June, 2008.

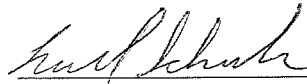
JENNINGS COUNTY, INDIANA COMMISSIONERS



Jim Reeves



Robert Willhite



Richard Schneider



**REMOVAL FROM THE JENNINGS COUNTY ZONING ORDINANCE**

**Removal #2:**

Jennings County Permit Fee Schedule:

The entire Fee Schedule located in appendix A of the Jennings County Zoning Ordinance shall be completely removed and made a separate document. The following shall be used in place of the current appendix A:

The current Jennings County Permit Fee Schedule can be obtained separately from the Jennings County Area Planning Commission.



SO ENACTED THIS 5<sup>th</sup> DAY OF June, 2008.

COMMON COUNCIL OF  
TOWN OF VERNON, INDIANA

Darryl Hank

[Signature]

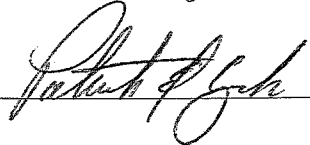
[Signature]



SO ENACTED THIS 9<sup>th</sup> DAY OF June, 2008.

CITY COUNCIL OF NORTH VERNON, INDIANA

  
\_\_\_\_\_

  
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Allene Colbert  
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Amy Meyer-Kelley  
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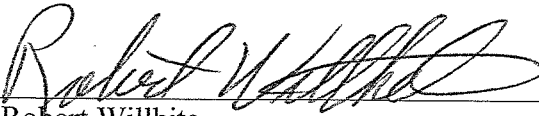


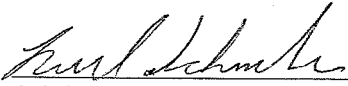


SO ENACTED THIS 23<sup>th</sup> DAY OF June, 2008.

JENNINGS COUNTY, INDIANA COMMISSIONERS

  
\_\_\_\_\_  
Jim Reeves

  
\_\_\_\_\_  
Robert Willhite

  
\_\_\_\_\_  
Richard Schneider



**AMENDMENTS TO THE JENNINGS COUNTY ZONING ORDINANCE**

**Amendment #1:**

Electrical Licensing Amendment:

Chapter XIII “Electrical Licensing”, Section A-2 shall add the following:

The individual must carry and provide the Area Planning Commission proof of \$200,000 Liability Insurance coverage.

**Amendment #2:**

Electrical Licensing Amendment:

Chapter XIII “Electrical Licensing”, Section A-3 shall be changed to read as follows:

The fee for a license to operate as an electrician, or an independent electrical contractor within the County of Jennings, City of North Vernon, or Town of Vernon, shall be Thirty Dollars (\$30.00) for the first year with a yearly renewal fee of Ten Dollars (\$10.00). The Employees licensing fee shall be Fifteen Dollars (\$15.00) for the first year with a yearly renewal of Five Dollars (\$5.00). The County of Jennings, City of North Vernon, and Town of Vernon, are hereby authorized to set fees upon the recommendation of the Building Commissioner/Inspector. An individual having passed a Block examination will be qualified to do Electrical wiring in the County of Jennings, City of North Vernon, and Town of Vernon.

**Amendment #3:**

Electrical Licensing Amendment:

Chapter XIII “Electrical Licensing”, Section B-2 shall add the following:

Individuals are allowed no more than three (3) hours to take the electrical examination.

**Amendment #3:**

Electrical Licensing Amendment:

Chapter XIII "Electrical Licensing", Section B-5 shall have the re-inspection fee changed from Twenty-Five Dollars (\$25.00) to Fifty Dollars (\$50.00).

**Amendment #4:**

Electrical Licensing Amendment:

Chapter XIII "Electrical Licensing", Section A-2 shall add the following:

Property owners may do their own electrical work in their primary place of occupancy.



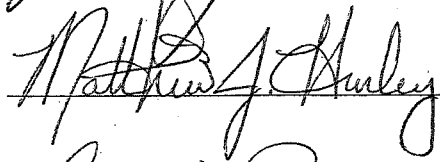
#913

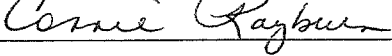
SO ENACTED THIS 13<sup>th</sup> DAY OF June, 2011.


