

## **CHAPTER 80: AREA ZONING CODE**

**AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED: “UNIFIED ZONING ORDINANCE OF RIPLEY COUNTY, INDIANA” - AN ORDINANCE FOR THE DEVELOPMENT THROUGH ZONING OF THE AREA WITHIN THE JURISDICTION OF THE AREA PLAN COMMISSION OF RIPLEY COUNTY, AS AMENDED, PASSED ON THE 15<sup>TH</sup> DAY OF JUNE, 1970, BY THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA; ON THE 13<sup>TH</sup> DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF VERSAILLES, INDIANA; ON THE 14<sup>TH</sup> DAY OF JULY, 1970; BY THE TOWN BOARD OF TRUSTEES OF OSGOOD, INDIANA; ON THE 14<sup>TH</sup> DAY OF JULY 1970, BY THE TOWN BOARD OF TRUSTEES OF SUNMAN, INDIANA; ON THE 1<sup>ST</sup> DAY OF NOVEMBER, 1971, BY THE TOWN BOARD OF TRUSTEES OF MILAN, INDIANA; AND ON THE 14<sup>TH</sup> DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF NAPOLEON, INDIANA; AND TO REPLACE THE SAID ORDINANCE WITH A NEW CODIFIED ORDINANCE AND ZONE MAP, ENTITLED: “AREA ZONING CODE OF RIPLEY COUNTY – 1991.” AND TO REPLACE THE SAID ORDINANCE WITH A NEW ORDINANCE AND ZONE MAP, ENTITLED “AREA ZONING CODE OF RIPLEY COUNTY – 2006.”**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA, AND BY THE TOWN COUNCIL OF NAPOLEON OR OSGOOD OR SUNMAN OR MILAN OR VERSAILLES, OR HOLTON, INDIANA, UNDER AUTHORITY OF THE INDIANA AREA PLANNING LAW [I.C. 36-7-4]. AND ALL ACTS AMENDATORY OR SUPPLEMENTAL THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA:**

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### SECTION 80.01: SHORT TITLE

The ordinances, as amended, comprising Chapter 80 of the “Code of Ordinances of Ripley County, Indiana,” or Chapter 80 of the “Code of Ordinances” of the participating Towns, shall hereafter be referred to as the “Area Zoning Code of Ripley County, Indiana, 1991”.

### SECTION 80.02 ESTABLISHMENT OF DISTRICTS AND ZONE MAP

#### (A) Districts and Designations.

For zoning purposes, the territory within the jurisdiction of the Ripley County Plan Commission is hereby classified and divided into fourteen (14) districts with the following names and designations:

District Designation	Type of District
A-1	Prime Agriculture
A-2	Agriculture
FR	Forest Recreation
R-1	Single-Family Residence
R-2	Two-Family Residence
R-3	Multi-Family Residence
LB	Local Business
RB	Roadside Business
GB	General Business
IB	Interchange Business
I-1	Enclosed Industrial
I-2	Open Industrial
UD	Unit Development Plan
FP	Flood Plain

#### (B) Zone Map.

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

The Map, dated November 7, 2005, is hereby incorporated by reference into the “Area Zoning Code, Ripley County, Indiana, 1991, as amended, and consists of the following sheets: A separate sheet for each individual Township in Ripley County, with the participating Town/s being listed and shown on back of the Township map where each such Town is situated. (The City of Batesville, Indiana is not shown, as it does not participate in the Area Plan Commission or Zoning Code of Ripley County, Indiana.)

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### **(C) Flood Plain District.**

The Flood Plain districts (areas subject to inundation of the regulatory flood) as identified by the Federal Insurance Administration on the Ripley County Flood Insurance Rate Map dated September 1, 1987, (or applicable Town map), along with any subsequent revisions to the text of the federal criteria or maps and adopted by reference and made a part of this Chapter as if fully described herein, is established, and the boundaries thereof shall supersede the boundaries of any other district shown on the Zone Map. (See Sec. 80.20 and Sec. 80.45.)

### **SECTION 80.03: INTERPRETATION OF DISTRICT BOUNDARIES**

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

- (A) Centerlines of Streets and Boundaries.** Unless otherwise indicated, the district boundary lines are the centerlines of streets, parkways, alleys or railroad right-of-way; or such lines extended.
- (B) Existing Lines.** Boundaries indicated as approximately following section lines, half-section and quarter-sections lines, town corporate limit lines, planning jurisdictional areas, or platted lot lines shall be construed as follow such lines.
- (C) Railroad Lines.** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (D) Shore Lines and Waterways.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines. Boundaries indicated, as approximately following the centerlines of streams, creeks, lakes or other bodies of water shall be construed to follow such centerlines.
- (E) Use of Scale on Zone Map.** Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the Zone Map shall be determined by the scale of the Map.
- (F) Board May Determine.** Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by subsections (A) through (E) herein, the Board of Zoning Appeals shall interpret the district boundaries.
- (G) Vacations and Relocations.** The vacation or relocation of right-of-ways and lot lines shall not affect the location of district boundaries; provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

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

### SECTION 80.04: APPLICATION OF DISTRICT REGULATIONS

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

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

### SECTION 80.05: PROCEDURE RELATING TO AREAS, WHICH MAY BECOME SUBJECT TO ZONING

Any additional territory which becomes subject to the rules and regulations of the Ripley County Area Plan Commission shall be automatically zoned A-1 Prime Agriculture District unless otherwise changed by amendments to this Chapter; provided, that in the event of annexation of lands to a town which is already within the jurisdiction of the commission, the zoning classification existing at the time of annexation shall remain until changed by amendment procedures.

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### SECTION 80.06: GENERAL PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of the Ordinance comprising this Chapter shall comply with the following performance standards, except as otherwise set forth in this Chapter for Open and Enclosed Industrial Uses, in the interest of protecting the public health, safety and welfare, and to lessen injury to property. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of the said Ordinance shall be so altered or modified to conflict with these standards.

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

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### SECTION 80.07: NONCONFORMING BUILDINGS AND USES

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

- (A) **May Be Extended.** A nonconforming use may be extended throughout a building provided the size of the structure is not increased.
- (B) **May Be Changed.** A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided the size of the structure is not increased.
- (C) **Use Cannot Be Changed to Nonconforming Use.** Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
- (D) **No Building Erected on Nonconforming Use Premises.** No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this Code.
- (E) **Temporary Nonconforming Use.** The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one (1) year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district. (See Sec. 80.34.)
- (F) **Discontinuance of Nonconforming Use.** In the event that a nonconforming use of any building or premises is discontinued for a period of at least one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located, and provided further that any nonconforming dwelling which may be removed from a lot, shall relocate on a lot in accordance with the provisions of this Code.
- (G) **Damage to Nonconforming Use.** If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. It shall be the decision of the Executive Director as to percentage determinations.

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

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### **(H) Honoring Previous Permits.**

Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which an Improvement Location Permit or a Building Permit has been heretofore issued, and the actual construction of which has been diligently prosecuted within ninety (90) days of the date of such Permit, and which entire building shall be completed according to such plans filed within three (3) years of such Permit. Actual construction is hereby defined to include the erection of construction materials in permanent position and fastened in a permanent manner.

### **(I) Buildings May Be Made Safe.**

Nothing in this Code shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.

### **(J) Nonconforming Use Resulting from Amendment.**

These provisions apply in the same manner to a use, which may become a nonconforming use as a result of an amendment to this Code.

### **(K) Nonconforming Use in Flood Plain District.**

Any building, structure or use of land in the (FP) Flood Plain District which is not in conformance with this Chapter constitutes a Nonconforming Use. All applications to repair, extend or enlarge a nonconforming use in the FP District shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any resulting Improvement Location Permit issued by the Executive Director (or Building Permit issued by the Building Inspector).

## **SECTION 80.08: NONCONFORMING LOT AREAS AND WIDTHS**

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel in single ownership, or a single parcel included in a subdivision of record at the time of passage of the Ordinance comprising this Chapter, even though the lot does not have the minimum lot width or the minimum lot area specified for the district, provided that the lot size and lot width meet the minimum standards of the County Health Department, and provided further that the width of the lot, as measured at the building line, shall be at least seventy-five (75) percent of that required by the terms of this Chapter.

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### SECTION 80.09: A-1 PRIME AGRICULTURAL DISTRICT

This district covers most of the County and is intended to protect and encourage agricultural uses of land by controlling indiscriminate development of urban-type uses. Residences are permitted on large lots with wide frontage. Generally, the prime agriculture district is located where the soil types are most conducive to agricultural operations. All types of agricultural use or uses akin to agricultural operations are permitted, either outright or by special exception, depending upon their impact to neighboring uses.

#### **(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special exceptions set forth in Sec. 80.24
- (5) Contingent uses set forth in Sec. 80.23.
- (6) Accessory uses set forth in Sec. 80.33.
- (7) Temporary uses set forth in Sec. 80.34.

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

- (1) Lot area, ground floor area, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) Sign requirements are set forth in Sec. 80.37.
- (6) See Sec. 80.26 for fence requirements and yard exceptions.

### SECTION 80.10: A-2 AGRICULTURE DISTRICT

This district is located generally in good agricultural areas where residential subdivisions either have taken place or are anticipated to do so. Residential subdivisions are permitted with large lots; however, all types of agricultural uses or uses akin to agricultural operations may be permitted, either outright or by special exception, depending upon the impact on neighboring uses.

#### **(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special exceptions set forth in Sec. 80.24.
- (5) Contingent uses set forth in Sec. 80.23.
- (6) Accessory uses set forth in Sec. 80.33.
- (7) Temporary uses set forth in Sec. 80.34.



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

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth Figure 1.
- (2) See Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) Sign requirements are set forth in Sec. 80.37.
- (6) See Sec. 80.26 for fence requirements and yard exceptions.

## **SECTION 80.11: FR FOREST RECREATION DISTRICT**

This district is designed to include areas of rolling and rugged topography and public and forestlands.

### **(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special Exceptions set forth in Sec. 80.24.
- (5) Contingent Uses set forth in Sec. 80.23.
- (6) Accessory Uses set forth in Sec. 80.33.
- (7) Temporary Uses set forth in Sec. 80.34.

### **(B) Other Requirements for the FR District.**

- (1) Lot area, ground floor area, lot width, lot coverage and front, side, and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) Height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) Sign requirements are set forth in Sec. 80.37.
- (6) See Sec. 80.26 for fence requirements and yard exceptions.

## **SECTION 80.12: R-1 SINGLE-FAMILY RESIDENCE DISTRICT**

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

### **(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special exceptions set forth in Sec. 80.24.
- (5) Contingent uses set forth in Sec. 80.23.
- (6) Accessory uses set forth in Sec. 80.33.
- (7) Temporary uses set forth in Sec. 80.34.

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### **(B) Other Requirements for the R-1 District.**

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) Sign requirements are set forth in Sec. 80.37.
- (6) See Sec. 80.26 for fence requirements and yard exceptions.

## **SECTION 80.13: R-2 TWO-FAMILY RESIDENCE DISTRICT**

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

### **(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Manufactured home.
- (5) Special exceptions set forth in Sec. 80.24.
- (6) Contingent uses set forth in Sec. 80.23.
- (7) Accessory uses set forth in Sec. 80.33.
- (8) Temporary uses set forth in Sec. 80.34.

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

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) Sign requirements are set forth in Sec. 80.37.
- (6) See Sec. 80.26 for fence requirements and yard requirements.
- (7) Prior to the issuance of an Improvement Location Permit for the conversion of an existing single-family dwelling to a two-family dwelling, all provisions set forth herein for a two-family dwelling shall be met.

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### SECTION 80.14: R-3 MULTI-FAMILY RESIDENCE DISTRICT

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

**(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-Family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling, by Special Exception only.
- (5) Manufactured home.
- (6) Special exceptions set forth in Sec. 80.24.
- (7) Contingent uses set forth in Sec. 80.23.
- (8) Accessory uses set forth in Sec. 80.33.
- (9) Temporary uses set forth in Sec. 80.34.

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

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) Sign requirements are set forth in Sec. 80.37.
- (6) See Sec. 80.26 for fence requirements and yard exceptions.
- (7) Prior to the issuance of an Improvement Location Permit by the County, written approval of the building plans must have been received from the Fire Prevention and Building Safety Commission of the State of Indiana, for all residential structures of three or more units.

### SECTION 80.15: LB LOCAL BUSINESS DISTRICT

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

**(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling, by Special Exception only.
- (5) Manufactured home.
- (6) Local business uses which are primarily of a retail or service nature and specifically classified or implied in the following categories of uses: \*(See note below.)
  - (a) Automobile service – including:

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1. Public garage, but not including major repair or bodywork.
2. Sales room (including mobile home or trailer sales area).
3. Repair (all indoors).
- (b) Business service – including:
  1. Bank.
  2. Office Building.
  3. Postal station.
  4. Telegraph office.
  5. Telephone exchange or public utility substation.
  6. Utility company business office.
- (c) Clothing Service – including:
  1. Laundry agency.
  2. Self-service laundry and dry cleaning.
  3. Dry cleaning establishment using not more than three clothes-cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds using cleaning fluid which is non-explosive and non-flammable.
  4. Dressmaking.
  5. Millinery.
  6. Tailor and pressing shop.
  7. Shoe repair shop.
- (d) Equipment service:
  1. Radio or television shop and sales.
  2. Electric appliance shop and sales.
  3. Record shop and sales.
- (e) Food Service – including:
  1. Grocery.
  2. Meat market.
  3. Supermarket.
  4. Restaurant.
  5. Delicatessen.
  6. Cold storage lockers, for individual use.
  7. Bakery, provided floor area used for production shall not exceed seven hundred fifty (750) square feet.
- (f) Personal service – including:
  1. Barber shop.
  2. Beauty shop.
  3. Physical fitness facility.
  4. Photographic studio.
- (g) Retail service, retail stores, generally including:
  1. Drug store.
  2. Hardware or paint store.
  3. Stationer.
  4. Newsdealer.
  5. Show room and sales area for articles to be sold at retail.
  6. Apparel shop.
  7. Antique shop.

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8. Shoe store.
  9. Variety store.
  10. Toy store.
  11. Jewelry store.
  12. Flower or garden shop.
  13. Gift shop.
  - (h) Business recreational uses – including:
    1. Billiard room.
    2. Dancing academy.
    3. Tavern or nightclub, only in conformity with requirements of laws or ordinances governing such use.
    4. Bait sales
  - (i). Club or Lodge.
  - (j) Repealed
  - (k) Clinic.
  - (l) Farm implement (machinery) (new or used) sales and service area or building.
  - (m)Mortuary.
  - (n) Pet shop.
  - (o) Studio – Business (art, interior decorating, music, etc.)
  - (p) Accessory Building or use customarily incident to the above uses which may not have more than forty (40) percent of its floor area devoted to storage purposes, and provided that not more than five (5) persons are employed at one time or on any one shift in connection with such incidental use.
- \*NOTE: Local business uses, categories (a) through (o) shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.
1. Special exceptions set forth in Sec. 80.24.
  2. Contingent uses set forth in Sec. 80.23.
  3. Accessory uses set forth in Sec. 80.33.
  4. Temporary uses set forth in Sec. 80.34.

### **(B) Other Requirements for the LB District**

- (1) For local business uses, each lot shall have at least fifty (50) feet of frontage on a street.
- (2) See Figure 1 for yard requirements. Also see Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) For residential uses the lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.
- (4) Additional height requirements are set forth in Sec. 80.31.
- (5) Off-street parking space requirements are set forth in Sec. 80.36.
- (6) See Sec. 80.26 for fence requirements.
- (7) Sign requirements are set forth in Sec. 80.37.
- (8) See Sec. 80.32 for Supplementary Business Standards.

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### SECTION 80.16: RB ROADSIDE BUSINESS DISTRICT

The R-B Roadside Business District is intended to provide for business uses normally requiring drive-in facilities related to a street or highway; however, all business uses in the RB District require approval of the Board of Zoning Appeals in accordance with the Special Exception procedure set forth in Sec. 80.24.

#### **(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-Family dwelling.
- (4) Multi-family dwelling, by Special Exception only.
- (5) Manufactured home.
- (6) Local business uses.
- (7) Roadside business uses specifically stated or implied in the following categories:
  - a. Local business uses.
  - b. Filling station.
  - c. Automobile, truck or trailer rental and sales area.
  - d. Automobile and truck repair, entirely within enclosed buildings.
  - e. Indoor theater.
  - f. Bowling alley, roller rink, or racket sports facility, entirely within enclosed buildings.
  - g. Department store.
  - h. Hotel or motel.
  - i. Veterinary hospital for small animals.
  - j. Kennel.
  - k. Newspaper publishing.
  - l. Motor bus or railroad passenger station.
  - m. Greenhouse not exceeding 1,000 sq. ft.
  - n. Drive-in restaurant.
  - o. Radio or television station or studio.
  - p. Boat, sales, service, storage and rentals.
  - q. Hospital.
  - r. Laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable material.
  - s. Mini-warehouse in accordance with the requirements of this section.
- (8) Special exceptions set forth in Sec. 80.24.
- (9) Contingent uses set forth in Sec. 80.23.
- (10) Accessory uses set forth in Sec. 80.33.
- (11) Temporary uses set forth in Sec. 80.34.

#### **(B) Other requirements for the R-B District.**

- (1) For roadside business uses, each lot shall have at least one hundred (100) feet of frontage on a street.
- (2) See Figure 1 for yard requirements and see Sec. 80.25 for front yard road setback and additional yard requirements.

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- (3) For residential uses the lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. The requirements for residential uses in the RB District are the same as those in the R-2 District, except that Multi-family dwellings are the same as those in the R-3 District.
- (4) Additional height requirements are set forth in Sec. 80.31.
- (5) Off-street parking space requirements are set forth in Sec. 80.36.
- (6) See Sec. 80.26 for fence requirements.
- (7) Sign requirements are set forth in Sec. 80.37.
- (8) See Sec. 80.32 for Supplementary Business Standards.
- (9) Mini-warehouse projects may be permitted in the RB District subject to the following development standards:
  - (1) Off-street parking and driveway width.
    - a. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
    - b. Two covered parking spaces shall be provided adjacent to the manager's quarters, in the event a manager's quarters is provided.
    - c. One parking space for every fifty (50) storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided.
    - d. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage, provided that it is adequately screened from view of the frontal street.
  - (2) Landscaping. A landscaped strip twenty (20) feet in width shall be provided along all street frontages and a landscaped strip five (5) feet in width shall be provided where subject property abuts any residential district or existing residential use. The five-foot landscaped strip abutting residential property shall be designed to provide screening of the mini-warehouse site from residential properties, consisting of planting at least six (6) feet in height and six (6) feet apart, effective at all times of the year.
  - (3) Site design. Buildings shall be so situated and/or screened that overhead access doors are not visible from off the site.
  - (4) Use restrictions.
    - a. No person, on premises occupied by a mini-warehouse, shall conduct:
      - 1. Any business activity (other than rental of storage units) including miscellaneous or garage sales, and transfer/storage businesses that utilize vehicles as part of said business.
      - 2. Servicing or repair of motor vehicles, boats, trailers, lawnmowers, or any similar equipment.

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- b. All mini-warehouse rental contracts shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for uses other than dead storage.

### SECTION 80.17: GB GENERAL BUSINESS DISTRICT

This district provides sites for heavier types of business and commercial uses.

#### (A) Permitted Uses.

- (1) Agricultural uses.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling, by Special Exception only.
- (5) Manufactured home.
- (6) Local business uses.
- (7) Roadside business uses.
- (8) General business uses specifically stated or applied in the following categories:
  - (a) Local business uses.
  - (b) Roadside business uses.
  - (c) Storage warehouse.
  - (d) Wholesale establishment.
  - (e) Deleted
  - (f) Truck service center.
  - (g) Any business use not specifically stated or implied elsewhere in this Chapter.
- (9) Special exceptions set forth in Sec. 80.24.
- (10) Contingent uses set forth in Sec. 80.23
- (11) Accessory uses set forth in Sec. 80.33.
- (12) Temporary uses set forth in Sec. 80.34.

#### (B) Other requirements for the GB District.

- (1) For general business uses, each lot shall have at least fifty (50) feet of frontage on a street.
- (2) See Figure 1 for yard requirements and Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) For residential uses the lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. The requirements for residential uses in the GB District are the same as those in the LB District.
- (4) Additional height requirements are set forth in Sec. 80.31.
- (5) Off-street parking space requirements are set forth in Sec. 80.36.
- (6) See Sec. 80.26 for Fence requirements.
- (7) See Sec. 80.37 for Sign requirements
- (8) See Sec. 80.32 for Supplementary Business Standards.



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### SECTION 80.18: I-B INTERCHANGE BUSINESS DISTRICT

This district is intended to provide for business uses located adjacent to interstate highway exchanges and which are primarily dependent on the volumes of traffic generated at these points. Because these uses will be in areas of heavy traffic volumes and high visibility, all uses in this district will be regulated in such a way as to maintain good traffic circulation and appearance.