CITY COUNCIL OF NORTH VERNON, INDIANA

  
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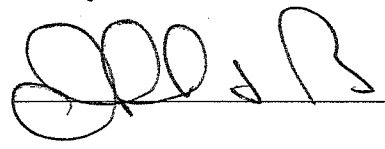


#1

SO ENACTED THIS 13<sup>th</sup> DAY OF June, 2011.

JENNINGS COUNTY, INDIANA COMMISSIONERS

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**AMENDMENTS TO THE JENNINGS COUNTY ZONING ORDINANCE**

**Amendment #1:  
To Section XI – Airport Zoning**

Add a Zoning Notification Area Overlay graphic to the current Airport Zoning section.

This area, the requirements and guidelines are currently called out in text format in the existing ordinance.

This graphic section, and as added to the GIS, will allow Area Plan and any owner / developer to perform the due diligence of determining any restriction, and allow them to acknowledge such on the existing Airport Easement & Covenant form.

Any development in the designated area coming before Area Plan will be referred to the City of North Vernon Airport Director for a verification of compliance check

2013001605 MISC \$21.00  
05/02/2013 02:08:19P 6 PGS  
Lisa Jines-Plessinger  
Jennings County Recorder IN  
Recorded as Presented



**DECISION OF THE AREA PLAN COMMISSION**

The Jennings County Area Plan Commission Committee GRANTS the adoption of the zoning amendment to the airport zoning section

With 84 members voting in favor, \_\_\_\_\_ members voting to deny and \_\_\_\_\_ members abstaining.

APPROVED THIS

April 1, 2013

ATTEST:

AREA PLAN COMMISSION:

Cheryl B. Truitt

Executive Director

Joey Shover

President

04/01/13

Date

John D. Puri

Member

[Signature]

Member

[Signature]

Member

John Felt

Member

TD Shepherd

Member

Bill Font

Member

Chris Eg

Member

Member

**ENACTMENT**

This zoning amendment to the airport zoning section shall be in full force and effect from and after its passage and approval by the Board of County Commissioners of the County of Jennings, State of Indiana, and the filing with the County Recorder of a certified copy thereof.

APPROVED THIS April 11, 2013

/s/ Matt Sporleder, President

/s/ Robert W. Wether  
Commissioner

/s/ David J. Farn  
Commissioner

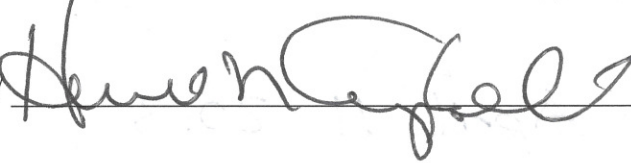
ATTEST:


/s/ Janice L. Ramey

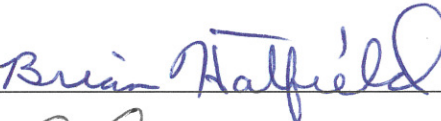
**ENACTMENT**


This zoning amendment to the airport zoning section shall be in full force and effect from and after its passage and approval by the City of North Vernon, State of Indiana, and the filing with the County Recorder of a certified copy thereof.

APPROVED THIS 8<sup>th</sup> DAY OF APRIL, 2013

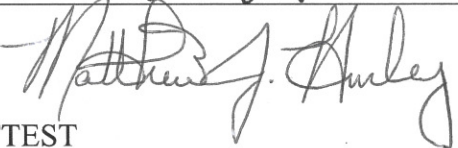
/s/ , Mayor - City of North Vernon,  
Indiana

/s/ , North Vernon City Council

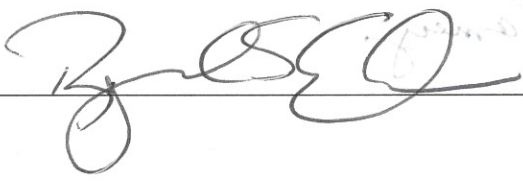
/s/ , North Vernon City Council

/s/ , North Vernon City Council

/s/ , North Vernon City Council




ATTEST

/s/ 

**ENACTMENT**

This zoning amendment to the airport zoning section shall be in full force and effect from and after its passage and approval by the Town of Vernon, State of Indiana, and the filing with the County Recorder of a certified copy thereof.