#### **(A) Permitted Uses.**

- (1) Agricultural uses.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Interchange business uses as follows: \*(See note below.)
  - (a) Restaurants or other eating establishments;
  - (b) Hotels and motels;
  - (c) Filling stations;
  - (d) Establishments selling souvenirs or other items intended primarily for tourists or through traffic;
  - (e) Other uses oriented primarily to the traffic generated at interchanges or other high-volume areas, as determined by the Board of Zoning Appeals.
- (5) Special exceptions set forth in Sec. 80.24.
- (6) Contingent uses set forth in Sec. 80.23.
- (7) Accessory uses set forth in Sec. 80.34.

\* NOTE: Any of the interchange business uses may be permitted as a special exception in the I-B District in accordance with the requirements of Sec. 80.24, specifically Sec. 80.24(27).

#### **(B) Other Requirements for the I-B District.**

- (1) For interchange business uses, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet.
- (2) See Figure 1 for yard requirements and see Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) For residential uses the lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. The requirements for residential uses in the IB District are the same as those in the R-2 District.
- (4) Additional height requirements are set forth in Sec. 80.31.
- (5) Off-street parking space requirements are set forth in Sec. 80.36.
- (6) Ground floor area requirements.
- (7) See Sec. 80.26 for fence requirements.
- (8) Sign requirements are set forth in Sec. 80.37.
- (9) See Sec. 80.32 for Supplementary Business Standards.

## SECTION 80.19: I-1 ENCLOSED INDUSTRIAL DISTRICT

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

### **(A) Permitted Uses.**

- (1) Agricultural uses.
- (2) Enclosed industrial uses specifically stated or implied in the following categories:
  - (a) Enclosed industrial uses including processing, refining, repairing of goods, materials, or products.
  - (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
  - (c) Railroad or other mass transportation right-of-ways and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities; provided, however, such uses, except right-of-ways, shall not extend within twenty (20) feet of a residential district.
  - (d) Enclosed wholesaling, warehousing, packaging, storage or distribution facilities (including commercial greenhouses).
  - (e) General offices associated with an industrial use, including service facilities for employees or guests; provided, however, any service facilities shall be entirely enclosed within a building.
  - (f) Printing, lithographing, publishing or photography establishments.
  - (g) Utility installations and facilities.
  - (h) Public water wells, water stations, filtration plant, reservoirs and storage tanks.
- (3) Special exceptions set forth in Sec. 80.24.
- (4) Contingent uses set forth in Sec. 80.23.
- (5) Accessory uses set forth in Sec. 80.33.
- (6) Temporary uses set forth in Sec. 80.34.

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### **(B) Other Requirements for the I-1 District.**

- (1) For enclosed industrial uses, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet.
- (2) See Figure 1 for yard requirements and Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) The total floor area of the enclosed industrial building or buildings shall not exceed sixty percent (60%) of the lot area.
- (6) Sign requirements are set forth in Sec. 80.37.

### **(C) Performance Standards for Enclosed Industrial Uses.**

- (1) No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Ripley County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and the particular town council if the activity is proposed to be located in a town. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshall. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blast explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239.
- (2) The restrictions of this sub-section shall not apply to: (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products; (c) conditions beyond the control of the user, such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.
- (3) Outdoor storage which is used as an accessory use to an enclosed industrial use in the I-1 district, may be permitted by the Board of Zoning Appeals as an exception, provided the said storage is located behind the building line and in such a manner that it cannot be seen from the frontal street or a side street. Screen planting or fence or wall not to exceed eight (8) feet in height may be employed to screen storage areas from view.
- (4) Smoke. The emission of more than seventy (70) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except

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that for one (1) hour period during any twenty-four (24) period, this rate may be increased to eighty (80) smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing and fire cleaning.

- (5) Particulate Matter. The rate of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds effluent gas. Not more than fifty percent (50%) by weight of particles larger than 44 microns (325 mesh) shall be allowed.
- (6) Odor. Any activity or operation, which releases odors to the atmosphere, shall be so controlled as to ensure that it will produce no public nuisance or hazard at or beyond the nearest residence or business district boundary line.
- (7) Poisonous and Injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled as to comply with the following:  

The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of ten percent (10%) of the threshold limit set for the fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry," issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists, latest issue.
- (8) Glare and Heat. No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.
- (9) Vibration. Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet from a business district boundary.
- (10) Noise. At no point one hundred twenty-five (125) feet from the boundary on an I-1, I-2, or GB district, which permits an enclosed industrial use, shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the Octave Bands designated as follows:

### Enclosed Industrial Use

	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District <u>Boundaries</u>	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District <u>Boundaries</u>
Octave Band Frequency (Cycles Per <u>Second</u> )		
0 to 75	75	80
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64

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600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

- (11) Fire Hazards. The storage, utilization or manufacture of solid materials or products shall conform to the provisions of this Code, and the Fire Prevention and Building Safety Commission of the State of Indiana, whichever is more restrictive.

**SECTION 80.20: I-2 OPEN INDUSTRIAL DISTRICT**

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

**(A) Permitted uses.**

- (1) Agricultural use.
- (2) General business uses permitted in the GB district, but not including local or roadside business uses or other business uses.
- (3) Enclosed industrial uses permitted in the I-1 District.
- (4) Open industrial uses specifically stated or implied in the following categories, provided that if they are located within one hundred fifty (150) feet of a residence or business district, they shall be contained wholly within an area enclosed on all sides with a compact wall, compact evergreen planting screen or uniformly painted board or metal fence not less than six (6) feet in height, except for the off-street parking and loading of delivery vehicles which are incidental thereto (unless otherwise provided herein):
  - (a) Open industrial uses, including storage, processing, refining, fabricating, extraction, repairing, dismantling, assembling, cleaning, testing or repairing of goods, materials or products within buildings and/or open areas.
  - (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
  - (c) Railroad or other mass transportation right-of-ways and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities; provided, however, such uses, except right-of-way, shall not extend within twenty (20) feet of a residential district.
  - (d) Enclosed wholesaling, warehousing, packaging, storage or distribution facilities (including commercial greenhouse).
  - (e) General offices associated with an industrial use, including service facilities for employees or guests; provided, however, any service facilities shall be entirely enclosed within a building.
  - (f) Printing, lithographing, publishing or photography establishments.
  - (ff) Slaughterhouse, Poultry hatchery.
  - (g) Utility installations and facilities.
  - (h) Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages.
  - (i) Manufacture and assembly of glass, plastic and rubber products, implements.
  - (j) Manufacture of colors, dye, paint and other coatings (excluding tar products).

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- (k) Machine, welding, tool and die shops, electroplating operations.
- (l) Manufacture of cloth, jewelry and leather products.
- (m) Biological, medical and cosmetic manufacturing.
- (n) Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical.
- (o) Manufacture and assembly of marine, office, household appliances, furniture, communication and automobile equipment, air conditioning, heating and refrigeration equipment.
- (p) Can and container manufacture, processing and milling of forest products.
- (q) Dyeing and cleaning works, and services such as linen suppliers, freight movers, and communication and canteen operations.
- (r) Upholstering and leather goods manufacture.
- (s) Cannery, bottling, processing and packaging of food and beverages, granaries, grain processing and starch manufacturing.
- (t) Radio, facsimile, and television towers, including broadcasting studios and radio or television business offices.
- (u) Asphalt Plant. May be permitted as a Special Exception, only.
- (v) Foundries, smelting operations, metal forging, fabricating, rolling and stamping operations.
- (w) Boiler tank manufacturing and structural steel fabricating, general manufacturing and assembly plants.
- (x) Railroad equipment manufacturing, repair and service yards.
- (y) Manufacture of detergents and soaps, pharmaceutical and paper products.
- (z) Manufacture of malt products, brewing, distillation of liquid and spirits, aging/maturation, packaging, storage or warehousing of distilled alcohol/ethanol that may result in Volatile Organic Compounds emissions or alcohol/ethanol emissions capable of forming *Baudoinia compniacensis*, permitted by Special Exception only.
- (aa) Monument works and stone cutting.
- (bb) Thermal, electric and steam power plants.
- (cc) Concrete mixing, production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.
- (dd) Sand, gravel, or aggregate washing, screening, or processing.
- (ee) Bulk fuel storage or Petroleum Tank Farm (Commercial).
- (ff) Slaughterhouse.
- (5) Special exceptions set forth in Sec. 80.24.
- (6) Contingent uses set forth in Sec. 80.23.
- (7) Accessory uses set forth in Sec. 80.33.
- (8) Temporary uses set forth in Sec. 80.34.

### **(B) Other Requirements for the I-2 District.**

- (1) Each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet.

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- (2) See Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) See Sec. 80.25 for additional front yard requirements.
- (6) The total floor area of the building or buildings shall not exceed eighty percent (80%) of the lot area.
- (7) Sign requirements set forth in Sec. 80.37.

### **(C) Performance Standards for Open Industrial Uses.**

- (1) No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Ripley County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and the town council if the activity is proposed to be located in a town. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshall. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products; and reactors elements such as Uranium 235 and Plutonium 239.
- (2) The restrictions of this sub-section shall not apply to: (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials, or products; (c) conditions beyond the control of the user, such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.
- (3) Smoke. The emission of more than ninety (90) smoke units per hour per stack and emissions in excess of Ringelmann No. 3 are prohibited, except that for one hour period during the twenty-four (24), this rate may be increased to one hundred twenty (120) smoke units per hour per stack, still at Ringelmann No. 3, for the purposes of process purging, soot blowing and fire cleaning.
- (4) Particulate Matter. The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.2 pounds per one thousand (1,000) pounds effluent gas. For open industrial use, not more than fifty percent (50%) by weight of particles larger than 44 microns (325 mesh) shall be allowed.



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- (5) Odor. Any activity or operation, which releases odors to the atmosphere, shall be so controlled as to ensure that it will produce no public nuisance or hazard at or beyond the nearest residence district boundary line.
- (6) Poisonous and Injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:
  - (a) The emission from any source shall not cause at or beyond any lot line concentrations of toxic and/or injurious fumes and gases in excess of twenty-five percent (25%) of an open industrial use of the threshold limit as set for the fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists, latest issue.
  - (b) The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.
- (7) Glare and Heat. No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.
- (8)
- (9) Vibration.
  - (a) Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet from a business district boundary.
  - (b) Earth-shaking vibrations at the industrial property line shall not be in violation of this Code as long as the vibration is not perceptible without the aid of instruments.
- (10) Noise. At no point one hundred twenty-five (125) feet from the boundary of a I-2 district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the Octave Bands designated below:

### **OPEN INDUSTRIAL USE**

	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District <u>Boundaries</u>	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District <u>Boundaries</u>
Octave Band		
Frequency		
(Cycles Per		
<u>Second)</u>		
0 to 75	75	81
75 to 150	70	76

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150 to 300	66	72
300 to 600	62	68
600 to 1200	57	63
1200 to 2400	53	59
2400 to 4800	49	55
Above 4800	45	51

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

(10) Fire Hazards. The storage, utilization or manufacture of solid materials or products shall conform to the provisions of this Code, and the Fire Prevention and Building Safety Commission of the State of Indiana, whichever is more restrictive.

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### SECTION 80.21: FP FLOOD PLAIN DISTRICT

This Section is repealed and replaced by Riley County ordinance No. 2012-06 Pages 1-21. Passed by the Ripley County Commissioners the 15<sup>th</sup> day of October, 2012.  
See Appendix A 2012 for Ordinance.

- (1) To protect new buildings and major improvements to buildings from flood damage;
- (2) To protect human life and health from the hazards of flooding;
- (3) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- (4) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- (5) To make federally subsidized flood insurance available for structures and their contents in the jurisdiction of the Area Plan Commission by fulfilling the requirements of the National Flood Insurance Program.

#### **(B) Definitions.**

For the purpose of this Section, the following definitions are adopted:

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

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

- (3) Existing manufactured home park or subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
- (4) Expansion to an existing manufactured home park or subdivision – means the preparation of additional sites by the construction of facilities for servicing the

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lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- (5) FBFM – Flood Boundary and Floodway Map.
- (6) FEMA – Federal Emergency Management Agency.
- (7) FHBM – Flood Hazard Boundary Map.
- (8) FIRM – Flood Insurance Rate Map.
- (9) Flood – a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- (10) Floodplain – the channel proper and the areas adjoining any wetland, lake or watercourse, which have been, or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.
- (11) Flood Protection Grade or the “FPG” – means the elevation of the regulatory flood plus two feet at any given location in the SFHA.
- (12) Floodway – means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to efficiently carry, and discharge the peak flood flow of the regulatory flood of any river or stream.
- (13) Floodway fringe – means those portions of the floodplain lying outside the floodway.
- (14) Letter of Map Amendment (LOMA) – An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.
- (15) Letter of Map Revision (LOMR) – An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zone, delineations, and elevations.
- (16) Lowest Floor – means the lowest of the following:
  - (a) The top of the basement floor;
  - (b) The top of the garage floor, if the garage is lowest level of the building;
  - (c) The top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
  - (d) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
    1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
    2. Such enclosed space shall be usable for the parking of vehicles and building access.
- (17) Manufactured home – means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

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- (18) New manufactured home park or subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the time of passage of the Ordinance comprising this ordinance.
- (19) Recreational vehicle – means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.
- (20) Regulatory Flood – means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure, which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 5 of this ordinance. The “Regulatory Flood” is also known by the term “Base Flood.”
- (21) SFHA or Special Flood Hazard Area – means those lands within the jurisdiction of the Area Plan Commission that are subject to inundation by the regulatory flood. The SFHA’s of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency and dated September 1, 1987.
- (22) Structure – means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.
- (23) Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure”.

### **(C) Duties of the Administrator.**

The Executive Director shall implement the provision of this Section. The Executive Director shall review all development and subdivision proposals to ensure compliance with this Section, including but not limited to the following duties:

- (1) Ensure that all development activities within the SFHA’s of the jurisdiction of the Area Plan Commission meet the requirements herein.
- (2) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- (3) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Subsection (F), herein, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

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- (4) Maintain a record of the “as-built” elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.
- (5) Maintain a record of the engineer’s certificate and the “as built” flood proofed elevation of all buildings subject to Subsection (G), herein.
- (6) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Section. Submit reports as required for the National Flood Insurance Program.
- (7) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and “as built” elevation and flood proofing data for all buildings constructed subject to this Section.

### **(D) Regulatory Flood Elevation.**

This FP District’s protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation and floodway limits for the SFHA’s designated as “Zone A” on the Flood Insurance Rate Map of the County and participating Towns shall be according to the best data available as provided by the Department of Natural Resources.
- (2) The regulatory flood elevation for each SFHA delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the County and participating Towns.

### **(E) Improvement Location Permit.**

No person, firm, corporation, or governmental body not exempted by state law shall commence any “development” in the SFHA without first obtaining an Improvement Location Permit from the Executive Director. The Executive Director shall not issue an Improvement Location Permit if the proposed “development” does not meet the requirements of this District.

- (1) The application for an Improvement Location Permit shall be accompanied by the following:
  - (a) A description of the proposed development.
  - (b) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
  - (c) A legal description of the property site.
  - (d) A site development plan showing existing and proposed development locations and existing and proposed land grades.
  - (e) Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.
- (2) Upon receipt of an application for an Improvement Location Permit, the Executive Director shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

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- (a) If the site is in an identified floodway the Executive Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of the I.C. 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Executive Director until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Executive Director may issue the Improvement Location Permit, provided the provisions contained the subsections (F) and (G) of this Section have been met. The improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

- (b) If the site is located in an identified floodway fringe, then the Executive Director may issue the Improvement Location Permit provided the provisions contained in subsections (F) and (G) of this Section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

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

No action shall be taken by the Executive Director until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Executive Director has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in subsections (F) and (G) of this Section have been met.

If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Executive Director shall require the applicant to provide an engineering analysis

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showing the limits of the floodway, floodway fringe and 100 year elevation for the site.

Upon receipt, the Executive Director may issue the Improvement Location Permit, provided the provisions contained in subsections (F) and (G) of this Section have been met.

### **(F) Preventing Increased Damages.**

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- (1) Within the floodway identified on the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or engineering analysis as provided in subsection (E)(2)(d), the following standards shall apply:
  - (a) No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and
  - (b) For all projects involving channel modifications or fill (including levees) Ripley County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.
- (2) Within all SFHA's identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply: The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.
- (3) Public Health Standards in all SFHAs
  - (a) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of subsection (G) of this Section.
  - (b) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

### **(G) Protecting Buildings.**

In addition to the damage prevention requirements of Subsection (F), all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

- (1) This building protection requirement applies to the following situations:
  - (a) Construction or placement of any new building having a floor area greater than 400 square feet;
  - (b) Structural alterations made to:
    - 1.) An existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excluding the value of the land);
    - 2.) Any previously altered building;
  - (c) Reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;



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- (d) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
  - (e) Installing a travel trailer or recreational vehicle on a site for more than 180 days.
- (2) This building protection requirement may be met by one of the following methods. The Executive Director shall maintain a record of compliance with these building protection standards as required in subsection (C) of this Section.
- (a) A residential or nonresidential building may be constructed on a permanent landfill in accordance with the following:
    - 1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
    - 2. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
    - 3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical
    - 4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
    - 5. The top of the lowest floor including basements, (see definition of lowest floor in Subsection B. Definitions) shall be at or above the FPG.
  - (b) A residential or nonresidential building may be elevated in accordance with the following:
    - 1. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
      - a. Walls of enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.
      - b. Any enclosure below the elevated floor is used for storage of vehicles and building access.
    - 2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
    - 3. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible

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pumps, and other waterproofed service facilities may be located below the FPG.

- (c) Manufactured homes and recreation vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist floating, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
    - a. Outside a manufactured home park or subdivision;
    - b. In a new manufactured home park or subdivision;
    - c. In an expansion to an existing manufactured home park or subdivision; or
    - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
  2. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are not less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

- (d) Recreational vehicles placed on a site shall either:
1. Be on the site for less than 180 consecutive days;
  2. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  3. Meet the requirements for “manufactured homes” in paragraph (c) of this section.
- (e) A non-residential building may be flood proofed to the FPG (in lieu of elevating) if done in accordance with the following:
1. A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
  2. Flood proofing measures shall be operable without human intervention and without an outside source of electricity.

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### **(H) Other Development Requirements:**

- (1) The Zoning Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Executive Director finds the subdivision to be so located, the Executive Director shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Executive Director shall require appropriate changes and modifications in order to assure that:
  - a. It is consistent with the need to minimize flood damages;
  - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - c. Adequate drainage is provided so as to reduce exposure to flood hazards;
  - d. Onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
- (2) Developers shall record the 100-year flood elevation on all subdivision plats containing lands (identified elsewhere by Section) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
- (3) All owners of manufactured home parks of subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the Plan Commission and have it filed with and approved by the appropriate community emergency management authorities.

### **(I) Variances.**

- (1) The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this Section, provided the applicant demonstrates that:
  - a. There exists a good and sufficient cause for the requested variance;
  - b. The strict application of the terms of this Section will constitute an exceptional hardship to the applicant; and
  - c. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) The Board of Zoning Appeals may issue a variance to the terms and provisions of this Section subject to the following standards and conditions:
  - a. No variance or exception for a residential use within a floodway subject to subsection (F) (1) or (2) of this Section may be granted.
  - b. Any variance or exception granted in a floodway subject to Subsection (F) (1) or (2) of this Section will require a permit from Natural Resources.
  - c. Variances or exceptions to the Building Protection Standards of Subsection (G) may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
  - d. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

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- e. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
- f. The Board on Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to

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### SECTION 80.22: UD UNIT DEVELOPMENT PLAN DISTRICT

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

#### **(A) Statement of Purpose.**

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

#### **(B) Applicability.**

- (1) The provisions of this section shall apply to a tract of land of at least five (5) acres in area for undeveloped areas within the jurisdiction of the Commission; provided that said provisions may apply to a proposed development in which the primary or entire use is business or enclosed industrial use when such proposal is deemed to be in the best interests of the County and the incorporated towns.
- (2) The provisions of this section shall apply only to proposed new developments and shall not apply to any part of an area contained within a Subdivision previously approved (and recorded) in accordance with the requirements of Chapter 81, Area Subdivision Code, prior to the time of passage of the ordinance comprising this Chapter, or any Unit Development Plan which is now fully or partially developed, nor to any such development for a final authorization has been granted pursuant to a previous ordinance; provided, however, that a petitioner may, upon application and approval of the Commission, become subject to all the benefits and burdens of this section, subject to such rights as shall have been vested in the owners of the area affected by development under such ordinance; provided further that any plat shall first be vacated.

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- (3) Uses permitted in a residential unit development plan may include and shall be limited to:
  - (a) Dwelling units in detached, semi-detached, attached or multi-storied structures or any combination thereof.
  - (b) Non-residential uses of a religious, cultural, recreational and business or enclosed industrial character, which uses are an integral part of a residential development logically oriented to and coordinated with the total planned unit. Such uses shall be planned and gauged primarily for the service and convenience of the anticipated population of the unit development.
  - (c) No business use, nor any building devoted primarily to a business use or enclosed industrial use, shall be built or established prior to the residential buildings or uses it is designated or intended to serve.
- (4) The basic land unit of a unit development is the block, parcel, tract, combination of lots, or acreage, and not the lot; provided, however, divisible geographic sections of the entire planned unit development may be designated.
  - (a) A proposed unit development plan shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standard of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed, or equal to the requirements of this Code.
  - (b) Before approval of a preliminary unit development plan, a detailed determination of land use intensity shall be declared, and the Commission shall make a finding that said intensity is consistent with the Comprehensive Development Plan of current adoption and the best interest of the County and the incorporated towns.