APPROVED THIS April 4, 2013

/s/ , Mayor - Town of Vernon,  
Indiana

/s/ M. E. Anderson, Common Council of  
Vernon

/s/ John Post, Common Council of  
Vernon

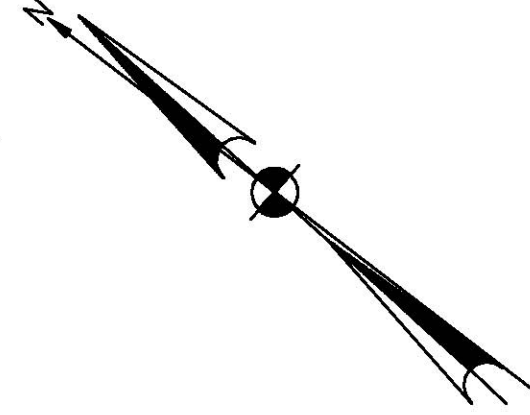
/s/ Warry Stars, Common Council of  
Vernon

ATTEST:

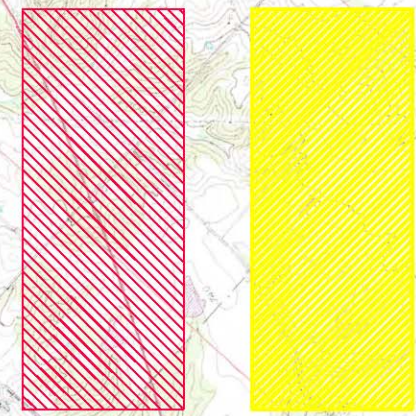
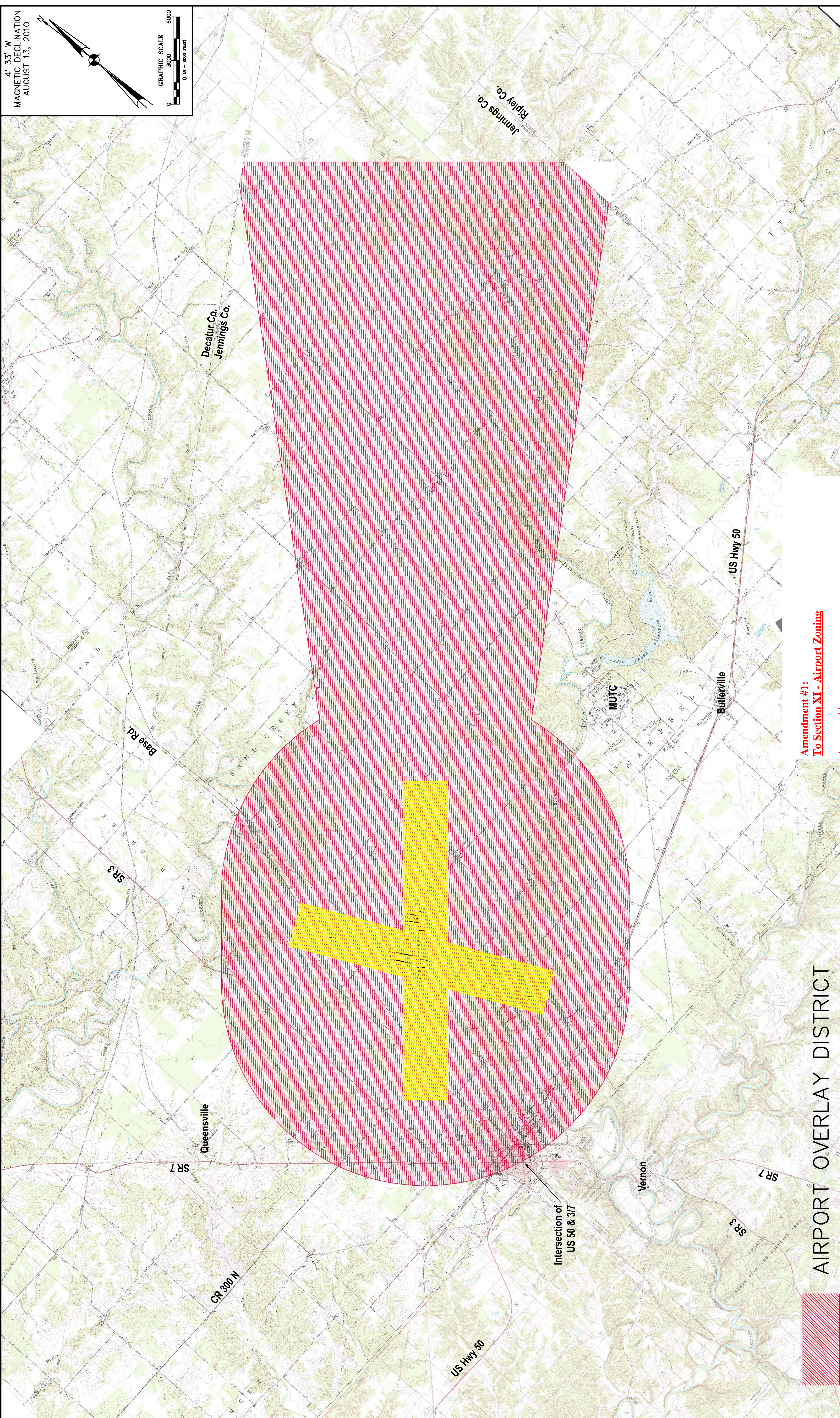
/s/ Marietta Jean Rorkley