### **(C) Procedure.**

The authorization of a unit development plan shall be subject to the procedures expressed herein.

- (1) Upon a petition of the owners of property of fifty percent (50%) or more of the area involved in the petition, or upon a petition initiated by the Commission, a preliminary plan for any area proposed for development as a unit development plan shall be first presented to the Executive Director. At such presentation, three (3) copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for advice:
  - (a) Proposed dimensioned layout to scale not to exceed 100' = 1" of any streets, buildings, open space, property divisions and other elements basic to the proposed use in relationship to site conditions.
  - (b) Proposed locations, amounts and types of non-residential uses within the area proposed to be developed.
  - (c) Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent development features.

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- (d) The preliminary plan may be an approximate drawing, but it shall include any other graphic mediums, which will explain the features to be contained within the development of engineering feasibility.
  - (e) If the unit development plan is to supersede an original plat or subdivision being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plan, the new plan being clearly shown in solid lines.
  - (f) The plan shall show the boundary lines of adjacent subdivided and unsubdivided land and the existing zoning of the area proposed to be developed, as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.
  - (g) An enumeration of covenants, in general terms, proposed to be made a part of the unit development plan.
  - (h) A statement expressing the order and estimated time of development.
- (2) Within fifteen (15) days after such presentation, the Executive Director shall consult with the petitioner regarding the preliminary plan. After such consultation, the petitioner may make modifications to the petition, which are deemed appropriate.
  - (3) Application for approval of the planned development shall then be submitted to the Commission with a letter of recommendation from the Executive Director, accompanied by six (6) copies of the preliminary plan (with modifications, if any) and any other desired supporting documents at a regular meeting of the Commission as a petition for amendment of the Zoning Code and subject to the procedures applicable thereto. The Commission may approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Unit Development Plan" and be signed by the president and secretary of the Commission, and one copy shall be permanently retained in the office of the Commission.
  - (4) The approved preliminary unit development plan shall then be certified to the Board of County Commissioners or the responsible town council, as the case may be, for adoption as a "UD" Unit Development Plan District pursuant to the laws governing amendment of the Zoning Code.
  - (5) Upon adoption by the respective authority, the planned development shall be returned to the Commission, which shall thereafter exercise continuing jurisdiction. Before any development takes place, the Commission shall approve a detailed site plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditional upon finding by the Commission that the detailed site plan is consistent with the approved Preliminary Unit Development Plan. The approved detailed site plan shall be stamped

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“Approved Detailed Unit Development Plan” and be signed by the President and Secretary of the Commission, and one (1) copy shall be permanently retained in the office of the Commission.

- (a) Approval of a detailed site plan shall be obtained within one (1) year after adoption by the Board of County Commissioners or respective town council, unless the Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest; provided, however, only the “Approved Detailed Unit Development Plan” shall be required within the said one (1) year period, and platting for recording purposes of all or an appropriate part of the Unit Development Plan may be undertaken in sections or phases at a later time.
  - (b) An “Approved Detailed Unit Development Plan” may mean and be designated the same as a Plat which has been granted Secondary Approval in accordance with the requirements of Chapter 81, Subdivision Code.
  - (c) A refusal by the Commission to approve a detailed site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval.
  - (d) In the event that approval of a detailed site plan is not obtained with the one (1) year period or an approved extension of time, the Commission shall initiate an amendment of the Zoning Code so that the land will be zoned into the category or categories it held before being reclassified as a “UD” Unit Development Plan District.
- (6) The Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Commission may allow the petitioner to submit partial detailed site plans which correspond to the phases involved. Such partial detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire unit development plan.
  - (7) Where a platting, re-platting or vacation of streets within all or a portion of the land involved is contemplated, the Commission shall handle such matters in accordance with its regular procedures in accordance with law.
  - (8) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the Commission in accordance with the provisions of Chapter 81, Area Subdivision Code, and the petitioner has, at least twenty-four (24) hours in advance, notified the Executive Director of his intention to begin such work, in order that inspections may be made as the work progresses.
  - (9) In the exercise of its continuing jurisdiction, the Commission may from time to time modify the “Approved Detailed Unit Development Plan” in a manner consistent with the “Approved Preliminary Unit



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Development Plan” to allow for changed circumstances and conditions unforeseen at the time of its original approval.

- (10) All development shall be in conformity with the “Approved Detailed Unit Development Plan”. In the exercise of its continuing jurisdiction, the Commission shall take cognizance of any material deviations from the “Approved Detailed Unit Development Plan” and take appropriate enforcement action.
- (11) Approval by the Commission shall expire after a period of five (5) years from the approval of a Detailed Unit Development Plan, unless the development is fifty percent (50%) completed in terms of public improvements, including streets, parks, walkways and utility installations, in which instance an extension of time may be granted by the Commission not to exceed five (5) successive periods of two (2) years each.
- (12) All proceedings brought under this section shall be subject to the Rules of Procedure of the Commission, where not inconsistent with the procedure otherwise stated herein, except that notice for proceedings related solely to approval and modification of a detailed unit development plan.

### **(D) Abandonment or Expiration.**

Under the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the Approved Detailed Unit Development Plan for twenty-four (24) consecutive months, or under the expiration of five (5) years from the approval by the Commission of a Detailed Unit Development Plan for a development which has not been completed or the expiration of an extension granted by the Commission), the Commission shall initiate an amendment to the Zoning Code so that the land will be zoned (or reclassified) into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

### **(E) Recording.**

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

### **(F) Permit.**

No Improvement Location Permit shall be used, for any use in the “UD” District by the Executive Director unless all recording required by Sec. 80.22 (E) has been effected, and no Certificate of Occupancy shall be issued for a use in the “UD” District unless the Approved Detailed Unit Development Plan, with modifications, if any, is adhered to, all in compliance with the purposes Title 8: LAND USE, of the Code of Ordinances of Ripley County, Indiana, or the applicable Town Code.

### **(G) Covenants and Maintenance.**

- (1) Covenants shall be required by the Commission as an ingredient for stability and longevity of the Unit Development Plan, and shall set forth, in detail, provisions for the ownership and maintenance of facilities held in common so

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as to reasonably ensure their continuity and conservation. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the county or respective town, and in such event the County or respective town shall take those remedial steps provided for in such provisions.

- (2) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes whenever necessary in conformity with the Comprehensive Plan of current adoption. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Commission a modified detailed site plan for such land consistent with the Approved Preliminary Unit Development Plan. Such modified detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Unit Development Plan.
- (3) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Unit Development Plan. Such development standards may include, but are not limited to, requirements as to the following:
  - (a) Lot area
  - (b) Floor area
  - (c) Ratios of floor space to land area
  - (d) Area in which structures may be built (building area), including areas for cluster type residential development without lot lines
  - (e) Open space
  - (f) Setback lines and minimum yards
  - (g) Building separations
  - (h) Height of structures
  - (i) Signs
  - (j) Off-street parking and loading and unloading areas
  - (k) Design standards
  - (l) Phasing of development
- (4) The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 81, Area Subdivision Code.
- (5) Adequate provision shall be made for a private organization with direct responsibility to, and controlled by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Unit Development Plan, and, in such instance, legal assurance shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
- (6) Common facilities, which are not dedicated to the public, shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and

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non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

- (7) All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. Said private streets shall be developed in accordance with the standards set forth in Chapter 81, Area Subdivision Code.

### **(H) Limitation on Rezoning.**

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

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### SECTION 80.23: CONTINGENT USES

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

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

#### **DISTRICTS IN WHICH**

<b>TYPE OF USE</b>	<b>USE IS PERMITTED*</b>
Church or Temple	All except I-1, and FP
Educational Institution (Except college or University building)	All except I-1, I-2, and FP
Farm House or Farm Dwelling	All except LB, GB, I-2 and FP
Fraternity, Sorority, and Student co-cops	R-3, LB and GB
Lodge or private club, Which is of a non- Commercial Character	All except A-1, A-2, FR and R-1
Farm, general (Subject to any restrictive town ordinances governing livestock)	All
Farm seasonal worker housing, tenant	A-1, A-2, FR
Municipal, County or Governmental Building	All
Plant Nurseries, Truck Gardens	All except R-1, R-2, R-3 and FR
Public Utility installation- Terminal facility	I-1, I-2

\*NOTE: All uses proposed to be located in the UD Development Plan District and the FP Flood Plain District are subject to the procedures and approvals set forth in Sec. 80.22 and Sec. 80.21, respectively. Also see Sec. 80.24, Special Exceptions, for specific uses with restrictive standards.

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### **(A) Other Requirements for Contingent Uses.**

- (1) The front yard setback and side and rear yard requirements for contingent uses shall be as follows:
  - (a) For contingent uses proposed to be located in the A-1, A-2, FR, R-1, R-2, and R-3 districts, the requirements shall be the same as those for a single-family dwelling.
  - (b) For contingent uses proposed to be located in the LB and GB districts, the requirement shall be the same as those for a multi-family dwelling.
  - (c) For contingent uses proposed to be located in the RB district, the requirements shall be the same as those for a roadside business use in the RB district, provided that the special exception procedure shall not apply to a contingent use.
  - (d) For contingent uses proposed to be located in the IB district, the requirements shall be the same as those for an interchange business use in the IB district, provided that the special exception procedure shall not apply to a contingent use.
  - (e) For contingent uses proposed to be located in the I-1 and I-2 districts, the requirements shall be the same as those for an enclosed industrial use.
  - (f) For contingent uses proposed to be located in the FP district, the Executive Director shall determine the adequacy of the setback distances.
- (2) See Figure 1 for yard requirements.
- (3) Additional height requirements are set forth in Sec. 80.31.
- (4) Off-street parking space requirements are set forth in Sec. 80.36.
- (5) Sign requirements are set forth in Sec. 80.37.
- (6) Ground floor area for a farmhouse or farm dwelling shall be the same as that required for a single-family dwelling.
- (7) See Sec. 80.25 for front yard or setback and additional yard requirements.
- (8) See Sec 80.26 for fence requirements and yard exceptions.

### **(B) Development Disabilities Residential Facilities Permitted.**

Development Disabilities Residential Facilities are permitted in any district where dwellings are permitted, provided that the licensing and regulation of such facilities shall be accomplished through the Developmental Disabilities Residential Facilities Council of the State of Indiana, in accordance with the requirements of I.C. 16-10-2.1 and I.C. 16-31.1.

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### SECTION 80.24: SPECIAL EXCEPTIONS

#### **(A) Definition and Basis of Approval.**

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

- (1) A special exception or any use not otherwise set forth in this Code that fits the definition set forth in subsection (A), herein, may be approved in zones as specified in this section. The use approved shall be subject to any regulations or requirements imposed as a part of the special exception, in addition or in place of the other regulations or requirements of this Code. The provisions of a special exception shall replace and supersede the provisions of the base zone, effective upon either construction of any facilities approved as a part of the special exception or upon beginning of operation of the use or uses specified, whichever occurs first. The provisions shall remain in effect until such time as the special exception (use) ceases to operate. Immediately prior to reuse of the structures or facilities used for the special exception, the provisions of the special exception shall become invalid and the regulations and requirements of the base zone shall again be in effect.
- (2) Any significant changes (as determined by the Board) in use of a special exception or any construction of new facilities or structures, or major additions to existing facilities or structures (as determined by the Board) shall be subject to approval by the Board of Zoning Appeals, using the same process as used for the original approval.

#### **(B) Procedure for Approval.**

Upon receipt of an application for a special exception, the Executive Director shall refer the application to the Board of Zoning Appeals for public hearing and approval or denial of the petition. Prior to a public hearing on such petition, the petition shall be reviewed for technical completeness and compliance with this Code by a technical review committee comprised of the Executive Director, at least one (1) but not more than three (3) Area Plan Commission members, at least one (1) but not more than two (2) Board of Zoning Appeals members, the County Surveyor and the Attorney for the Area Plan Commission/Board of Zoning Appeals. Said technical review shall be conducted sufficiently in advance to provide a reasonable time / opportunity for the applicant / petitioner to submit any necessary documentation (ten) 10 days prior to the meeting when the petition is scheduled to be heard.

- (1) Upon such hearings, if the Board of Zoning Appeals finds that:
  - (a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare;
  - (b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

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- (c) The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (d) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and
- (e) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets;

The Board shall direct the Executive Director to issue an Improvement Location Permit for such special exception; otherwise, the Board shall direct the Executive Director to reject the application. The findings of the Board and its order to the Executive Director shall be in writing.

- (2) The Board may impose additional conditions to assure that special exceptions will conform to the intent of this Code. These additional conditions may include, but are not limited to, the provisions of the following:
  - (a) Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
  - (b) Refuse and service areas.
  - (c) Special screening and buffering with reference to type, dimensions, and character.
  - (d) Signs and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
  - (e) Additional setback distances, yards and other open space.
  - (f) General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.
  - (g) A Development Plan in the event such a plan is not already required for a particular special exception set forth in subsection (E) herein, or for a use determined by the Board to be a special exception which is not otherwise set forth in this Code. (See Subsection (A) (1), herein).
- (3) If the nature of the special exception involves more than one of those listed in subsection (E), the applicant may apply for an Improvement Location Permit for the special exception, which most closely relates to the primary use; provided that the applicable requirements of the related uses will be met.
- (4) Any person, to whom is issued an Improvement Location Permit for a special exception, who fails to commence construction within twelve (12) months after such permit is issued, or who fails to carry to completion the total Development Plan thereof within three (3) years after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such Improvement Location Permit revoked.
- (5) The holder of an Improvement Location Permit for a special exception may apply to the Board at any time for an alteration, change, amendment or

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extension of the application or Development Plan upon which such Permit was based.

- (a) Upon receipt of such application, the Board shall proceed as in the case of original applications for an Improvement Location Permit for a special exception.
- (b) In the event the Board shall approve and order such application or Development Plan changed, altered, amended or extended, it shall notify the Executive Director who shall issue an amended Improvement Location Permit accordingly.

### **(C) Existing Use May Be a Conforming Use.**

An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a Conforming Use, provided such use meets the minimum lot area requirements set forth herein. Any expansion of such special exception involving the enlargement of a building, structure, and land area devoted to such use, shall be subject to the requirements and procedures described in this section.

### **(D) Temporary Certificates.**

Whenever a special exception has been approved and is of such a nature that the applicant desires to complete the structure and improvements shown in the Development Plan by stages, the applicant may make application for a Temporary Certificate of Occupancy for any portion of the plan that has been completed.

### **(E) Special Exceptions and Districts Where They May Be Permitted.**

The following uses shall require approval as special exceptions. They shall be subject to the specific conditions imposed and approved by the Board of Zoning Appeals: (Unless otherwise indicated or imposed by the Board of Zoning Appeals, the front, side, and rear setback lines shall be the same as those required in the district in which the use is proposed to be located.) Certain uses listed herein as requiring approval as special exceptions in the districts indicated may be allowed without the special exception procedure in certain other districts not listed below, if such use is normally permitted in such district.

NO.	SPECIAL EXCEPTION	DISTRICT (S) IN WHICH USE MAY BE PERMITTED	PAGE NO.
(1)	Adult Day Care	R-3, All Business	53
(2)	Adult Entertainment/Sexually Oriented Business	GB	53
(3)	Airport, and Private Landing Strip	A-1, A-2, RB, GB, IB, I-1, and FP	54
(4)	Anhydrous Ammonia or similar similar liquefied fertilizers, storage and distribution (commercial)	A-1	54



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<b>NO.</b>	<b>SPECIAL EXCEPTION</b>	<b>DISTRICT (S) IN WHICH USE MAY BE PERMITTED</b>	<b>PAGE</b>
(5)	Arcade/Billiard Room	All Business	54
(6)	Artificial Lake of three (3) or more acres	All	54
(7)	Assembly Halls and Grounds	A-2, R-3, LB, RB, GB, IB, I-1 and I-2	55
(8)	Assisted Living Facility	R-3, All Business	55
(9)	Auction Arena or Sales yard (excluding livestock)	A-2, RB and GB	55
(10)	Bed and Breakfast Operation	R-3, All Business	55
(11)	Boarding House	R-3, All Business	56
(12)	Bottled gas storage and distribution yard	A-2, I-1, and I-2	56
(13)	Building Material Supply Yard (open)	I-1	56
(14)	Bulk Fuel Storage or Petroleum Tank Farm (commercial)	I-1	56
(15)	Cemetery or Crematory	All, except FP	57
(16)	Charitable Institutions	A-2, R-3, LB, RB, and GB	57
(17)	Clinic	R-2 and R-3	57
(18)	College or University Building	A-2, FR, R-2, R-3, LB RB, and GB	57
(19)	Commercial Greenhouse	A-1, A-2, FR, LB, RB and GB	58
(20)	Contractor's Storage Yard	A-2 and GB	58
(21)	Day Care Center or Child Development Facility	All except I-1, I-2, IB, and FP	58
(22)	(1) (Large) Family Day Care Home	R-3, LB, RB and GB	59
	(2) (Small) Family Day Care Home	A-1, A-2, R-2, R-3, LB, RB and GB	59
(23)	Dry Cleaners (more intensive use Than 40#'s req. in Sec. 80:15(A)(c)(3)	LB, GB, RB, IB	60

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<b>NO.</b>	<b>SPECIAL EXCEPTION</b>	<b>DISTRICT (S) IN WHICH USE MAY BE PERMITTED</b>	<b>PAGE NO.</b>
(24)	Emergency Shelter	All, except I-1 and I-2	60
(25)	Farm Implement (Machinery) Sales and Service Area or Building (New or Used)	A-1, A-2, LB, RB, and GB	60
(26)	Filling Station	LB, RB, GB, IB and I-2	61
(27)	Game Preserve	A-1, A-2, and FR	61
(28)	Golf Course or Country Club	ALL	61
(29)	Golf Driving Range	RB	62
(30)	Grain Elevators and Related Uses	A-1, A-2, FR, RB, I-1, and I-2	62
(31)	Health Facility, including Nursing Homes and Retirement Homes	R-3, LB, RB, GB and IB	62
(32)	Heliport	All except R-1 and R-2	62
(33)	Hospital and Institution	R-3, LB, RB, GB and IB	63
(34)	Hotel or Motel in FR District	FR	63
(35)	Interchange Business Use in IB District	IB	63
(36)	Junk Yard	I-2	64
(37)	Kennel in A-1, A-2, and I-1 District	A-1, A-2, and I-1	65
(38)	Manufacturing, Storage or Use of Explosives	I-1 and I-2	65
(39)	Mining Operation (i.e. sand or gravel pit, borrow pit, topsoil removal and storage areas)	A-1, A-2, FR, I-1, I-2 and FP	65
(40)	Mobile Home Park	A-2, R-3, LB, RB, and GB	66
(40.5)	Multi-Family Housing	R-3, LB, RB and GB	72
(41)	Outdoor Commercial Recreational Enterprise	A-2, FB, RB, GB, IB, I-1, I-2, and FP	72

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<b>NO.</b>	<b>SPECIAL EXCEPTION</b>	<b>DISTRICT (S) IN WHICH USE MAY BE PERMITTED</b>	<b>PAGE NO.</b>
(42)	Outdoor Theater	A-2, RB and GB	73
(43)	Penal or Correctional Institution	A-2, FR, GB, and I-1	73
(44)	Private Club or Lodge which is of a non-commercial character	A-1, A-2, FR, and R-3	73
(45)	Private Recreational Development (i.e. picnic grounds, fraternal Organizations, etc.)	A-2, FR, R-2, R-3, LB, RB, GB and FP	73
(46)	Produce Stands, Seasonal	ALL	74
(47)	Produce Stands, Year-Round	A-1, FR, LB, RB, and GB	74
(48)	Public Camp	A-1, RB, IB and FR	74
(49)	Public or Commercial Sanitary Fill or Garbage Disposal Plant	I-1 and I-2	75
(50)	Public or Employee Parking Area	All except R-1	75
(51)	Public Park or Public Recreational Facilities	ALL	75
(52)	Public Water Wells, water stations, filtration plant, reservoirs and storage tanks	All except I-1 and I-2	75
(53)	Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities	All	75
(54)	Raising and Breeding of Non-Fowl or Animals (commercial)	A-1, A-2, RB, GB, I-1, and I-2	76
(55)	Recreational Vehicle Park	A-2, FR- RB, GB, and IB	76
(56)	Recycling Center	I-1 and I-2	79
(57)	Restricted Commercial Farm Enterprises (including Confined Feeding Operations)	A-1, A-2, FR, I-1 and I-2	80

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<b>NO.</b>	<b>SPECIAL EXCEPTION</b>	<b>DISTRICT (S) IN WHICH USE MAY BE PERMITTED</b>	<b>PAGE NO.</b>
(58)	Riding Stable	A-1, A-2, FR, RB and GB	81
(59)	Roadside Business Use in the R-B District		81
(60)	Sales Barn for Livestock (Resale)	A-1, A-2, I-1, and I-2	81
(61)	Seasonal Hunting and Fishing Lodge	A-1, A-2, FR, I-1 and FP	82
(62)	Sewage Treatment Facility (Primary Use)	ALL, except R-1 and R-2	82
(63)	Shooting Range, outdoor	A-1, A-2, FR, RB, GB, I-1, and I-2	82
(64)	Slaughter House	I-1 and I-2	82
(65)	Special School	R-3, LB, RB, GB, IB, I-1 and I-2	83
(66)	Stadium, Coliseum, Athletic Field	All except R-1, R-2 and FP	83
(67)	Storage of disabled vehicles	LB, RB, and GB	83
(68)	Studio, Business (Art, interior decorating, music, etc.)	R-3	84
(69)	Telephone exchange or public utility substation	A-1, A-2, FR, IB, I-1, and I-2	84
(70)	Temporary Living Quarters in Barn Prior to Building House	A-1, A-2 and FR	84
(71)	Transmission lines for gas, oil, electricity or other utilities (Major lines)	All	84
(72)	Transmission (Radio, TV, etc.) Miscellaneous Tower(s)	All except R1, R2, R3, and FP	84
(73)	Veterinary Hospital or Veterinary Clinic	A-1, A-2, and FR	84
(74)	Wholesale Produce Terminal, or Truck Freight Terminal	RB, IB, I-1, and I-2	84
(75)	Windmill Farm, Solar Farm/Field, Or Alternative Energy Forms	A-1, A-2, I-1, and I-2	85

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NO.	SPECIAL EXCEPTION	DISTRICT (S) IN WHICH USE MAY BE PERMITTED	PAGE NO.
(76)	Manufacture of malt products, distillation of liquid & spirits, aging/maturation, Packaging, storage or warehousing of distilled alcohol/ethanol	I-2	85

### **(F) Other Requirements for Special Exceptions.**

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

#### **(1) Adult Day Care.**

Same as those requirements for a Health Facility / Nursing Home.