4° 33' W  
 MAGNETIC DECLINATION  
 AUGUST 13, 2010



GRAPHIC SCALE  
 0 3000 6000  
 (1 IN = 6000 FEET)



AIRPORT OVERLAY DISTRICT

AIRPORT NOISE SENSITIVE AREA



**FPBH, Inc.**  
 Engineers & Surveyors

**Amendment #1:**  
**To Section XI - Airport Zoning**

Approved by:  
 The Jennings County Area Plan Commission - April 1, 2013  
 Town of Vernon - April 4, 2013  
 City of North Vernon - April 8, 2013  
 Jennings County Commissioners - April 11, 2013

AIRPORT ZONING UPDATE NORTH VERNON MUNICIPAL AIRPORT NORTH VERNON, INDIANA		HORIZONTAL SCALE 1"=5000'	FILE 4448
Branch Locations BLUFFTON 260-824-0720 INDIANAPOLIS, IN 46240-8302 TEL 317-713-4419 FAX 317-713-4416 www.FPBH.com		VERTICAL SCALE NONE	DESIGNATION
SURVEY BOOK CONTRACT		SHEET 1 OF 1	
PROJECT		PROJECT	

BFS NO.4448.0102

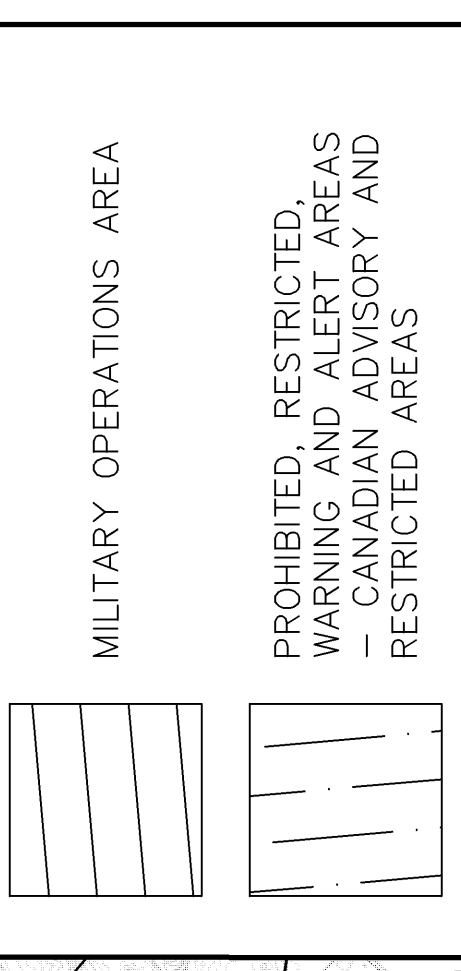


4° 33' W  
MAGNETIC DECLINATION  
AUGUST 13, 2010

GRAPHIC SCALE  
0 2000 4000  
(1 IN = 800 FEET)