#### **(2) Adult Entertainment / Sexually Oriented Business.**

- a. Minimum lot area – 1.00 acre.
- b. Minimum yards – Front – 50 feet; side – 50 feet; rear – 50 feet.
- c. Development Plan. Development/site plan to be submitted with application and must depict accurate distances from adjoining properties for a distance of 1,500 feet.
- d. Use permitted not closer than 1,500 feet from a church, synagogue, school, residential district, or there are at least eight (8) or more residential homes within 1,500 feet of the proposed use.
- e. In all other cases, the use shall be permitted not closer than 1,320 feet from a residential home.
- f. Screen Planting; 6 - foot height by 4 - foot width effective at all times of the year.
- g. Fence. Alternatively, or in addition to screen planting, a fence 6 feet high and slatted for opacity may be required at the discretion of the Board of Zoning Appeals and the maintenance of said fence shall be the responsibility of the applicant.
- h. Maximum building height. 20 feet.
- i. Adequacy of Sewer. Approval by appropriate governing agency required.
- j. Driveways / Entrance. Not more than one entrance from the street or road, and shall not be located closer to adjoining property than the minimum side yard setback (50 feet).
- k. Parking. One (1) space per person of capacity of the proposed establishment/business, plus 10 additional spaces.
- l. Signs and Lighting. Outdoor signs and lighting shall be approved by the Board and shall be of such nature so as to minimize light being cast upon adjoining property.

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- (3) Airport or Private Landing Strip
  - a. Minimum Lot Area. 80 acres for Airport. Actual acreage for Private Landing Strip.
  - b. Minimum distance from Residential District or use for airport is  $\frac{1}{4}$  mile. For private Landing Strip 200 feet.
  - c. Fence.  
6-foot wire mesh where accessible to public.
  - d. Screen Planting.  
Screen Planting – 6 feet height by 6 feet width where abutting residential use; tight screen, effective at all times of the year.
  - e. Parking.  
1 per employee, plus 1 per 3 seats in waiting room.
  - f. Development Plan.  
Development Plan shall be submitted with application.
  - g. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - h. Height.  
35 feet or as required by appropriate State or Federal agency.
  - i. Prior F.A.A. and State of Indiana approval.
  - j. Accessory Buildings are not permitted for Private Landing Strip, except one (1) hangar to house not more than two (2) aircraft.
- (4) Anhydrous Ammonia or Similar Liquefied Fertilizers, Storage and Distribution (Commercial).
  - a. Minimum yards in A-1 District: Front – 300; Side (each) – 300; Rear – 300.
  - b. Minimum distance of Parking Area or Loading Berth from Residential district or Use. 300 feet.
  - c. Fence.  
6-foot wire mesh fence where accessible to public.
  - d. Drainage shall be controlled so that liquefied fertilizers shall not drain off the premises.
  - e. Development Plan.  
Development Plan to be submitted with application.
- (5) Arcade / Billiard Room.
  - a. Development Plan  
Development Plan to be submitted with application.
  - b. Parking  
As determined by the Board. Determination shall be based upon the expected number of parking spaces particular type of use would require to satisfy estimated peak parking load requirements.
- (6) Artificial Lake of 3 or more acres.
  - a. A 6-foot wire mesh fence where accessible to public.
  - b. Development Plan.  
Development Plan to be submitted with application.

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### (7) Assembly Halls and Grounds.

- a. Minimum Lot Area 1 Acre.
- b. Minimum Front Yards (Standard); Side – (each) 20; Rear 15.
- c. Parking  
As determined by the Board. Determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
- d. Noise  
Noise should be confined to the premises.
- e. Development Plan.  
Development Plan to be submitted with application.
- f. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- g. Security.  
Security (whenever necessary) shall be furnished by applicant.
- h. Height.  
Maximum height of structure – 35 feet.

### (8) Assisted Living Facility.

Same as those for Health Facility / Nursing Home.

### (9) Auction Arena or Sales Yard (excluding livestock).

- a. Minimum Lot Area.  
2 acres.
- b. Minimum Yards.  
Front – 50 feet; Side (each) – 40 feet; Rear – 40 feet
- c. Parking Space.  
One per 2 employees, plus 1 per each 400 square feet of display, sales and auction area.
- d. Noise.  
Noise shall be confined to the premises.
- e. Entrance.  
Not more than one entrance from street.
- f. Development Plan.  
Development Plan to be submitted with application.
- g. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- h. Height.  
Maximum height of structure – 35 feet.

### (10) Bed & Breakfast Operation.

- a. Development Plan.  
Development Plan to be submitted with application.
- b. Screen Planting.  
Screen planting; 6- foot height by 6- foot wide where abutting residential use; screening to be effective at all times of the year.
- c. Entrance.  
Not more than one entrance from the street.

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- d. Adequacy of sewers.  
Approval required.
  - e. Parking.  
Parking, 1 per 3 employees, plus 1 per each sleeping room.
  - f. Maximum three (3) guest sleeping rooms.
- (11) Boarding House.
- a. Development Plan.  
Development Plan to be submitted with application.
  - b. Screen Planting.  
Screen planting; 6 -foot height by 6- foot wide where abutting residential use; screening to be effective at all times of the year.
  - c. Entrance.  
Not more than one entrance from the street.
  - d. Adequacy of sewers.  
Approval required.
  - e. Parking.  
Parking, 1 per 3 employees, plus 1 per each sleeping room.
- (12) Bottled Gas Storage and Distribution.
- a. Minimum Yards. Front – 100; Side (each) – 100; Rear – 100.
  - b. Development Plan.  
Development Plan to be submitted with application.
  - c. Safety.  
All laws and care shall be observed by the applicant.
- (13) Building Material Supply Yard (open).
- a. Minimum Yard.  
Front – 100; Side (each) – 100; Rear – 100.
  - b. Minimum Distance from Residential District or use.  
300 feet.
  - c. Entrance.  
Not more than one entrance from street.
  - d. Development Plan.  
Development Plan to be submitted with application.
  - e. Screening  
Building materials and vehicles shall be screened or located in such a manner so that they will not be visible from the frontal street or adjacent residentially used or zoned property.
  - f. Parking  
One per two employees, plus 1 per vehicle operated by establishment, plus 1 per 800 square feet of storage area.
  - g. Height  
Maximum height of structure – 35 feet
- (14) Bulk Fuel Storage or Petroleum Tank Farm (commercial).
- a. Minimum Yards.  
Front – 300; Side (each) 300; Rear – 300.
  - b. Entrance.  
Not more than one entrance from street.
  - c. Development Plan.  
Development Plan to be submitted with application.
  - d. Safety.



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All laws and care shall be observed by applicant.

### (15) Cemetery.

- a. Minimum Area.  
10 acres
- b. Minimum Yards.  
Front – standard; side (each) – 40 feet; Rear – 40 feet.
- c. Landscape Plan.  
Plan of landscape development to be submitted with application. (May be submitted with Development Plan.)
- d. Screen Planting.  
Screen planting; 6 - foot height by 6 - foot width – where abutting residential use. Effective at all times of year.
- e. Development Plan.  
Development Plan to be submitted with application.
- f. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- g. Parking  
One per each 2 employees, plus one per each 5 acres of area.
- h. Height.  
Maximum height of structure – 35 feet.

### (16) Charitable Institution.

- a. Minimum Lot Area.  
1 acre.
- b. Minimum Yards.  
Front – standard; Side (each) – 20; Rear – 15.
- c. Development Plan.  
Development Plan to be submitted with application.
- d. Parking  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

### (17) Clinic

- a. Minimum Lot Area.  
15,000 square feet.
- b. Minimum Yards.  
Front – standard; Side (each) – 10; Rear – 30.
- c. Screen Planting.  
Screen planting; 6 - foot height by 3 - foot width where abutting residential use. Effective at all times of the year.
- d. Entrance.  
Not more than one entrance from street (other than an emergency entrance).
- e. Parking.  
1 per 2 employees, plus 3 per doctor.

### (18) College or University Building.

- a. Development Plan.  
Development Plan to be submitted with application.

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- b. Parking.  
1 per 3 students or staff members.
- (19) Commercial Greenhouse.
  - a. Minimum Lot Area.  
25,000 square feet.
  - b. Minimum Yards.  
Front – 100; Side (each) – 40 feet; Rear – 40 feet.
  - c. Parking Areas and Loading.  
Berth Minimum Distance from Residential District or Use. 50 feet.
  - d. Entrance.  
Not more than one entrance from street.

NOTE: For Confined Feeding Operation see (57) Restricted Commercial Farm Enterprise (including Confined Feeding Operations).

- (20) Contractor's Storage Yard.
  - a. Parking Areas and Loading Berth Minimum Distance from Residential District or Use. 200 feet.
  - b. Entrance.  
Not more than one entrance from street.
  - c. Development Plan.  
Development Plan to be submitted with application.
- (21) Day Care Center or Child Development Facility.
  - a. Minimum Area.
    - (1) One hundred (100) square feet of play area provided on same lot as use for each child in attendance.
    - (2) Thirty-five (35) square feet of suitable indoor space per session per child shall be provided, also.
  - b. Open/Recreational Space.
    - (1) Outdoor play area shall be grassed and enclosed by a four-foot-high fence. Any entry gate shall be securely fastened.
    - (2) Outdoor play areas shall be adequately separated from vehicular circulation and parking safety.
  - c. General Safety.
    - (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage tanks, or any other storage area for explosive materials.
    - (2) Garages shall not be used as designated play areas.
  - d. Parking.  
One space for each two adult attendants, plus two additional spaces.
  - e. General Standards.
    - (1) No noise shall be audible beyond the lot lines.
    - (2) Hours of operation may be restricted by the Board.
  - f. Traffic Standards.
    - (1) Day care centers shall create no unsafe conditions for picking up and dropping off children.
    - (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
  - g. License Required.

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Applicant must obtain Day Care Center License from the Indiana Department of Public Welfare.

- (22) (1) (Large) Family Day Care Home.
- a. Minimum Area.
    - (1) 100 square feet of outdoor play area provided on same lot as use for each child in attendance.
    - (2) 35 square feet of suitable indoor space per session per child shall be provided, also.
  - b. Open/Recreational Space.
    - (1) Outdoor play area shall be grassed and enclosed by a four-foot-high fence. Any entry gate shall be securely fastened.
    - (2) Outdoor play areas shall be adequately separated from vehicular circulation and parking safety.
  - c. General Safety.
    - (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
    - (2) Garages shall not be used as designated play areas.
  - d. Parking.

One space for each two adult attendants, plus two additional spaces.
  - e. General Standards.
    - (1) No noise shall be audible beyond the lot lines.
    - (2) Hours of operation may be restricted by the Board.
  - f. Traffic Standards.
    - (1) Day care centers shall create no unsafe conditions for picking up and dropping off children.
    - (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
  - g. Spacing Requirements.

No facility shall be located closer than 600 feet to another large family day care home.
  - h. Signs.

One sign, not exceeding four square feet and five feet in height may be used to identify the center.
  - i. No Sales.

No goods, chattel, wares or merchandise offered for sale therein, except in the LB, RB and GB districts.
  - j. License Required.

Applicant must obtain Day Care Home License from the Indiana Department of Public Welfare.
- (22) (2) (Small) Family Day Care Home.
- a. Minimum Area.
    - (1) 100 square feet of outdoor play area provided on same lot as use for each child in attendance.
    - (2) 35 square feet of suitable indoor space per session per child shall be provided, also.
  - b. Open/Recreational Space.

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- (1) Outdoor play area shall be grassed and enclosed by a four-foot-high fence. Any entry gate shall be securely fastened.
- (2) Outdoor play area cannot be closer than 10 feet to any adjoining property.
- c. General Safety.
  - (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
  - (2) Garages shall not be used as a designated play area.
- d. Parking.

One space for each two adult attendants, plus two additional spaces.
- e. General Standards.
  - (1) No noise shall be audible beyond the lot lines.
  - (2) Hours of operation may be restricted by the Board.
- f. Traffic Standards.
  - (1) Day care centers shall create no unsafe conditions for picking up or dropping off children.
  - (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
- g. Spacing Requirements.

No facility shall be located closer than 600 feet to another large family day care home.
- h. Signs.

One sign, not exceeding four square feet and five feet in height may be used to identify the center.
- i. No Sales.

No goods, chattel, wares, or merchandise offered for sale therein, except in the LB, RB, and GB districts.
- j. License Required.

Applicant must obtain Day Care Home License from the Indiana Department of Public Welfare.

- (23) Dry Cleaners (More intensive use than 40#s required in Section 80.15)  
(A)(c)(3).

Board to determine additional requirements.

- (24) Emergency Shelter.

- a. Development Plan.
- b. Development plan to be submitted with application.
- c. Board to determine additional requirements.

- (25) Farm Implement (Machinery) Sales and Service Area or Building (New/Used)

- a. Development Plan.

Development Plan to be submitted with application.
- b. Dead Storage.

No dead storage, repair work or dismantling on the lot.
- c. Height.

Maximum height of structure – 35 feet.
- d. Adequacy of Sewers.

Approval required.
- e. Special Setback Requirements.

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Used machinery may be placed temporarily in the rear of the building line in the sales lot, provided that new machinery may be placed temporarily in front of the building line in the RB District, but not closer than 20 feet to the front lot line in the RB District.

f. Parking.

One per 2 employees, plus 1 per vehicle operated by the establishment, plus 1 per 1,000 square feet of display and sales area.

(26) Filling station, automobile car wash, and roadside restaurant.

a. Minimum lot area –  $\frac{3}{4}$  acre.

b. Minimum yards. Same as local business use in respective district.

c. Landscape plan in which filling station is proposed to be located. Plan of landscape development to be submitted with application. (May be combined with development plan.)

d. Fence. Four-foot wire mesh abutting residential use.

e. Screen Planting. Six-foot height by six-foot width; where abutting residential use: tight screen, effective at all times of the year.

f. Parking Spaces. As determined by the Board. The determination shall be based on the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

g. Development Plan. Development plan to be submitted with application.

h. Signs and lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.

i. Dead storage. No sales, dead storage, repair work, or dismantling on the lot.

j. Adequacy of Sewers. Approved by Executive Director that sewers are adequate.

(27) Game Preserve.

a. Development Plan.

Development Plan to be submitted.

b. Fence.

Adequate wire mesh fence where accessible to public.

(28) Golf Course or Country Club.

a. Minimum Yards.

Front – standard; side (each) – 40; Rear – 40.

b. Minimum Distance of Parking Area from Residential District of Use. 20 feet.

c. Screen Planting.

Screen planting; 6 - foot height by 6-foot width – where abutting residential use; effective at all times of the year.

d. Entrance.

Not more than one entrance from street.

e. Setback from Interior Drives. 40 feet.

f. Parking Spaces. 30.

g. Development Plan.

Development Plan to be submitted with application.

h. Signs and Lighting.

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Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.

- i. Adequacy of Sewers.  
Approval required.
- j. Height.  
Maximum height of structure 35 feet.

### (29) Golf Driving Range.

Golf Driving Range Requirements.

Same as (20) Golf Course or Country Club except number of parking spaces shall be 20.

### (30) Grain Elevators and Related Uses.

- a. Development Plan.  
Development Plan to be submitted with application.
- b. Noise  
Noise shall be confined to the limits set forth in Section 80.19, (c), 9.
- c. Height. Maximum height of structure – 135 feet. (Amending Ordinance No. 2004-32, passed on 20<sup>th</sup> of December 2004.)

### (31) Health Facility, including Nursing Homes and Retirement Homes.

- a. Minimum Lot Area.  
40,000 square feet, but not less than 1,000 square feet per person cared-for occupant.
- b. Minimum Yards.  
In the RB and IB Districts; Front – 80'; Side 40'; Rear – 40'. In other districts: same as requirements for single-family dwelling.
- c. Landscape Plan.  
Plan to landscape development to be submitted with application. (May be combined with Development Plan.)
- d. Screen Planting.  
Screen Planting; 6 - foot height by 6 - foot width where abutting residential use; tight screen, effective at all times.
- e. Parking Spaces.  
1 per each 5 patients or occupants, plus 1 per each staff member or supervisor doctor, plus 1 per each 3 employees.
- f. Development Plan.  
Development Plan to be submitted with application.
- g. Height.  
Maximum height of structure – 35 feet.
- h. State Approval Required.  
Facility must be licensed by the State Board of Health in accordance with I.C. 16-10-2. (Some types of facilities do not require licensure.)
- i. Adequacy of Sewers.  
Approval required.
- j. Height.  
Maximum height of structure – 45 feet.

### (32) Heliport.

- a. Spacing. Use permitted not closer than 200 feet to a residential use.
- b. Fence. Four-foot wire mesh abutting residential use.
- c. Parking Spaces. One per employee plus one per three seats in waiting room.

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- d. Development Plan. Development plan to be submitted with application.
  - e. Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - f. Height. As required by appropriate state or federal agency.
- (33) Hospital and Institution.
- a. Minimum Lot Area. 3 acres; Institution; determined by zone.
  - b. Minimum Yards.  
Front – 50; Side (each) – 40; Rear – 40. (Abutting residential use).
  - c. Minimum Distance of Parking Area from Residential District or use. 25 feet.
  - d. Minimum Distance of Loading Berth from Residence District or Use.
  - e. Screen Planting.  
Screen Planting; 6 - foot height by 3 - foot width where abutting residential use; effective at all times of the year.
  - f. Parking Spaces.  
1 per 4 beds, plus 1 per doctor, plus 1 per 3 employees on largest shift, plus 1 per vehicle.
  - g. Development Plan.  
Development Plan to be submitted with application.
  - h. Height. 70 feet.
  - i. Adequacy of Sewer.  
Approval required.
- (34) Hotel or Motel in FR District.
- a. Minimum Lot Area – 1 acre.
  - b. Minimum Yard. Front – standard; side (each) 25; rear – 25.
  - c. Screen Planting. Screen planting; 6 - foot height by 6 - foot width where abutting residential use; tight screen effective at all times of the year.
  - d. Entrance. Not more than 2 entrances from street.
  - e. Parking. 1 per 3 employees plus 1 per 1 and ½ sleeping rooms.
  - f. Development Plan. Development plan to be submitted with application.
  - g. Height. 35 feet.
  - h. Adequacy of Sewers. Approval required.
- (35) Interchange Business Use in the IB District.
- a. Development Plan. Development Plan to be submitted with application.
  - b. Greenbelt. A greenbelt or lawn area at least twenty (20) feet in width and abutting the property line on the lot in the IB district shall be provided on the particular side(s) or rear of a lot where a IB district use adjoins an A-1, R-1, R-2, or R-3 district or land being used for residential purposes. A planting screen consisting of suitable shrubbery shall be provided and maintained within such greenbelt or lawn area so as to provide a tight screen, effective at all times of the year. The locations and name(s) of the shrubbery planting shall be indicated on the Development Plan or on a separate landscape plan, which shall become a part of the application. The shrubbery may be planted informally or in a row and may include several varieties and sizes

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provided that the Board shall be satisfied that the shrubbery shall screen any parking areas and expected ground activity from the view of said abutting property, and also that vision clearance at access points shall be provided for safety purposes.