Point No.	Case Number	Latitude	Longitude	Total Height
2000	1990-AGL-1988-OE	39° 03' 32.00" N	85° 38' 00.00" W	786
*2001	1990-AGL-2333-OE	38° 57' 56.00" N	85° 31' 16.00" W	1309
*2002	1996-AGL-1076-OE	39° 02' 25.19" N	85° 37' 24.89" W	799
2003	1996-AGL-1550-OE	39° 02' 35.19" N	85° 38' 19.89" W	840
*2004	1997-AGL-2068-OE	39° 04' 02.19" N	85° 42' 09.90" W	1190
2005	1997-AGL-5962-OE	39° 06' 36.00" N	85° 34' 45.00" W	1077
2006	2000-AGL-5841-OE	39° 01' 17.00" N	85° 38' 47.00" W	921
*2007	2001-AGL-1834-OE	38° 57' 35.26" N	85° 45' 02.32" W	949
*2008	2001-AGL-8259-OE	39° 01' 19.12" N	85° 31' 18.66" W	1049
*2009	2002-AGL-1111-OE	39° 04' 09.63" N	85° 37' 48.26" W	1149
*2010	2003-AGL-6969-OE	38° 59' 04.00" N	85° 29' 52.30" W	949
*2011	2004-AGL-376-OE	38° 58' 10.00" N	85° 29' 57.00" W	1321
2012	2004-AGL-2099-OE	39° 00' 23.72" N	85° 37' 58.19" W	937
2013	2004-AGL-7724-OE	39° 00' 23.72" N	85° 39' 03.57" W	887
*2014	2005-AGL-6867-OE	38° 57' 03.00" N	85° 33' 52.00" W	1180
*2015	2006-AGL-4986-OE	39° 06' 12.15" N	85° 45' 33.26" W	1020
2017	2006-AGL-5617-OE	39° 09' 10.10" N	85° 36' 04.80" W	994
*2018	2006-AGL-8388-OE	38° 58' 46.96" N	85° 43' 10.83" W	945
2019	2009-AGL-843-OE	39° 01' 10.43" N	85° 38' 08.34" W	937
*2020	2009-AGL-1189-OE	39° 03' 56.80" N	85° 41' 54.05" W	998
*2021	2009-AGL-4574-OE	39° 08' 09.67" N	85° 37' 46.45" W	1061
*2022	2009-AGL-4977-OE	39° 11' 22.52" N	85° 34' 12.55" W	1131
*2023	2010-AGL-4722-OE	38° 58' 07.68" N	85° 29' 54.30" W	1326

\* POINTS NOT SHOWN ON PLAN SHEET BUT ARE WITHIN 10 NAUTICAL MILES OF AIRPORT.