- c. Location of Accessory Uses.  
Off-street parking spaces and accessory uses such as filling station pumps and islands, signs and light standards and access drives may be located in the required front yard, but not within twenty (20) feet of the front line, provided that the access drives may connect with the frontal street, and provided also that said strip of land shall be maintained as a lawn area with occasional tree and shrub plantings.
- d. Front Yard. The front yard shall be at least eighty (80) feet. On through lots, front yards shall be provided on each street, and on corner lots that side yard dimension shall be at least forty (40) feet along the side street line.
- e. Driveways. Entrances and exits shall be located so as to minimize any adverse effect on adjacent properties. Access driveways shall not be wider than forty feet at their point of intersection with a street.
- f. Side or Rear Yard. No structure or building, driveway or accessory use shall be located closer than ten (10) feet to any side of rear lot line.
- g. Easements and Utilities.  
Locations of easements and proposed utility lines and structures for storm drainage, sanitary sewers, electric power, water mains, etc., including a statement or indications concerning the approximate size or capacity and the proposed operation of utilities to be installed shall be included in the application.
- h. Parking. The number of off-street parking spaces required shall be determined in accordance with the requirements set forth in Sec. 80.36.
- i. Height. Buildings may be erected to any height, provided the applicant can demonstrate that safety will be provided from the danger of fire or other damages which could result from excessive height.
- j. Sales Displays. Except for the sales of gasoline or oil at filling stations, all sales or displays outside of buildings shall be approved by the Board.
- k. No Outside Storage. Outside storage is not a permitted use in the IB district.
- l. Principal Buildings. Except for Residential uses, more than one principal building and its accessory building(s) or use(s) shall be permitted on one lot in the IB district.
- m. Sewers. Approval required.

### (36) Junk Yard.

- a. Minimum Lot Area – 5 acres.
- b. Minimum yards. Front – 50; side – 40; rear – 40.
- c. Spacing. Use permitted not closer than 200 feet to a residential use.
- d. Entrance. Not more than one entrance from street.
- e. Fence. Solid wall or solid painted fence 8 feet high except along railroad right-of-way or 8 - foot wire mesh fence covered and maintained with thick ivy growth.
- f. Parking spaces. 1 per 2 employees.



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- g. Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - h. Height. Maximum height of structure – 25 feet.
- (37) Kennel in A-1, A-2, and I-1 Districts.
- a. Minimum Lot Area. 2 acres.
  - b. Minimum Yards.  
Front – 100; Side (each) – 100; Rear – 100.
  - c. Screen Planting.  
Screen planting; 6 - foot height by 6 - foot width – where abutting residential use; effective at all times of the year.
  - d. Entrance.  
Not more than one entrance from street.
  - e. Development Plan.  
Development Plan to be submitted with application.
  - f. Noise.  
Noise shall be confined to the premises.
  - g. Parking  
One per 2 employees, plus 1 per 500 square feet of front area used in a waiting room; plus 1 per 5 boarder animals, based upon maximum number of animals.
  - h. Height.  
Maximum height of structure – 25 feet.
- (38) Manufacturing, Storage or use of Explosives.
- a. Development Plan.  
Development Plan to be submitted with application if use involves manufacturing or storage of explosives.
  - b. Approval of Board of County Commissioners or Applicable Town Council required.
- (39) Mining Operation (i.e. sand or gravel pit, quarry, borrow pit, topsoil, removal, and storage areas).
- a. Minimum Yards.  
Front – 150; Side (each) – 150; Rear – 150.
  - b. Minimum Distance from Residence District or Use; 200 – feet.
  - c. Fence. 6 - foot woven wire, fence where accessible to public.
  - d. Screen Planting.  
Screen planting; 6 - foot height by 3 - foot width – where abutting residential use; effective at all times of the year.
  - e. Entrance. No more than one entrance from street.
  - f. Development Plan. Development plan to be submitted with application.
  - g. Miscellaneous provision: use and alienation of mineral resources and forests outside of urban areas. For the purposes of this paragraph, urban areas include all lands and lots within the corporate boundaries of a Town, and any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other land or Lots that have been planned for residential areas contiguous to the Town. I.C. 36-7-4-1103 does not authorize an ordinance or action of the plan commission that would prevent, outside

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or urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them.

- h. An earthen berm constructed to a height of eight (8) feet with screen planning (effective at all times of the year) at a height of at least six (6) feet shall surround the entire area to be mined.

### (40) Mobile Home Park.

- a. Development Plan.  
Development Plan to be submitted with application.
- b. Area.  
A mobile home park shall have an area of not less than five acres.
- c. Soil.  
The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 80.42). The site shall not be subject to unpredictable or sudden flooding, subsidence, or erosion. Exposed ground surfaces shall be paved, covered with stone, screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. Exposed ground surfaces shall be graded and equipped to drain all surface water in a safe, efficient manner.
- d. Smoke, Noise, and Odor.  
The proposed site shall not be exposed to objectionable smoke, noise, odor or other adverse influences.
- e. Screening.  
A dense plating screen not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type fence or brick or stonewall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- f. Use.  
No part of any park shall be used for nonresidential purposes, except such uses that may be for the benefit of and well-being of park residents and for the management and maintenance of the park; provided, however, that this shall not prohibit the sale of a mobile home located on a mobile home slab on a mobile home lot and connected to the appropriate utilities; provided further, however, that a mobile home sales business may be allowed in the mobile home park upon a showing that said business, and its location, is in the best interest of the public health, safety, morals, and general welfare, as determined by the Board of Zoning Appeals.
- g. Side, rear, and front yards.  
The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth and a front yard having a minimum of 60 feet in depth.
- h. Separation.

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Mobile homes shall be separated from each other and from all other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinets, carport, windbreak, and porch having a floor area exceeding 25 square feet and an opaque roof or top, shall be considered to be part of the mobile home.

- i. Mobile home lot area and width.  
Each mobile home lot shall contain a minimum of 4,000 square feet in area, and shall be at least 40 feet in width.
- j. Parking  
Each mobile home lot shall contain two automobile parking areas, each of which has minimum dimensions of 10 feet in width by 20 feet in length.
- k. Mobile home slab.  
Each mobile home lot shall contain a mobile home slab. The area of the slab shall be improved to provide adequate support for the placement and tie-down of the mobile home so that it is secure against uplift, sliding, rotation, and overturning. The slab shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces. The slab shall be provided with anchors and tie-downs such as cast-in place concrete "dead men," eyelets imbedded in concrete foundation or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the slab and each shall be able to sustain a minimum tensile strength of 2,800 pounds.
- l. Distance between slab and interior drive.  
There shall be a minimum distance of 15 feet between the mobile home slab and an abutting interior park drive.
- m. Recreation area.  
Each park shall provide a recreational area or areas equal in size to at least 8 percent (8%) of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
- n. Street and Drives.  
A mobile home park shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Such access shall be provided by interior private streets or driveways or other means approved by the Board. No direct access from a front or side street to a mobile home lot shall be permitted except by approved entrances and exits. The park entrance shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be allowed on the park entrance driveway for a distance of 100 feet from its point of beginning, unless the park entrance drive has a minimum width of 36 feet. Interior driveways, except minor driveways, shall have a minimum width of 26 feet, measured from back-to-back of curb if provided. Minor driveways shall have a minimum width of 20 feet. Minor driveways having mobile homes abutting on both sides are not acceptable unless the said minor driveways are less than 500 feet long. Minor driveways serving more

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than 15 mobile homes are unacceptable. Dead-end driveways shall not exceed 1,000 feet in length, and shall be terminated at the closed end with a turnaround having an outside roadway diameter of at least 60 feet.

- o. Interior Driveway Construction and Design Standards.
  - 1. Pavements. All driveways shall be provided with a smooth, hard and dense surface, which shall be durable and well drained under normal use and weather conditions. Pavements edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Driveway surfaces shall be maintained so as to be free of cracks, holes, and other hazards.
  - 2. Grades. Grades of all driveways shall be sufficient to ensure adequate surface drainage, but shall not have a grade in excess of 8 percent (8%); provided, however, that short runs having a maximum grade of 12 percent (12%) may be permitted if traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.
  - 3. Intersections. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between centerlines to offset intersecting streets. Intersections of more than two streets at one point shall be avoided.
- p. Illumination.

Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3-foot candle and that potentially hazardous locations such as major driveway intersections, steps, and stepped ramps will have an average level of illumination of 0.6-foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- q. Walks.

Mobile home parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable, convenient to maintain, between individual mobile homes, the interior driveways, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of two feet.
- r. Services.

Service buildings, recreation buildings, and other community service facilities, such as management offices, repair shops, storage areas, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of the mobile home park occupants, are permitted in the mobile home park, provided that:

  - 1. They are subordinate to the residential character of the park; and

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2. The establishments and the parking areas related to their use shall not occupy more than 10 percent (10%) of the total area of the park.
- s. Barbecue Pits, Fireplaces, Stoves, and Incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
- t. Refuse Handling.

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Officer. Refuse incinerators, if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the Health Officer or other authority having jurisdiction. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park.
- u. Electrical Distribution System.

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances that shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of 3 feet between overhead wiring and any mobile home, service building or other structure. All direct burial conductors or cables shall be insulated and specially designed for this purpose. Such conductors shall be located not less than one-foot radial distance from water, sewer, gas or communication lines. Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240-volt AC, 100 amperes. Outlets (receptacles or

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pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1, as amended. Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the mobile home is more than 100 amperes. The mobile home shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug or with pressure connectors. All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall be not used as an equipment ground for mobile homes or other equipment.

v. Insect and Rodent Control.

Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

w. Fuel Supply and Storage.

1. Natural Gas System.

Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. Liquefied Petroleum Gas Systems.

Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location. Systems shall have at least one accessible means for shutting off gas. Such

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means shall be located outside the mobile home and shall be maintained in effective operating condition. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted, liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes. Liquefied petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 12 nor more than 60 U.S. gallons gross capacity. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the Health Officer.

### 3. Fuel Oil Systems.

All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall be located inside or beneath any mobile home or less than 5 feet from any mobile home exit. Storage tanks located in areas subject to traffic shall be protected against physical damage.

### x. Fire Protection.

Mobile home parks shall be kept free of litter, rubbish and other flammable materials. Portable fire extinguishers rated for Class B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 20 lbs. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes. Mandatory fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements;

1. The water supply system shall permit the operation of a minimum of 2-1/2-inch hose streams.
2. Each of two nozzles, held 4 feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.

Fire hydrants, if provided, shall be located within 500 feet of any mobile home, service building, or other structure in the park.

### y. Water and Sewage.

The water supply and sewage disposal shall meet the minimum requirements of the Indiana Department of Environmental Management.

### z. State Requirements.

All State requirements shall be observed. (See I.C. 13-1-7.)

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### (40.5) Multi-Family Housing.

- a. Development Plan to be submitted with application providing an accurate identification of Figure 1 and Off-Street Parking requirements as follows:
  - (1) Total acreage in square feet.
  - (2) Total number of living units.
  - (3) Total living area of each unit.
  - (4) Front, rear and side yard setbacks.
  - (5) Total number of parking spaces, per living unit, accurately drawn on site/development plan.
  - (6) Adequate sewer and utilities-approval/letter of commitment from Town, Health Department, or appropriate utility service provider required.
  - (7) Parking spaces adjacent to adjoining property boundary lines, where not adjacent to a public street or right-of-way, shall have a minimum setback of 20 feet.
  - (8) Signed approval of fire protection plan, by Local Fire Chief.
  - (9) Storm water drainage-adequate design by licensed professional such as an Engineer, Architect or Surveyor, and
  - (10) Development plan to be prepared by an Engineer, Architect, or Surveyor.

### (41) Outdoor Commercial Recreational Enterprise.

- a. Minimum Yards.  
Front – Standard; Side – 40 feet; Rear – 40 feet.
- b. Minimum Distance between parking area and residential district or use.
- c. Entrance.  
Not more than two entrances from street.
- d. Noise  
Noise shall be confined to the premises.
- e. Landscape Plan.  
Landscape Plan to be submitted with application. (May be combined with the Development Plan.)
- f. Fence.  
6-foot wire mesh where accessible to public.
- g. Screen Planting.  
Screen Planting; 6 - foot height by 6 - foot width where abutting residential use – tight screen, effective at all times.
- h. Setback from interior drives. 40 feet.
- i. Parking Spaces.  
1 per 3 employees plus 1 per 500 square feet of use area.
- j. Development Plan.  
Development Plan to be submitted with application.
- k. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- l. Height.  
Maximum height of structure – 60 feet.
- m. Adequacy of Sewers.



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Approval required.

(42) Outdoor Theater.

- a. Minimum Yards.  
Front – 100 feet; side – 75 feet; rear – 40 feet; abutting residential use.
- b. Fence.  
4-foot wire mesh abutting residential use.
- c. Development Plan.  
Development Plan to be submitted with application.
- d. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- e. Height.  
Maximum height of structure – 65 feet.
- f. Adequate Sewer.  
Approval required.

(43) Penal or Correctional Institutions.

- a. Minimum Lot Area.  
200 acres. Medium Security Facility – 12 acres.
- b. Minimum Yards.  
Front – 100 feet; side (each) 100 feet; rear 100 feet.
- c. Minimum distance from residential use – 300 feet.
- d. Parking Spaces.  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
- e. Development Plan.  
Development Plan to be submitted with application.
- f. Height.  
Maximum height of structure – 65 feet.
- g. Adequacy of Sewers.  
Approval required.

(44) Private Club or Lodge, which is of a Non-commercial character.

- a. Minimum Lot Area.  
1 acre.
- b. Minimum Yards.  
Front – Standard; side (each) 25; rear – 25.
- c. Parking Spaces.  
One per six active members.
- d. Development Plan.  
Development Plan to be submitted with application.
- e. Height.  
Maximum height of structure – 35 feet.

(45) Private Recreational Development (i.e. picnic grounds, fraternal organizations, etc.).

- a. Minimum Yards.  
Front – Standard; side (each) 40 feet; rear – 40 feet.

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- b. Minimum distance between parking area and residential district or use.  
25 feet.
  - c. Entrance.  
Not more than one entrance from street.
  - d. Landscape Plan.  
Plan of Landscape Development to be submitted with application.  
(May be combined with Development Plan).
  - e. Screen Planting.  
Screen Planting; 6 - foot height by 3 - foot width when abutting residential use; tight screen, effective at all times.
  - f. Parking Spaces.  
One per each six members, or as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements.
  - g. Development Plan.  
Development Plan to be submitted with application.
  - h. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - i. Height.  
Maximum height of structure – 25 feet.
  - j. Noise.  
Noise shall be confined to the premises.
- (46) Produce Stands, Seasonal.
- a. Development Plan.  
Development Plan to be submitted with application.
  - b. Signs and Lighting.  
Outdoor advertising sign and outdoor artificial lighting shall be approved by the Board.
- (47) Produce Stands, Year-Round.
- a. Development Plan.  
Development Plan to be submitted with application.
  - b. Signs and Lighting.  
Outdoor advertising sign and outdoor artificial lighting shall be approved by the Board.
  - c. Adequacy of Sewers.  
Approval required.
- (48) Public Camp.
- a. Minimum Lot Area.  
10 acres.
  - b. Minimum yards.  
Front – 100; side (each) – 40; rear – 40.
  - c. Minimum distance between parking area and residential district or use.  
50 feet.
  - d. Screen Planting  
Screen Planting; 6 - foot height by 3 - foot width effective at all times of the year.
  - e. Entrance.

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- Not more than one entrance from street.
- f. Parking.  
One per campsite plus one per cabin.
- g. Development Plan.  
Development Plan to be submitted with application.
- h. Maximum height of structure – 35 feet.
- i. Adequacy of Sewers.  
Approval required.
- (49) Public or Commercial Sanitary Fill or Garbage Disposal Plant.
  - a. Minimum Lot Area – 10 acres.
  - b. Minimum Yards – Front – 300; side (each) - 300.
  - c. Fence. 6-foot wire mesh.
  - d. Season Planting. Season planting - 6 foot width abutting residential use.
  - e. Entrance. Not more than one entrance from street.
  - f. Development Plan.  
Development Plan to be submitted with application.
  - g. State Requirements.  
All State requirements for solid waste disposal shall be met.
- (50) Public or Employee Parking.
  - a. Masonry wall along front line and such other boundaries the Board considers necessary to protect residential property, except an approved entrance and exit.
  - b. Entrance.  
Not more than one entrance from street.
  - c. Development Plan.  
Development Plan to be submitted with application.
- (51) Public Park or Public Recreational Facility.
  - a. Landscape Plan.  
Plan of landscape development to be submitted with application. (May be combined with Development Plan.)
  - b. Development Plan.  
Development Plan to be submitted with application.
  - c. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - d. Adequacy of Sewers.  
Approval required.
- (52) Public Water Wells, Water Stations, Filtration Plants, Reservoirs and Storage Tanks.
  - a. Storage Tanks.  
Proximity to residence district or use 100 feet.
  - b. Development Plan.  
Development Plan to be submitted with application.
  - c. Health Laws.  
All applicable health laws and standard shall be adhered to.
- (53) Railroad or other Mass Transportation Rights-Of-Way and Trackage, including public transportation terminal, Passenger Stations, Shelter Stations, and Layover Areas for transit vehicles, and off-street parking facilities.

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- a. Entrance. Not more than one entrance from street.
  - b. Parking for Passenger Station.  
One per 10 seats in waiting room plus 1 per 2 employees of connected retail use (if any).
  - c. Development Plan  
Development Plan to be submitted with application.
  - d. Adequacy of Sewers.  
Approval required.
  - e. Height.  
Maximum height of structure – 45 feet.
- (54) Raising and Breeding of Non-Farm Fowl and Animals, except Kennel.
- a. Minimum Lot Area.  
3 acres.
  - b. Minimum yards.  
Front – 100; side (each) 100; rear – 100.
  - c. Development Plan.  
Development Plan to be submitted with application.
  - d. Screen Planting.  
Screen Planting; 6 - foot height by - 3 foot width when abutting residential use, effective at all times of the year.
  - e. Entrance.  
Not more than one entrance from street.
  - f. Height.  
Minimum height of structure – 45 feet.
  - g. Adequacy of Sewers.  
Approval required.
- (55) Recreation Vehicle Park.
- a. Development Plan.  
Development Plan to be submitted with application.
  - b. Minimum Lot Area.  
10 acres.
  - c. Density.  
Each recreational vehicle park shall have not more than 25 recreational vehicle spaces per acre of gross site area.
  - d. Separation.  
Recreational vehicles shall be separated from each other and from all other buildings and structures by at least 5 feet. An accessory structure, such as an awning, cabana, storage cabinet and porch, shall be considered to be a portion of the recreational vehicle.
  - e. Parking.  
One automobile parking space shall be provided for each recreational vehicle. No parking shall be permitted in the front yard of the park tract of land.
  - f. Accessory Uses.  
Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
  - g. Term of stay in park and limitation of use.

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Except as otherwise provided herein, each recreational vehicle shall not be used for habitation in the same recreational vehicle park for longer than 180 days in any one calendar year, and shall not be used as a permanent residence.

- h. Access.  
Recreational vehicle parks shall have direct access to an arterial or major thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park. Only one principal entrance from a major thoroughfare may be provided.
- i. Condominium Parks Permitted.  
The sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed in a recreational vehicle park. Accordingly, an affirmative statement as to whether or not the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed and shall be included in the application. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then the development plan shall additionally include the number of individual lots to be sold, and the rights and responsibilities of the individual lot owners and the park developers in the park and its management. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then a plat of the recreational vehicle park must accompany the development plan.  
(Condominiums regulated by I.C. 32-1-6 may not be regulated by Chapter 81: Area Subdivision Control Plan.)
- j. Soil and Water.  
The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 80.04.)
- k. Smoke, Noise, and Odor.  
The proposed site shall not be exposed to objectionable smoke, noise, odors or other adverse influences.
- l. Screening.  
A dense planting screen not less than 6 feet high after five full growing seasons and which at maturity is not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type of fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- m. Side, Rear, and Front Yards.  
The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of

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30 feet in depth, and a front yard having a minimum of 60 feet in depth.

- n. Illumination.  
Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3-foot candle and that potentially hazardous locations, steps, and stepped ramps, will have an average level of illumination of 0.6-foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- o. Barbecue Pits, Fireplaces, Stoves, and Incinerators.  
Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
- p. Refuse Handling.  
The storage, collection and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be located no more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park owner shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Officer. Refuse incinerators, if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the Health Officer or other authority having jurisdiction. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the park.
- q. Electrical Distribution System.  
Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of 3 feet between overhead wiring and any mobile home, service building or other structure. All direct burial

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conductors or cables shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one-foot radial distance from water, sewer, gas or communication lines. Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240-volt AC, 100 amperes. Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1 as amended. Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the mobile home is more than 100 amperes. The recreational vehicle shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug or with pressure connectors. All exposed non-current carrying metal parts of vehicles and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.

r. Insect and Rodent Control.

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Health Officer. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

s. Water and Sewage.

The water supply and sewage disposal shall meet the minimum requirements of the Indiana State Board of Health.

t. State Requirements.

All State requirements shall be observed.

(56) Recycling Center.

a. Development Plan to be submitted with application.

b. Minimum yards. Front –50; side – 40; rear – 40.

c. Spacing.

Use permitted not closer than 200 feet to a residential use.

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- d. Entrance.  
Not more than one entrance from the street.
  - e. Fence.  
Solid wall or solid fence 8 feet high, except along railroad right-of-way or 8-foot wire fence slatted for opacity.
  - f. Parking Spaces. 1 space per every 2 employees. Additional spaces to be determined by Board.
  - g. Signs and Lighting. Advertising signs and outdoor artificial lighting shall be approved by the Board.
  - h. Height, Maximum height of structure 35 feet.
- (57) Restricted Commercial Farm Enterprise, an Animal Feeding Operation (AFO), Confined Feeding Operations (CFOs) & Concentrated Feeding Operations (CAFOs)
- a. AFO If the number exceeds: 75 cattle; 7,500 fowl: 125 horses: 150 sheep; 150 swine; or a feeding operation that causes a violation of: Water pollution; or any confined feeding statute (found under the Indiana Code, IC 13-18-10) or as revised (latest Amendment). Development Plan shall be submitted with application.
  - b. AFO Setbacks:
    - 1. One Thousand (1,000) feet from a public water supply well or public water supply intake structure.
    - 2. Three Hundred (300) feet from the following, Surface water, Drainage inlets, including sediment basins, Sinkholes, as measured from the surficial opening or the lowest point of the feature. Off-site water wells.
    - 3. Four Hundred (400) feet from on-site water wells
    - 4. One Hundred (100) feet from property lines and public roads.
  - c. Dead Storage. No sales, dead storage, repair work or dismantling on the lot. (Vehicles and/or Farm Machinery. I.e. junkyard)
  - d. Parking Spaces. As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements.
  - e. Signs and Lighting. Signs and artificial lighting require Board approval.
  - f. Maximum Height of Structure 35 feet.
  - g. Confined Feeding Operation (CFO & CAFO) Setbacks.  
Minimum distance from the boundary of any pre-existing Residence or Business district, or a residential subdivision of land, or building used for residential purposes (other than the residence of the owner, his tenant(s) or operator(s) of the operation), or school or church use – 1320 feet.
  - h. Confined Feeding Operation (CFO & CAFO) – Health Approval Required.  
Approval by Indiana Department of Environmental Management (IDEM), is required for confined feeding operations in accordance with 327 IAC 19 or as revised (latest amendment).
  - i. Those noises and odors normal to the storage, feeding, handling and production of farm animals shall be deemed acceptable.



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- j. AFO, CFO and CAFO – Waste Handling.  
The recommended applicable guidelines promulgated by the Indiana State Chemist's Rule (355 IAC 8) or as revised (latest amendment), as revised (latest issue), shall be required by the Board concerning methods of water handling and disposal guidelines for:
  - (A) Beef, Swine and Sheep producers.
  - (B) Dairy and Poultrymen.

### (58) Riding Stable.

- a. Minimum Lot Area.  
Two (2) acres, plus additional 5,000 square feet per horse over four (4) horses.
- b. Minimum Yards.  
Front, each side and rear yards, 100 feet each.
- c. Screen Planting.  
6-foot height by 3-foot width when abutting residential use.
- d. Entrance.  
Not more than one entrance from street.
- e. Parking.  
One per two employees, plus one per two horses.
- f. Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- g. Waste Disposal.  
Disposal of wastes shall meet that approval of the State Board of Health.
- h. Development Plan.  
Development Plan shall be submitted with application.
- i. Height. Maximum height of structure. 35 feet.

### (59) Roadside Business in the RB District.

- a. Development Plan.  
Development Plan shall be submitted with application.
- b. Other Requirements.  
See Sec. 80.16 and Figure 1 for other requirements.

### (60) Sales Barn of Livestock. (Resale)

- a. Minimum Yards.  
Front, each side, and rear yards; 300 feet each.
- b. Minimum Distance from residential district or use. 300 feet.
- c. Minimum Distance between parking area and residential district or use.
- d. Entrance.  
Not more than one entrance from street.
- e. Parking.  
One per 2 employees, plus one per each 400 square feet of display and sales area.
- f. Development Plan.  
Development Plan shall be submitted with application.
- g. Height.  
Maximum height of structure – 45 feet.
- h. Waste Disposal.  
Disposal of waste shall meet the approval of the State Board of Health.

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### (61) Seasonal Hunting and Fishing Lodge.

- a. Parking Spaces.  
One per member or as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking requirements.
- b. Development Plan.  
Development Plan shall be submitted with application.

### (62) Sewage Treatment Facility (Primary Use).

- a. Development Plan.  
Development Plan shall be submitted with application.
- b. Health Approval Required.  
Approval by the Indiana State Board of Health required.

### (63) Shooting Range.

- a. Minimum Yards.  
Front, each side, and rear yards: 300 feet each.
- b. Screen Planting.  
6 - foot height by 6 - foot width.
- c. Entrances.  
Not more than one entrance from street.
- d. Development Plan.  
Development Plan to be submitted with application.

### (64) Slaughter House.

- a. Minimum Lot Areas.  
2 acres.
- b. Minimum Yards.  
Front, each side, and rear yards: 50 feet each.
- c. Minimum distance from residential district or use: 300 feet.
- d. Minimum distance of parking area from residential district: 50 feet.
- e. Fence Requirements.  
6-foot solid painted fence.
- f. Screen Planting.  
6 - foot height by 6 - foot width (from abutting street).
- g. Entrance.  
Not more than one entrance from street.
- h. Development Plan  
Development Plan shall be submitted with application.
- i. Adequacy of Sewers.  
Approval required.
- j. Adequate Disposal Methods.  
Dead animals and offal shall be disposed of in a manner satisfactory to the Board.
- k. Parking.  
One per two employees, plus four additional spaces.
- l. Height  
Maximum height of structure: 35 feet.

### (65) Special School.

- a. Minimum Lot Area.

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- 10,000 square feet.
  - b. Minimum Yards.  
Front 25 feet; each side 10 feet; rear 10 feet.
  - c. Fence.  
4-foot wire mesh around play area.
  - d. Parking spaces.  
One per 3 employees plus 1 per 6 students.
  - e. Height.  
Maximum height of structure: 35 feet.
  - f. Adequacy of Sewers.  
Approval required.
- (66) Stadium, Coliseum, Athletic Field.
- a. Minimum Lot Area.  
5 acres.
  - b. Minimum Yards.  
Front – Standard; each side 50 feet; rear 50 feet.
  - c. Minimum Distance of parking area from residential district or use.  
25 feet.
  - d. Screen Planting.  
6 - foot height by 6 - foot width.
  - e. Entrances.  
Not more than 2 from street.
  - f. Parking  
One space of each 4 seats in the grandstand, plus 3 per 4 employees.
  - g. Development Plan.  
Development Plan to be submitted with application.
  - h. Height.  
Maximum height of structure 45 feet.
  - i. Adequacy of Sewers. Approval required.
- (67) Storage of Disabled Vehicles, Temporary.
- a. Minimum Lot Area.  
1 acre.
  - b. Minimum Yards.  
Front – standard; side (each) – 20; rear – 20.
  - c. Minimum distance from residential district or use – 100 feet.
  - d. Minimum distance of parking area from residential district or use. 25 feet.
  - e. Fence.  
6-foot solid painted fence.
  - f. Screen Planting.  
6 - foot height by 3 - foot width where abutting residential use.
  - g. Entrance.  
Not more than one from street.
  - h. Development Plan.  
Development Plan shall be submitted with application.
- (68) Studio Business (Art, Interior Decorating, Music, Etc).
- a. Parking Spaces.

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As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, plan parking load requirements.

- b. Development Plan. Development Plan shall be submitted with application.
- (69) Telephone Exchange or Public Utility Substation in the A-1, A-2, FR, IB, I-1, I-2 District.
- a. Screen Planting.  
Screen Planting – adequate for purpose as determined by Board. (Also, along abutting street.)
  - b. Entrance.  
Not more than one entrance from street.
  - c. Parking Space.  
One per employee at or working out of site.
  - d. Development Plan. Development Plan to be submitted with application.
  - e. Adequacy of Sewers. Approval required.
- (70) Temporary Living Quarters in Barn Prior to Building House
- a. Development Plan
  - b. Must vacate temporary living quarters within ninety (90) days after occupancy of house.
- (71) Transmission Lines for Gas, Oil, Electricity or Other Utilities (Major lines).
- a. Development Plan. Development Plan to be submitted with application.
- (72) Transmission (Radio, TV, etc.) Miscellaneous Tower(s) (See Section 80.49 for Cellular/Wireless/Personal Communication Facilities and Towers (for performance standards)
- (73) Veterinary Hospital for Small Animals.
- b. Parking.  
One space per 2 employees, plus 1 per doctor, plus two per examining rooms.
  - c. Development Plan. Development Plan shall be submitted with application.
  - d. Height. Maximum height of structure – 35 feet.
- (74) Wholesale Produce Terminal or Truck Terminal.
- a. Lot area. 10 acres.
  - b. Minimum yards.  
Front – 100 feet; side (each) 75 feet abutting residential use, otherwise 35 feet, rear 40 feet.
  - c. Minimum Distance from residential district or use 100 feet.
  - d. Minimum distance from parking residential district 100 feet.
  - e. Fence.  
6-foot height wire mesh fence.
  - f. Screen Planting.  
Screen Planting; 6 - foot height by 3 - foot width where abutting residential use; tight screen, effective at all times.
  - g. Entrance.  
Not more than one entrance from street.
  - h. Parking Spaces.

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One per two employees on largest shift.

- i. Development Plan.

Development Plan shall be submitted with application.

- j. Signs and Lighting.

Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.

- k. Height.

Maximum height of structure 45 feet.

- l. Adequacy of Sewers.

Approval required.

- m. Thoroughfares.

Thoroughfares must be adequate.

### (75) Windmill Farm, Solar Farm/Field, or Alternative Energy Forms

- a. Development Plan to be submitted with application.

- b. "As-built" plans certified by the professional engineer who prepared the development plan/design, must be submitted to the Plan Commission within thirty (30) days of completion.

### (76) Manufacture of malt products, brewing, distillation of liquid and spirits, aging/maturation, packaging, storage or warehousing of distilled alcohol/ethanol that may result in Volatile Organic Compounds (VOC) emissions capable of forming *Baudoinia compniacensis*.

- a. Development plan to be submitted with application providing an accurate identification of all residential zones and uses, and existing non-residential structures, within 1,320 feet of any such proposed structure to be utilized that may result in VOC emissions.
- b. A mitigation plan, covering the residential zones and uses, and existing non-residential structures within 1.320 feet of any such proposed activities that may result in VOC emissions, must meet the approval of, and be adopted by the Board of Zoning Appeals. The mitigation plan shall be prepared in a recordable format, and it shall be a covenant running with the land and inuring to the benefit of the heirs, successors and assigns of such affected land. The mitigation plan shall be submitted to the Executive Director of the Area Plan Commission prior to a hearing before the Board of Zoning Appeals, and recorded prior to the issuance of the Special Exception permit-documentation, and/or building permit.
- c. Comply with all State and Federal air and water quality regulations and permitting.
- d. Submit "as-built" plans certified by the professional engineer confirming the residential zones and uses and existing non-residential structures within 1.320 feet of any such proposed structure to be utilized that may result in VOC emissions.
- e. 80.24 (F)(76) shall not apply to any permit applications approved by IDEM (Indiana Department of Environmental Management), for the storage of distilled alcohol/ethanol on the premises, prior to May 20, 2019, provided that said permitted use does not exceed the storage or warehousing of 320,000 barrels of distilled alcohol/ethanol in any combination of warehouses thereof, on said premises.

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### SECTION 80.25: BUILDING SET-BACK LINES

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

#### (A) Front Yard.

- (1) For residential uses where twenty-five percent (25%) or more of the lots in the block frontage are occupied by buildings, the average setback of such buildings determine the dimension of the front yard in the block frontage, but the front yard need not exceed fifty (50) feet in any case, except in the R-B and I-B Districts the front yard need not exceed eighty (80) feet.
- (2) In business and industrial districts where twenty-five percent (25%) or more of the lots in a block frontage are occupied by buildings, the setback of such buildings shall determine the location of the building line, except for the R-B and I-B districts.
- (3) Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions.
- (4) On through lots, a front yard is required on each street.

#### (B) Conflict – Setback Requirements.

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

#### (C) Exceptions.

The setback exceptions set forth in this section apply to the requirement of the Thoroughfare Plan of Ripley County that establishes the proposed right-of-way line as the front line of lots that front upon a street.

### SECTION 80.26: YARD EXCEPTIONS

#### (A) Application.

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- (1) Any yard or setback line so placed or oriented that none of the specific terms in this Code are applicable shall necessitate a determination by the Executive Director of suitable dimensions generally required for a similar situation in the district.
- (2) Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections and temporary storage as hereinafter provided, and signs in accordance with Sec. 80.37 of this Code.

### **(B) Yard Encroachments.**

No structure or part thereof shall project into a required front yard except:

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

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

- (1) An eave, cornice, overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
- (2) The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding two feet; provided, however that said encroachment shall not protrude closer than eighty percent (80%) of the required distance to any side or rear lot line.
- (3) Unenclosed, uncovered steps, entrance platforms, terraces, or landing not over eighteen (18) inches above grade level.
- (4) Family swimming pools – See Sec. 80.33

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

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

### **(F) Tapered Yard Formula (for Accessory Building).** Where an interior lot fronts on a side street in the rear of the corner lot by an alley, an accessory building located on the rear lot line of the corner lot shall set back from the side street as far as the dwelling on said interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory

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building may be set four (4) inches closer to the front lot line along the side street required by this Code.

### (G) Fences.

- (1) Fences used for agricultural purposes, recreation use, or the public safety shall not be regulated by this Code.
- (2) Fences used for residential purposes shall be allowed without the issuance of any permit, subject to the following provisions:
  - a. Fences shall be allowed in side and rear yards up to a height of six (6) feet and not less than four (4) feet.
  - b. No setback shall be required for fences in side and rear yards.
  - c. Fences shall be allowed to extend along side property lines provided that from the building setback line to the Front Lot Line (road right-of-way line) they shall be of an open or wire mesh type and shall not exceed three and one-half (3-1/2) feet in height.
  - d. Fences shall not be permitted to block passage along existing sidewalks.
  - e. Front yard fences within (or to the rear of) the building setback line shall not exceed six (6) feet in height.
  - f. Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a parcel, provided that it does not exceed three and one-half (3-1/2) feet in height.
  - g. The finished side of the fence shall face outward.
  - h. The owner of the property upon which the fence is located upon, shall maintain the fence.
- (3) Fences in business (LB, RB, GB, IB) or industrial (I-1, I-2) districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:
  - (a) Fences intended for security purposes shall not exceed a maximum height of eight (8) feet, plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however they shall not be allowed in any green strip or buffer area.
  - (b) Fences within the front yard (to the front of the building setback line) shall not exceed three and one-half (3-1/2) feet in height.
  - (c) Fencing intended for decorative purposes only may be allowed anywhere on a parcel, provided it does not exceed three and one-half (3-1/2) feet in height.
  - (d) Fences in Industrial and Business Districts shall be slated for opacity.
- (4) Swimming Pools
  - (a) Every outdoor swimming pool, which is more than 18 inches in depth, shall be surrounded by a fence not less than five feet in height. Such fence shall be either of chain link type and style or of a type of style offering equivalent protection. All gates or doors opening through such enclosure shall be designed to permit locking and shall be kept locked when the pool is not in actual use, or left unattended. (See Sec. 80.33 (C) (4) (c) 2. and 3.) Or applicable to current Building Codes.
  - (b) Swimming pools in a Town, subdivision (including subdivisions in an Agriculture Districts and Lots ten (10) acres or less in Lot Area must be walled or fenced to a minimum height of five (5') feet, but not more



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then six (6') feet. Swimming Pools may have a mechanical cover (applicable to the current Building Code), or the same as above.

- (5) Every fence shall be maintained in good structural aesthetic condition at all times. Any unsafe or unsightly fence shall be renovated or removed within thirty (30) days upon written notice from the Executive Director. If the owner fails to renovate or remove the fence within the required time period, the County or respective Town may remove such fence at the owner's expense.
- (6) Ponds which are less than three (3) acres in area, whether dammed or otherwise artificially formed shall be placed on the Building Setback Line and not closer than twenty (20) feet from any side or rear Lot Line. (Including any part of the water line or base of the dam.) A pond is an Accessory Use. A detention pond designed by an engineer, surveyor, or architect and located in a subdivision for storage of water (or any depression in the ground) that holds water more than 48 hours shall be fenced and is an Accessory Use.

### **(H) Screening and Minor Accessory Uses.**

- (1) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, without the issuance of any permit.
- (2) Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required.

### **(I) Intersection Visibility.**

- (1) In all districts, except the G-B district, a triangular space at the street corner of a corner lot shall be maintained free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended at the corner of the lot.
- (2) In case of a rounded property corner, said triangular area shall be measured from the intersection of the street right-of-way lines extended.
- (3) In addition, the above vision sight lines shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a

driveway pavement or alley line. No driveway shall be located within forty (40) feet of the intersection of two street lines. (See Sec. 80.36 (F).)

### **(J) Storage.**

- (1) No portion of any required yard shall be used for the permanent storage of motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Code. (See Sec. 80.33 (C) (13) and (14) and Sec. 80.38.). Recreational boats and trailers are to be considered as Recreational Vehicles for the purpose of storage. See 80.33 (13).

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- (2) Permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of forty-eight (48) or more consecutive hours in any one-week period. (See Sec. 80.38.)

### SECTION 80.27: ACCESS AND FRONTAGE

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

### SECTION 80.28: ONE PRIMARY BUILDING PER LOT

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

### SECTION 80.29: CONVERSIONS

#### (A) Certain Conversions Discouraged.

It is the purpose of this Code to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two families when such conversion is likely to lead to overcrowding, to lack of privacy, to lack of sufficient light and air, to unsafe or unsanitary living conditions or to inadequate provisions for off-street parking and open space.

#### (B) Consistent With Purposes.

Such conversions shall be consistent with the purposes of other applicable provision portions of this Code, including housing and building codes and fire safety and utility programs.

#### (C) Appearance and Repair.

In connection with such conversions there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned codes and programs; all fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building; and no dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.

#### (D) Exception.

In cases of question as to the applicability of these standards, such proposed conversion shall be deemed an exception and placed before the Board in accordance with the requirements in Sec. 80.40.

### SECTION 80.30: MANUFACTURED HOME AND MOBILE HOME PERMITTED

#### (A) Manufactured Homes.

Manufactured homes may be permitted in certain districts (see I.C. 36-7-4-1106),

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provided their use as a single-family dwelling unit incorporates a permanent foundation see (I.C. 22-11-1-1) and (Sec. 80.43 for definition), as well as the other requirements in this Code.

### **(B) Mobile Homes.**

Manufactured dwellings (see Sec. 80.43 for definition) and mobile homes (See Sec. 80.43 for definition) are permitted uses in a mobile home park.

### **(C) Mobile Homes Permitted According To Certain Conditions.**

A Mobile Home located on a lot, when an Improvement Location Permit and a Certificate of Occupancy have been issued for such use which is on file in the office of the Executive Director, is a permitted use on the lot and shall be classified by the Executive Director according to one of the six (6) Mobile Home Classifications set forth in subsection (D) below. Accordingly, the existing “classified” Mobile Home may remain on the lot upon which it was legally located at the time of passage of this chapter of the Code. The owner of the lot has the following options:

- (1) The existing Mobile Home may be replaced with another Mobile Home having the same or a higher classification, provided that the existing Mobile Home would either replace another Mobile Home in Ripley County, or be removed from Ripley County before an Improvement Location Permit could be issued by the Executive Director.
- (2) The existing Mobile Home may be replaced with any other use permitted in the particular District where the lot is located.
- (3) If an existing or replaced Mobile Home is removed from a lot for a period of more than ninety (90) days, another Mobile Home cannot again be located on that lot.

### **(D) Classification of Mobile Homes.**

Mobile Homes are hereby divided into the following classes by the Executive Director:

- (1) Class A – Mobile Homes built on or after June 15, 1976, and manufactured dwellings built prior to January 1, 2003, or on or after June 15, 1976, certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development and approved as meeting “acceptable similarity” appearance standards in accordance with the Federal Sec. 504.10.
- (2) Class B – Mobile Homes certified as meeting HUD Mobile Home Construction and Safety Standards, but not approved as meeting “acceptable similarity” appearance standards.
- (3) Class C – Mobile Homes (built prior to June 15, 1976), certified as meeting “acceptable prior code or codes,” or used mobile homes certified as meeting either HUD standards specified above or such prior code, found on inspection to be in excellent condition and safe and fit for residential occupancy.
- (4) Class D – Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in good condition.
- (5) Class E – Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in fair condition.

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- (6) Class F – Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in poor condition, unsafe, and/or unfit for residential occupancy.

### SECTION 80.31: HEIGHT

#### (A) Normal Maximum Building Heights.

- (1) The normal maximum height of a dwelling is as follows in the districts indicated: 35 feet or 2 ½ stories in the A-1, A-2, FR, R-2, R-3, LB, RB, GB, IB, and I-1 districts; 25 feet or two stories in the R-1 district; and 40 feet or 3 ½ stories in the UD district.
- (2) The normal maximum height of business uses is as follows in the districts indicated: 40 feet in the LB, RB, and IB districts; 60 feet in the GB, UD and I-2 districts.
- (3) The normal maximum height of enclosed industrial uses is 60 feet in the GB, I-1, and I-2 districts; and for open industrial uses, 60 feet in the I-2 district.
- (4) The normal maximum height of contingent uses is as follows in the districts indicated: 35 feet in the A-1, A-2, FR, R-1, R-2 and R-3 districts; 40 feet in the LB, RB, and IB districts; and 60 feet in the GB, I-1, and I-2 districts.
- (5) The normal maximum height of accessory buildings is as follows in the districts indicated: 18 feet in the A-1, A-2, FR, R-1, R-2, R-3, LB and UD districts; and 24 feet in the GB, IB, I-1 and I-2 districts; provided that an accessory building to a farm house or farm dwelling may be erected to a normal maximum height of 40 feet.