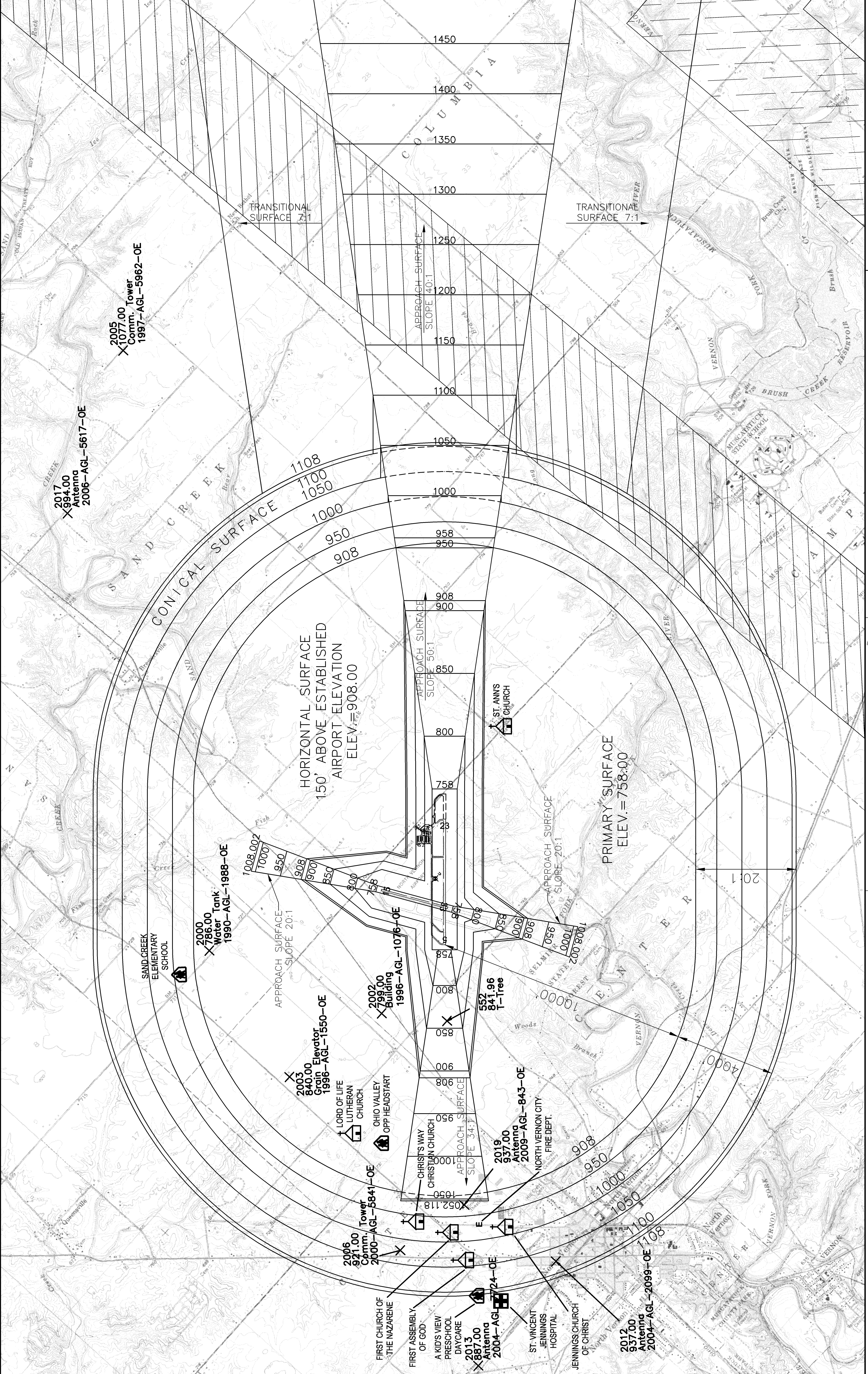
LOCAL HEIGHT RESTRICTIONS:  
I.C. 8-22-10  
NORTH VERNON ORDINANCE #93-194

NOTES:  
1) OBSTRUCTION POINT DATA PROVIDED FROM BUTLER, FAIRMAN & SEWERT, INC. SURVEY REPORT 2007.  
2) ALL ELEVATIONS SHOWN ARE ABOVE MEAN SEA LEVEL (A.M.S.L.), UNLESS OTHERWISE NOTED.  
3) AIRPORT REFERENCE POINT (A.R.P.)  
LAT. - N 40° 16' 23.057"  
LONG. - W 86° 33' 53.433"  
4) TOWER OBSTRUCTION POINT DATA PROVIDED FROM FAA-OBSTRUCTION EVALUATION/AIRPORT AIRSPACE ANALYSIS (OE/AAA).  
5) PART 77 IMAGINARY SURFACES SHOWN FOR AIRPORT ULTIMATE CONDITIONS.

UNITED STATES GEOLOGICAL SURVEY QUADRANGLES:  
BUTLERVILLE QUADRANGLE MAP 1994  
HAYDEN QUADRANGLE MAP 1993  
MILLHOUSE QUADRANGLE MAP 1993  
NORTH VERNON QUADRANGLE MAP 1993  
VERNON QUADRANGLE MAP 1994  
WESTPORT QUADRANGLE MAP 1994

NO.	REVISIONS	REMARK	DATE	BY
1				
2				
3				
4				
5				
6				

HORIZONTAL SCALE	FILE
1"=2000'	4448
VERTICAL SCALE	DESIGNATION
NONE	
SURVEY BOOK	SHEET
CONTRACT	5 OF 18
PROJECT	PROJECT
	AIP No. 3-18-0063-07



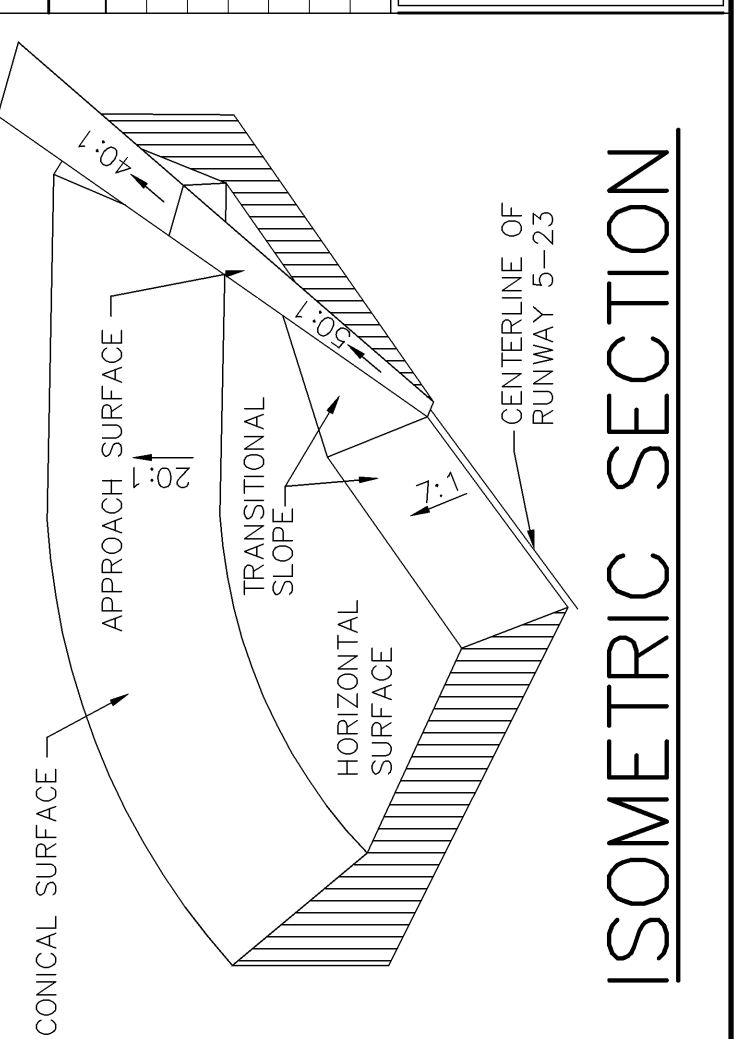
RECOMMENDED FOR APPROVAL: 04/22/14  
DESIGN ENGINEER: DATE:  
DESIGNED: PAS DRAWN: CTR  
CHECKED: PAS PAS

ULTIMATE AIRPORT AIRSPACE PLAN  
NORTH VERNON MUNICIPAL AIRPORT  
NORTH VERNON, INDIANA

Headquarters: 805 S. DATE 300  
BLUFFTON  
INDIANAPOLIS, IN 46240-8302  
TEL: 317-713-4415  
FAX: 317-713-4416  
www.B&Sengr.com

Branch Locations:  
260-824-5720  
BLUFFTON  
46240-8302  
216-769-2333  
MERRILLVILLE  
317-839-3242  
PLAINFIELD

TYPE	WIDTH	OUTER	LENGTH	SLOPE	
5 FUTURE	NON-PRECISION	500'	3,500'	10,000'	34:1
23 ULTIMATE	PRECISION INSTRUMENT	1,000'	16,000'	50,000'	50:1-1ST 10,000' 40:1-2ND 40,000'
15 FUTURE	NON-PRECISION	250'	1,250'	5,000'	20:1
33 FUTURE	NON-PRECISION	250'	1,250'	5,000'	20:1



TYPE	WIDTH	OUTER	LENGTH	SLOPE	
5 FUTURE	NON-PRECISION	500'	3,500'	10,000'	34:1
23 ULTIMATE	PRECISION INSTRUMENT	1,000'	16,000'	50,000'	50:1-1ST 10,000' 40:1-2ND 40,000'
15 FUTURE	NON-PRECISION	250'	1,250'	5,000'	20:1
33 FUTURE	NON-PRECISION	250'	1,250'	5,000'	20:1

PART 77 APPROACH TABLE

TYPE	WIDTH	OUTER	LENGTH	SLOPE	
5 FUTURE	NON-PRECISION	500'	3,500'	10,000'	34:1
23 ULTIMATE	PRECISION INSTRUMENT	1,000'	16,000'	50,000'	50:1-1ST 10,000' 40:1-2ND 40,000'
15 FUTURE	NON-PRECISION	250'	1,250'	5,000'	20:1
33 FUTURE	NON-PRECISION	250'	1,250'	5,000'	20:1