#### (B) Height Exceptions.

- (1) In the districts limiting height to 25 feet, a dwelling may be increased in height to 35 feet, provided the required side yards are increased an additional foot for each foot such structure exceeds 25 feet in height.
- (2) Business and industrial buildings and structures may be erected higher than the normal maximum if they are set back from front and rear property lines, one foot for each two feet of additional height above the normal maximum height, provided that the Executive Director approves the increased height, primarily upon the availability of adequate fire protection.
- (3) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or the provisions of this Code.

### SECTION 80.32: SUPPLEMENTARY BUSINESS STANDARDS

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

### **(A) General Standards.**

- (1) No unusually loud amplification of radio music or other audio advertising shall be permitted on the premises.
- (2) No lights utilizing an attracting device or lights on stringers of unshielded incandescent lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted on the premises.
- (3) There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.
- (4) Adequate indoor or outdoor trash containers shall be required; provided, however, that trash containers exceeding six (6) cubic feet shall be located within a solid, decorative stall behind or beside the primary structure, away from the view of the frontal street.
- (5) No vending machines shall be permitted on the exterior of any building on the premises except where contained in a shelter, stall or other area so located as not to interfere materially with the use of adjoining property.
- (6) No pennants or other similar attracting or advertising devices shall be permitted on the premises; however, notwithstanding the provisions of this Section, the use of pennants and other similar attracting devices in connection with a special promotional program may be permitted by the Board upon issuance of a temporary improvement location permit.  
(See Sec. 80.34.)

### **(B) Traffic Congestion.**

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

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

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

### **(C) Open-Air Business.**

Any establishment where the principal use is the drive-in type of business, or is

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generally characterized by open-air business operations, shall be subject to the following standards.

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

### SECTION 80.33: ACCESSORY USES

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

- (1) Shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.
- (2) Shall be operated and maintained under the same ownership and on the same lot as the principal use.
- (3) Shall be clearly subordinate in height, area, bulk, extent and purpose to the principal use served.
- (4) Shall not be located closer to any lot line than the minimum setback line required, unless specified in this Code.
- (5) Shall not be permitted prior to the erection and operation of the principal use, unless on lots of (5) acres or more in the A-1, A-2 & FR districts, or a temporary Improvement Location Permit is obtained in accordance with Sec. 80.34.

**(B) Interpretation.**

- (1) Such appurtenant features as walks, driveways, curbs, drainage installations, retaining walls, mailboxes, lamp posts, bird baths and structures of a like nature, are allowed without permits. (See Sec. 80.26 (H).)
- (2) The growing of vegetation, provided it is not for profit, is allowed without a permit.
- (3) The keeping of domestic pets, provided it is not for profit and not construed as a kennel, is allowed without permit.
- (4) Fences, walls and structural screens are allowed without permit when they do not impede intersection visibility. (See Sec. 80.26 (G).)
- (5) Such buildings or structures as patios, outdoor fire places, doghouses, children's play equipment, and also detached storage buildings, bath houses and cabanas not exceeding 150 square feet in size are allowed without permit when the yard requirements of this Code are adhered to.
- (6) Rummage or garage sales are allowed without permit in any district provided there are not more than two such sales annually of not more than 3 days duration each on the premises. Rummage or garage sales of more than 3 days but not more than 10 days require a temporary Improvement Location Permit.
- (7) No school bus, box truck, semi-trailer or mobile home shall be used as an Accessory Building.

**(C) Application of Accessory Uses.**

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- (1) Such buildings or structures as private garages, carports, canopies, porticoes, small greenhouses, and similar accessory buildings or structures.
- (2) Off-street motor vehicle parking and loading areas, as set forth in Sec. 80.36; provided, however, for residential uses, not more than one such space shall be provided for a commercial vehicle of not more than one and one-half (1-1/2) tons capacity (manufacturer's rating). Notwithstanding the above requirement, a school bus may be parked on a lot used for residential purposes.
- (3) Signs, as set forth in Sec. 80.37.
- (4) Swimming pools.
  - a. No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Executive Director. An application for such permit shall be filed with the Executive Director, on a form furnished by him, together with the plans and specifications for such pool. The Director shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of this chapter. If it appears that the pool will comply therewith, he shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed.
  - b. The Executive Director is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.
  - c. For the purposes of the Subsection the phrase "FAMILY SWIMMING POOL" shall mean and include an artificial body of water, with a controlled water supply, designed for wading and swimming and used, or intended to be used, solely by the owner, or lessee thereof, and his family and by friends invited to use it without payment of any fee.

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

1. The pool must be constructed in the rear yard but not closer at any point than ten feet from the building itself;
  2. The pool must be enclosed by a fence in the manner set forth below and at no point may the fence be closer than ten feet to any property line.
  3. A fence surrounding or partially surrounding a pool shall not be closer than six feet to the edge of the pool at any point; (see Sec. 80.26 (G) (4).)
  4. The surface area of the pool may not exceed 25% of the area of the rear yard.
- d. When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling the following conditions must be met:

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1. No part of the pool shall be located forward of the setback line of the owner's dwelling;
  2. No part of the pool shall be closer than ten feet from the owner's dwelling and no closer than sixteen feet from any property line of any other property owner;
    - a. No pool shall be built across any property line regardless of the ownership thereof;
    - b. If the contiguous lot has frontage on a street other than that on which the owner's dwelling is located, no part of the pool shall be forward of the minimum setback line.
  - e. It shall be unlawful for any person to make, continue, or cause to be made or continued at any pool, any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person who is in the pool premises shall be unlawful.
  - f. Lights to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and streets.
- (5) Amateur radio-sending and receiving antennae, provided the height thereof, including masts, shall not exceed 75 feet measured from finished lot grade; and provided further that such apparatus does not cause any interference with radio or television receivers in the vicinity.
  - (6) Management office in multi-family dwelling or apartment use, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, provided there is no exterior display.
  - (7) Fall-out shelter.
  - (8) Residential occupancy by domestic employees on the premises.
  - (9) Foster family case where children unrelated to the residents by blood or adoption, are cared for, provided that no sign shall be displayed.
  - (10) Animal pens, on residential lots of at least two (2) acres; provided, however, structures, pens or corrals housing animals shall be 100 feet from an adjoining property line, except where animals are kept in a sound-proof air-conditioned building, in which case the required setback line is fifty (50) feet.
  - (11) Storage areas, as regulated in applicable section of this Code.
  - (12) Private (residential) garages and carports for the storage of motor vehicles, which are clearly accessory and not for commercial purposes.
  - (13) Storage or parking of recreational vehicles in the open subject to the following conditions:
    - (a) In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.



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- (b) Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.
  - (c) Not more than two recreational vehicles will be permitted to be parked or stored in the open on residential property at any one time; provided, however, that one additional such vehicle be permitted for visitation for seven consecutive days and not to exceed fourteen days in any one year, in accordance with Sec. 80.34.
  - (d) At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (c) above.
  - (e) Notwithstanding the provisions of (d) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight (48) consecutive hours in any one-week period (See Sec. 80.34.)
- (14) Storage of a continually unoccupied mobile home is only permissible in a business or industrial district at a location legally qualified to render storage for said mobile home.
- (15) Satellite (earth) television antennas in accordance with the following standards:
- (a) There shall be one satellite television antenna permitted per residential lot.
  - (b) In all districts, a satellite television antenna having a diameter greater than four (4) feet shall be located on the ground upon and within a poured concrete foundation to the rear of the principal building on a lot, and within the building area, and shall not exceed thirteen (13) feet in height or the height of the main structure, whichever is less.
  - (c) In all districts, a satellite television antenna having a diameter of four (4) feet or less may be located on the principal building or an accessory building on a lot, and shall not exceed a height of more than four (4) feet above the roof on which it is mounted, subject to the particular height requirements of the district. When an antenna having a diameter of four (4) feet or less is located on the ground, all requirements contained in paragraph (b) herein shall apply.
  - (d) The satellite television antenna shall be screened from view by a fence or natural plants and can be located in a side yard to the rear of the Building Setback Lines if, in the opinion of the Building Inspector, the antenna can be adequately screened from view.
  - (e) No satellite television antenna shall be linked to a receiver, which is not located on the same lot or parcel of real estate.

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### SECTION 80.34: TEMPORARY USES

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

**(B) General Provisions.**

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

**(C) Uses Which May Be Permitted by The Board.**

- (1) Temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district. Maximum 18 months.
- (2) Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum 18 months.
- (3) Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum 18 months.
- (4) Parking lot designated for a special event in a district. Maximum 30 days.
- (5) Announcement signs necessary to explain the character of a building enterprise. Maximum 18 months.
- (6) Bazaars, carnivals, and similar temporary uses. Maximum 10 days.
- (7) Sale of Christmas trees, outdoor tent theatre, sales of seasonal fruits and vegetables from roadside stands, tent sales. Maximum 60 days.
- (8) Parking of recreational vehicles for visitation. Maximum 7 days.
- (9) Temporary mobile home living quarters as accessory use on same lot as principal building used for residential purposes when situation necessitates special health care for blood relative. Maximum 2 years.
- (10) Mobile home as a temporary office during the period of construction and development. Maximum 18 months.
- (11) Mobile home as a temporary living place or dwelling for security purposes. Maximum 18 months.
- (12) Subdivision or development signs, both incidental and necessary to advertise the sale, rental or lease of real estate property in a district. Maximum 18 months.
- (13) Portable signs, as defined in Sec. 80.37, in the LB and GB districts in accordance with the basic requirements herein, and the provisions and standards of this section. Maximum of 2 months consecutively during a 4-month period.

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- a. Size: Shall not exceed thirty-two (32) square feet of sign area.
  - b. Height: Shall not exceed six (6) feet.
  - c. Location: In the “LB” Local Business Districts and the “GB” General Business Districts, and never closer than three (3) feet to a street right-of-way line or within vision clearance on corner lots.
  - d. Other restrictions: Notwithstanding any other provisions of this section, an improvement location permit for a portable sign shall not be issued unless it is in conformance with the Building Code. Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as “stop,” “slow,” “go,” “caution,” or be shaped like a traffic sign. All portable signs shall be anchored with chains attached to the ground.
- (14) Portable signs, as defined in Sec. 80.37, in residence districts in accordance with the basic requirements of paragraph (10) above, other than anchoring requirements, and also in accordance with the provisions and standards of this section. Maximum 10 days.
- (15) Temporary signs, which shall not exceed thirty-two (32) square feet of sign area, in connection with a special event in a district, except temporary political signs or community activities signs, which do not require a permit. Maximum 10 days.
- (16) Repealed.
- (17) Display of pennants and other similar attracting devices in connection with a special promotional program for an open-air business. (See Sec. 80.32.)
- a. During a seven (7) consecutive day period related to a special event.
  - b. For use twice during any twelve (12) month period, in conjunction with a promotional sales or service program, each period not to exceed three (3) weeks in duration, and to be separated from any other such period by not less than four (4) weeks.
- (18) Other similar uses deemed temporary by the Board and attached with such time period, conditions and safeguards as the Board may deem necessary.

### **(D) Standards.**

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

**SECTION 80.35: HOME OCCUPATIONS AND RURAL HOME  
OCCUPATIONS**

**(A) Purpose.** The purpose of the Home Occupation and Rural Home Occupation is:

- (1) To encourage commerce in Ripley County, Indiana by allowing small businesses to exist and be conducted in a residential or rural community without disrupting the neighborhood atmosphere.
- (2) To discourage “spot zoning” in a manner that will not diminish the rights of Ripley County citizens to prosper.

**(B) Intent.**

- (1) This section authorizes as home occupations and rural home occupations all uses that conform to its standards. In general, a home or rural home occupation is an accessory use located and conducted in such a way that neighbors, under normal circumstances, would be unaware of its existence except for a sign as permitted below. To establish whether a proposed accessory use qualifies as a home or rural home occupation, standards have been set to ensure compatibility with permitted uses, to maintain neighborhood character (whether urban or rural, residential or agricultural), and to clearly indicate a status that is secondary or incidental to an existing and occupied dwelling unit.
- (2) Because compatibility with permitted uses and neighborhood character vary considerably with location and zoning, this section distinguishes between what may be suited to all living environments and what may be uniquely suited to agricultural settings. Thus home occupations conforming to the requirements below, are permitted in any non-rural zone which authorizes the dwelling unit to which the home occupation is accessory, and in rural zones on lots up to 2 acres in area; rural home occupations conforming to the requirements below are permitted as an accessory use on rural zoned lots, or parcels of land that have been and are currently used, by the owner of such a lot or parcel, for agricultural purposes larger than 2 acres in area.

**(C) Levels.** The Area Zone Code allows business use of land as intended above by the following four (4) levels:

- (1) Home Occupation Permit
- (2) Rural Home Occupation Permit
- (3) Home or Rural Occupation Permit with Special Exception
- (4) Zone Map Amendment (Recommend to Re-zone)

**(D) Permit Required.**

The Executive Director of the Ripley County, Indiana Area Plan Commission shall issue a permit for a Home Occupation or Rural Home Occupation only after an Applicant provides to the Executive Director, the following:

- (1) A completed application for the Home or Rural Home Occupation.
- (2) A detailed site plan.

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- (3) Payment of an administrative fee of Fifty Dollars (\$50.00) to offset the processing.
- (4) A copy of all required state permits or licenses shall be submitted with the application.

\*NOTE: The permits described above are given to the property owner and belong to the owner until such time as the land is sold, the business ceases to operate for a period of one year, or the business is expanded so that it no longer meets the requirements under the Home or Rural Home Occupation Ordinance. The permits shall be non-transferable and shall automatically terminate or be suspended during any time that has lapsed or expired.

### **(E) Signs.**

- (1) Home occupation: a maximum of one double faced sign, no greater than 18" x 24" and attached to the residence.
- (2) Rural Home Occupation: a maximum of one double-faced sign; no greater than 2' x 4'.
- (3) No directed lighting of these signs will be permissible.
- (4) No portable signs or off premise signs shall be permitted.

### **(F) Home Occupations.**

- (1) Use Requirements. In addition to all other requirements applicable in the zone in which located, all home occupations are subject to the following:
  - (a) No alteration shall be made to the exterior of the primary use building or to the lot which changes the residential character of that building or lot.
  - (b) The operator of a home occupation shall be a resident of the dwelling unit and not more than one employee shall be allowed who is not a resident of that dwelling unit.
  - (c) A home occupation shall not involve construction features or the use of any electrical or mechanical equipment or combustible materials any of which would change the fire separation requirements of the primary use building.
  - (d) There can be no activity or storage of any kind related to the home occupation outside the buildings.
  - (e) A home occupation shall provide an additional off-street parking area adequate to accommodate needs created by the home occupation. This area shall contain at least one (1) parking space, which shall be in addition to the parking spaces required for the dwelling unit. This parking space shall be provided on the same lot as the home occupation, and may be located in the front setback (but not the right-of-way).
  - (f) A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire, chemical hazard, traffic hazard, or any other hazard or nuisance to any greater or more frequent extent than would be expected from a normally occupied dwelling unit in that zone that has no home occupation.
  - (g) No stock in trade shall be displayed, stored, or sold outdoors or outside of the home occupation. A home occupation is neither a retail nor wholesale establishment.

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### (2) Permitted Home Occupations:

#### (a) Home Occupations may include, but are not necessarily limited to the following:

1. Artist or sculptor;
2. Author or composer;
3. Dressmaker, seamstress or tailor;
4. One-station barber or beauty shop;
5. Computer programmer and business consultant;
6. Home craft, such as model making, rug weaving, lapidary work, cabinet and furniture making, antique restoration (not including automobile restoration) and furniture upholstery;
7. Office facility of a member of the clergy;
8. Office facility of a sales representative, salesperson, or manufacturer's representative, provided that no retail or wholesale goods are stored or exchanged;
9. Office facility of an accountant, architect, artist, broker, engineer, insurance agent, land surveyor, lawyer, musician, real estate agent, or member of the recognized counseling professions;
10. Class of special instruction whose class size does not exceed 4 pupils and not more than 1 class per day, or group counseling session whose group size does not exceed 5 clients and not more than 1 session per day;
11. Individual instruction;
12. Individually ordered and/or customized items only (but no stock in trade);
13. Office facility of a building contractor;
14. Catering service; and
15. Day care (for those who care for 6 or more children, fencing will be required, and evidence proving compliance with State laws must be submitted upon request of the Executive Director).

#### (b) A home occupation that is not listed above, may be permitted by the Executive Director upon his determination that the characteristics of a requested occupation are:

1. Consistent with the purpose and description of the zone as per this ordinance; and
2. Compatible with the permitted primary uses in the zone regarding hours of operation, traffic generation, outdoor lighting, and noise, vibration, dust, odor, glare, and heat producing properties.

#### (c) If the Executive Director determines that a home occupation no longer meets the requirements set forth above, the Executive Director shall require such changes that are necessary to bring it back into compliance with those requirements.

### (3) Prohibited Home Occupations: For reasons of incompatibility with permitted uses and/or violations of neighborhood character, permitted home occupations shall not include the following:

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- (a) Antique shop
- (b) Automobile, truck or motorcycle service, repair, salvage, customizing or restoration;
- (c) Barber or beauty shop with two (2) or more stations;
- (d) Gift shop;
- (e) Physician, dentist, optometrist, podiatrist, chiropractor, naturopathic doctor, hypnotherapist, acupuncturist, or any medical or dental clinic, office or hospital;
- (f) Restaurant or bakery;
- (g) Kennel;
- (h) Veterinarian or any veterinary clinic, office, or hospital;
- (i) Welding shop;
- (j) Bed and breakfast, tourist home or boarding home; and
- (k) Other activities having similar characteristics;

### **(G) Rural-Home Occupations.**

- (1) Use Requirements. Rural-home occupations are permitted in any dwelling unit or any accessory building which is normally associated with a residential or agricultural use, and which is located on a lot two (2) acres or larger in area and in a rural or agriculture zone, or in any zone where an agricultural use or practice is in existence at time of the amendment and adoption of this section and ordinance. In addition to all other requirements applicable in the rural zone in which located, all rural home occupations are subject to the following:
  - (a) No alteration shall be made to the exterior of the residential primary use building which changes the residential character of that building, nor shall any alterations be made to an accessory building or the lot which changes the agricultural character of that accessory building or that lot.
  - (b) The operator of a rural home occupation shall be a resident of the dwelling unit or the owner of the accessory building, agricultural operation or farm and not more than two (2) employees shall be allowed who are not residents of that dwelling unit or record owners of the accessory building, agricultural operation, or farm.
  - (c) A home occupation shall not involve construction features or the use of any electrical or mechanical equipment or combustible materials that would change the fire separation requirements of the primary use or accessory use building.
  - (d) There can be no activity related to the rural home occupation outside any primary use or accessory use building, except storage.
  - (e) A rural home occupation shall provide an additional off-street parking area adequate to accommodate needs created by the rural home occupation. This area shall contain at least two (2) parking spaces, which shall be in addition to the parking spaces required for the dwelling unit or accessory building. This parking space shall be provided on the same lot as the rural home occupation.
  - (f) A rural home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire, chemical hazard,

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traffic hazard or any other hazard or nuisance to any greater or more frequent extent than is characteristic of the location.

- (g) No stock in trade shall be displayed, stored, or sold outdoors or outside of the building located on the lot.
- (2) Permitted Rural Home Occupations.
  - (a) Rural Home Occupations may include, but are not necessarily limited to the following:
    - 1. All home occupations permitted above;
    - 2. Agricultural equipment repair within enclosed structure.  
(No outside storage or work shall occur on the lot or premises, except that not more than one (1) piece of equipment that cannot fit within an accessory building, (that is not owned by the landowner/permit holder), may be worked on or stored on the lot until it is repaired.
    - 3. Greenhouse (not exceeding 1000 square feet) and/or uses compatible with the greenhouse);
    - 4. Barber shop or beauty shop;
    - 5. Farm produce sales;
    - 6. Office facility of a physician, dentist, optometrist, podiatrist, chiropractor, naturopathic doctor, hypnotherapist or acupuncturist;
    - 7. Small engine repair;
    - 8. Welding shop;
    - 9. Individually ordered and/or customized items;
    - 10. Bait sales;
    - 11. Antique shop;
    - 12. Agricultural Retail Related Businesses (not including implement sales) including but not limited to: Tack shop, Fencing, Seed, minor assembly of already manufactured equipment, etc.;
    - 13. Gift shop or boutique.
  - (b) A rural home occupation that is not listed above, may be permitted by the Executive Director upon his determination that the characteristics of a requested occupation are:
    - 1. Consistent with the purpose and description of the zone or agricultural use of the land as per this ordinance; and
    - 2. Compatible with the permitted primary uses in the zone or agricultural use of land regarding hours of operation, traffic generation, outdoor lighting, and noise, vibration, dust, odor, glare, and heat producing properties.
  - (c) If the Executive Director determines that a rural home occupation no longer meets the requirements set forth above, the Executive Director shall require such changes that are necessary to bring it back into compliance with those requirements.
- (3) Prohibited Rural Home Occupations: For reasons of incompatibility with permitted uses, and/or violations of neighborhood character, permitted rural home occupations shall not include the following:
  - (a) Automotive salvage, junk yard, or scrap metal yard;
  - (b) Medical clinic or hospital;



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- (c) Restaurant; and
  - (d) Boarding home.
- (4) Rural Home Occupations Permitted by Special Exception: The following rural home occupations shall be permitted to operate in a rural or agriculture zone or in any zone where an agricultural use or practice is in existence at the time of the amendment and adoption of this section and ordinance, by special exception:
  - (a) Bed and breakfast with three (3) or less rooms for overnight accommodations;
  - (b) Home occupations or rural home occupations that need limited new construction or improvements on the existing property;
  - (c) Agricultural implement sales;
  - (d) Automotive or light truck repair including painting of automobiles, (not more than four (4) motor vehicles shall be stored or kept outside that are scheduled to be repaired or picked-up).

### SECTION 80.36: OFF-STREET PARKING AND LOADING

#### **(A) Intent.**

- (1) Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Code in accordance with the provisions of this section, or as otherwise indicated in Sec. 80.24, or elsewhere in this Code.
- (2) The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

#### **(B) Scope.**

- (1) No use lawfully established prior to the effective date of the ordinance establishing the Zoning Code of Ripley County, Indiana, shall be required to provide and maintain the parking and loading requirements herein; provided, however, that off-street parking and loading spaces required by any previous ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.
- (2) For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses.
- (3) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

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

### **(C) General Provisions.**

- (1) Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have adequate

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vertical clearance. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.

- (2) Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance; provided further that if more than one (1) berth is provided, the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen (14) foot height clearance.
- (3) Except on lots occupied by one, two-family and multi-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with the following table, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

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

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

- (4) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner, which will least, interfere with traffic movement.
- (5) In determining the minimum required number of off-street parking or loadings spaces, the following instructions shall be applicable in such computations:
  - (a) If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one space.
  - (b) In sports arenas, church and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder.
- (6) Accessory off-street parking areas may count toward the open space requirements of this Code.
- (7) Accessory off-street parking and loading areas shall be provided to the rear of the required front building setback line, except as specified otherwise by

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this Code. When permitted within required setback distances, a landscape screen shall be provided along the property line.

- (8) Adequate employee and customer off-street parking area shall be provided, including such areas incidental to display, servicing and repair. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way, or in such a manner as to restrict motorists' visibility.

### (C) Minimum Parking Requirements.

#### TYPE OF USE

#### MINIMUM PARKING SPACE

- |  |  |
|--|--|
| (1) Automobile Service Sales Room<br>Business Services, Clothing<br>Services, Food Services, Personal<br>Services, Retail Service and Retail<br>Storage generally, and Tavern or<br>Night Club | One for each 125 square feet of net<br>floor area.   |
| (2) Billiard Room, Dancing Academy,<br>Sporting Activities, Department Store<br>And Automobile, Truck or Trailer<br>Rental and Sales Area  | One for each 200 square feet of net<br>floor area.   |
| (3) Private (or Commercial)<br>Club or Lodge   | Space to accommodate 50 percent of<br>the active membership at one space<br>per 3 members, or as determined by<br>the Board. The determination shall<br>be based upon the particular Lodge<br>required to satisfy estimated peak<br>parking load requirements. |
| (4) Automobile and Truck Repair  | One for each 200 square feet of net<br>floor area.   |
| (5) Indoor Theatre   | One for each 6 seats.  |
| (6) Bowling Alley or Roller Rink   | Three for each lane plus one for<br>each 6 spectator seats.  |
| (7) Hotel or Motel   | One for each 3 employees plus one<br>for each sleeping unit.   |
| (8) Radio and Television Studios   | One per employee, plus one for each<br>6 seats in main auditorium.   |
| (9) Newspaper Publishing   | One per employee on largest shift.   |
| (10) Motor Bus or Passenger Station  | One for each 3 employees plus one<br>for each ten seats in waiting room.<br>Other retail uses in connection  |

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	therewith shall provide one space for each 2 employees.
(11) Storage Warehouse or Wholesale Establishment	One for each 3 employees or occupants. The maximum number of employees or occupants to be used in determining spaces.
(12) Residential Uses	As required in the applicable sections of this Code.
(a) Single-family dwelling	2
(b) Manufactured home	2
(c) Farm house or farm dwelling	2
(d) Two-family dwelling	2 for each unit
(e) Multi-family dwelling (or apartment building)	2 for each dwelling unit.
(13) Community centers, public buildings, utility and public service uses including libraries, museums, place of assembly	one parking space for each 800 sq. ft. of gross floor area, or one space for each 2 and similar employees per largest shift, whichever is greater.
(14) Philanthropic and charitable institution	One parking space for each two employees per largest working shift, plus an adequate number of spaces to serve the public.
(15) Schools, Public and Private (Education Institution)	
(a) Elementary or junior high	At least 3 parking spaces shall be provided for each classroom.
(b) High School	At least 6 parking spaces shall be provided for each classroom.
(c) Sports Area	At least one space shall be provided for each five seats when the facility is of an independent nature. When such facility is utilized in conjunction with a school, either the parking requirement based on seating capacity of the largest single facility contained herein or the above requirement based on classroom number shall be applicable, whichever results in the greater number of spaces.

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|--|--|
| (16) Churches, theaters, auditoriums, assembly halls, undertaking  | one parking space for each five seats in the main and similar places of congregation sanctuary or room, plus one space for each employee per largest working shift.                          |
| (17) Boarding Schools, vocational and trade schools, colleges, and similar educational institutions                              | one parking space for each six students, based on the maximum number of students attending classes on the premises at any one time during a 24-hour period.                                  |
| (18) Group Housing, including rooming and boarding houses, dormitories, elderly housing, fraternities and sororities             | one parking space for each two beds, or each two sleeping units, rooming units or dwelling units in the case of elderly housing, plus one space for each employee per largest working shift. |
| (19) Drive-In establishments   | Two parking spaces for each 100 sq. ft. of gross floor area, plus one space for each employee per largest working shift.   |
| (20) Open-air type business uses, including auto and boat sales, kennels, plant nurseries and commercial amusement establishment | One parking space for each employee per largest working shift, plus two spaces for each service stall.   |
| (21) Automobile service station uses   | One parking space for each employee per largest working shift, plus two spaces for each service stall.   |
| (22) Commercial, manufacturing and industrial establishments not catering to the retail trade                                    | one parking space for each two employees on the largest shift, plus an adequate number of spaces for visitors and company vehicles operating from the premises.                              |
| (23) Amusement establishments, including swimming pools, golf courses, bowling alleys, skating rinks and similar facilities      | One parking space for each 500 sq. ft of gross floor area, or five parking spaces for each hole, alley, or 100 sq. ft.   |

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of water area, whichever is greater.

- (24) For uses not specified in this subsection or in such instance when the requirement for an adequate number of spaces is unclear or not specified in another part of this Code or for special exceptions or a unit development plan, etc., the number of parking spaces shall be determined by the Executive Director or the Board of Zoning Appeals, whatever the case may be, on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination, if made by the Executive Director, may be appealed to the Board of Zoning Appeals.
- (25) In case of conflict between the provisions of this subsection, the higher requirement shall govern.
- (26) For purposes of determining off-street parking requirements under this subsection, gross floor area shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities or elevator shafts.

### **(D) Off-site Parking Facilities.**

Required off-street parking facilities shall be provided hereinafter. The Board of Zoning appeals is hereby authorized to grant an off-site parking facility as a special exception in accordance with the following conditions (and the requirements of Sec. 80.24):

- (1) A development plan for such off-site parking facility shall be filed with the Board as a required exhibit accompanying the special exception application and shall be made part of the conditions of any approval therefore. Said development plan shall demonstrate compliance with all applicable standards of this Code, shall be amended and re-approved to indicate any change or other modification of uses served, or number of parking spaces provided therefore, and shall indicate:
  - 1. Adjacent streets, alleys and lots.
  - 2. All individual primary uses to be served, including the location use and number of parking spaces for each such use.
  - 3. A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.
  - 4. Type of lighting and pavement proposed, and identification signs including location, size and design thereof.
- (2) Off-site parking facilities shall be provided with setback distances equivalent to the requirements of the district, and ingress and egress points shall be limited to protect the function of adjoining streets.

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- (3) Off-site parking facilities shall be encumbered by any instrument duly executed and acknowledged, which subject said accessory off-street parking facilities to parking use served. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Said instrument shall be filed in the applicable Improvement Location Permit files of the Plan Commission Office, and placed on public record in the office of the Ripley County Recorder.
- (4) Off-site parking facilities shall be developed in accordance with the provisions of Subsection (F) below.  
Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeal as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

### **(E) Development Standards.**

- (1) All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this section, except in the case of one, two-family and multi-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Code.
- (2) Required off-street parking spaces shall be so designed, arranged and regulated, as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.
- (3) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
- (4) No repair work, sales or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the district.
- (5) All open off-street parking areas shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with concrete or a compacted macadam base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:
  1. A gravel surface may be used for a period not exceeding one year after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.
  2. A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.



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- (6) Driveway entrances or exits shall be no closer than 25 feet to any adjoining residential property line or 10 feet to an adjoining non-residential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of 30 feet; provided, however, two driveways not exceeding 30 feet in width each may constitute a single entrance-exit divider designed driveway; provided, further, that such driveways shall conform to the requirements of the Ripley County Highway Department.
- (7) In any district, each use which is so located that it fronts upon and provides access to an arterial thoroughfare shall provide a frontage land paralleling and adjoining the improved part of the right-of-way at least 11 feet in width for turn traffic entering the lot. Such frontage lane shall be at least 100 feet in length, exclusive of the entrance way and taper area; provided, however, if the lot frontage is too small to meet such requirement, the frontage lane shall extend the entire width of the lot.
- (8) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare un-shaded bulbs be used for such illumination.
- (9) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow or water onto either adjacent property or public sidewalks. Further, any additional run-off generated by such improved areas shall be disposed of in appropriate drainage facilities.
- (10) Such parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces, and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto adjoining property.
- (11) No business signs or advertisements shall be permitted in parking areas; provided, however, directional and identification signs shall be permitted in accordance with Sec. 80.37.
- (12) Parking areas located in the business and industrial districts shall be provided with a landscape screen not less than 4 feet in height whenever the parking area is located within 100 feet of adjoining residential uses or fronting upon any adjoining residential uses, except as otherwise provided in this Code.
- (13) The ground area between the required off-street parking area setback and any lot line shall be landscaped with appropriate material to adequately indicate delineation.
- (14) Parking areas may be provided with a one-story shelter building or guard building which shall not exceed 100 square feet of gross floor area and shall conform to all the structural requirements of the district.

### **(F) Loading Requirements.**

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

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<b>USE DESCRIPTION</b>	<b>FLOOR AREA IN SQUARE FEET</b>	<b>NO. OF LOADING SPACES REQUIRED</b>
Manufacturing,	5,000-25,000	1
Distribution,	25,0001-50,000	2
Wholesaling,	50,001 – 100,000	3
Storage, and	Each 50,000 above	
Similar uses	100,000	1
Office buildings	5,000 – 60,000	1
Hotels, and	60,001 – 100,000	2
Motels, retail	Each 100,000 above	
Sales, hospitals	100,000	
1		
Institutions, and		
Similar uses.		

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

### SECTION 80.37: SIGNS

#### (A) Definitions.

- (1) A sign shall mean any identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building or other outdoor surface or parcel of land, and which directs attention to an object, project, place, activity, business, person, service or interest.
- (2) Sign surface shall mean the entire area within a single continuous perimeter enclosing all elements of the sign which form a integral part of the sign and which are organized, related and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (3) An advertising sign or billboard shall mean an off-site sign which directs attention to an object as described in item (1) above; provided, however, such advertising sign shall not be associated with the primary use, business, activity or service conducted on the premises.
- (4) A business sign shall mean an on-site sign which identifies or directs attention to an object as described in item (1) above associated or offered as the primary use, business, activity or service on the premises; provided, however, that window displays relating to such items for sale or promoted on the premises shall not be construed as business signs.
- (5) Sign facing shall mean the surface of the sign upon, against or through which the message of the sign is exhibited.
- (6) Sign structure shall mean the supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

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- (7) Projecting sign shall mean any sign suspended from or supported by a building, and extending outward there-from more than eighteen (18) inches.
- (8) A freestanding sign shall mean any sign attached to a self-supporting sign structure, which is essentially unattached to any other structure.
- (9) An incidental sign shall mean a nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent or lease.
- (10) Portable Sign: Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a temporary sign designed to be moved from place to place. A sign not permitted by this Section, but may be permitted by the Board in accordance with the requirements of Sec. 80.34.

### **(B) Application.**

Vision clearance on corner lots or Intersection Visibility shall be observed at all Sign Locations at intersections of Streets. No sign, billboard or exterior graphic display will be permitted in any district until permits are obtained therefore, except as specified otherwise in this Subsection.

- (1) The following incidental signs shall be exempted from the requirements of this Subsection, subject to the conditions specified:
  - (a) Signs not exceeding one square foot in area and bearing only property numbers, address numbers, names of occupants of premises, or other identification of premises not denoting commercial activity.
  - (b) Flags and insignia of any governmental unit, or civic, educational or religious organization, except when displayed in connection with promotion.
  - (c) Temporary political signs of any size pertaining to an election, referendum, or other voting event, may be displayed within sixty (60) days before an election, ending at the beginning of the sixth (6<sup>th</sup>) days after the election, pursuant to Indiana Code 36-1-3-11(c) or as thereafter amended.
  - (d) Legal notices, identification, information, warning, trespassing, or directional signs erected or required by governmental units.
  - (e) Memorial plaques, historical markers, integral decorative or architectural features of buildings, except trademarks, moving parts or moving lights.
  - (f) One real estate sign for each lot frontage not exceeding six (6) square feet in area, indicating the sale, rental or lease of the premises on which displayed. A solid sign may be attached to such real estate sign; both signs shall be removed within seven (7) days from the time the premises were sold, rented or leased.

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- (g) Such signs may be illuminated but not flashing or animated.
  - (h) Private Signs: (non-profit) including historical signs and homestead signs (Refer to Hoosier Homestead sign issued by State.) shall be exempt, but must meet setback requirements.
- (2) The following incidental signs shall be permitted subject to the requirements of this Subsection.
- (a) Signs directing and guiding traffic, pedestrian or other control designative entrances or exits to or from a parking or loading area, or indicating parking or loading area, or loading spaces, on private property, not exceeding four (4) square feet in surface area for each such sign and not bearing any advertising matter, limited to two (2) such signs for each entrance or exit.
  - (b) One identification sign for parking or loading area not exceeding sixteen (16) square feet in surface area for each street frontage of such area. Said sign shall include only the name and address of the owner or the name and address of the use for which it is provided, the hours of operation, and similar such information.
  - (c) Temporary signs in connection with a special event, in accordance with Sec. 80.34. Special Events signs are permitted for a maximum of fourteen (14) days limited to twice yearly.
  - (d) One temporary announcement sign for each street frontage of premises or buildings which are under construction, demolition, remodeling, or rebuilding, which sign announces the character of the building enterprise, including names of architects, engineers or contracts. Such sign shall not exceed sixty-four (64) square feet of surface area, and shall be removed when said indicated purpose is completed, in accordance with Sec. 80.34.
  - (e) One temporary subdivision sign for each street entrance to the subdivision, on not less than 200 feet of street frontage, in accordance with Sec. 80.34, which sign is both incidental and necessary to advertise the sale, rental or lease of Sec. 80.34, which sign is both incidental and necessary to advertise the sale, rental or lease of real property in the district. Such sign shall not exceed 200 square feet of surface area and shall not be erected until the subdivision has been approved and recorded.
  - (f) One temporary office, model home or model apartment sign for each use, in accordance with Sec. 80.34, which sign is both incidental and necessary to identify or promote said use. Such sign shall not exceed sixteen (16) square feet of surface area.
  - (g) Such signs may be illuminated but not flashing or animated. Such signs shall conform to all the requirements of the district; provided, however, in the case of (a), (b), (d) and (f), above, said signs may encroach into required setback distances but no closer than fifteen (15) feet to any adjoining

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property line; provided, further, said signs shall not project higher than sixteen (16) feet above the lot ground level.

### **(C) Advertising Signs or Billboards.**

- (1) It is the intent of this Subsection to establish reasonable and uniform limitations, safeguards and controls for the operation and use of advertising signs in highway-oriented business locations. Such requirements are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interests of the community. Advertising signs or Billboards may be permitted as a special exception subject to the requirements of this subsection and Sec. 80.24
- (2) For purposes of this Subsection an advertising sign shall be construed in accordance with the definition and subject to the provisions of this Section. All off premise advertising signs are billboards.
- (3) One advertising sign shall be permitted on any lot of at least 300 feet of frontage on a street designated as a secondary arterial or primary arterial in the A-1, A-2, LB, RB, GB, IB, I-1 and I-2 districts, and one additional advertising sign shall be permitted for each 300 feet of additional frontage.
- (4) Minimum setback lines shall be 50 feet from the right-of-way as proposed and/or set forth in the Ripley County Thoroughfare Plan to the closest edge of any portion of the advertising sign/billboard.
- (5) No advertising sign shall be permitted within 100 feet of a residential or agricultural district unless said sign is provided and maintained with landscape screening in order to mask the sign from view of the district.
- (6) The number of traffic access points shall not exceed one for each such sign frontage.
- (7) The facing of an advertising sign shall not be greater than eighteen (18) feet in vertical dimension, nor greater than fifty-five (55) in horizontal dimension, except as provided in (9) below, and shall not contain more than two advertising signs per facing.
- (8) The face of an advertising sign shall be viewed along the line of travel to which it is exposed for a distance of at least two hundred fifty (250) feet along the centerline of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's centerline; provided, however:
  - (a) In the case of a sign parallel (or within 20 degrees of parallel) to a one-way street, the required viewing distance shall be at least 400 feet;
  - (b) In the case of a sign which is from 3 to 20 degrees of parallel to a two-way street, the required viewing distance shall be at least 400 feet;
  - (c) In the case of a sign parallel (or within 3 degrees of parallel) to a two-way street, the required viewing distance shall be at least 250 feet in each direction.
  - (d) In the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street.
- (9) No semi-trailer(s) shall be used for signage.
- (10) The maximum height of advertising signs erected upon the ground shall not exceed forty (40) feet above the street elevation to which the sign is oriented.

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### **(D) Business Signs.**

- (1) The number and size of business signs for uses permitted in a business or industrial district shall be limited as follows:
  - (a) The total number of signs for a lot having a business use located thereon shall be based upon the following formula: For each 10 lineal feet of property constituting frontage on a street, 20 square feet of sign surface area shall be allowed, provided that this total surface area shall be allowed, provided that this total surface area may be allocated into any number of signs; and provided further, that in no case shall the total number of such signs exceed 2 per street frontage for each occupant therein.
  - (b) The minimum size allotment for signs for each lot having a business use located thereon shall be at least 300 feet of total surface area, and this area may be divided into two signs.
- (2) For unified centers, including shopping centers, planned business areas, and enclosed industrial parks, in single ownership or under unified control, or individual uses with a collective and contiguous minimum frontage of 400 feet, one additional business sign in addition to those signs permitted in this section shall be permitted for each main entrance to such center subject to the following:
  - (a) Such sign shall indicate only the name and location of such center and the name and type of business of the occupants of such center.
  - (b) The maximum surface area of such sign shall be neither flashing or animated.
- (3) On Premise Advertising Signs are the same as Business Signs and have the following requirements:
  - (a) Maximum size of 32 square feet.
  - (b) Permitted in Business Districts.
  - (c) Lighting shall be permitted. (Directional only, limited to sign face.)
  - (d) Permit fee applicable to current Improvement Location Permit fee.
  - (e) Shall not apply to home or rural occupations.
  - (f) Setback shall be at least twenty (20) feet from Front Lot Line.
  - (g) Setback shall be at least twenty (20) feet from an Agriculture or Residence District.
  - (h) Maximum Height is six (6) feet.
  - (i) Any sign over thirty-two (32) feet shall require a variance.

### **(E) Certain Identification Signs.**

- (1) Directional – Off Premise Signs. The purpose of this paragraph is to prevent the uncontrolled use of off premise signs so as to promote the health, safety, and general welfare of those persons using the public rights-of-way. These regulations are intended to preserve the overall landscape quality of the County while allowing the reasonable use of signs to inform the traveling public. This is accomplished through the application of standards for size, illumination and separation.
  - (a) Sign shall contain only name, emblem and arrow,
  - (b) Permit shall be required,
  - (c) Not permitted in Residence Districts,
  - (d) Lighting shall not be permitted,

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- (e) Maximum of two (2) signs per Business use,
  - (f) Zero (0) setback from Front Property Line,
  - (g) Setback of twenty (20) feet from side and rear property lines,
  - (h) Vision Clearance on corner lots or intersection visibility shall be observed,
  - (i) Maximum height is six (6) feet (street grade to top of sign),
  - (j) Maximum of sixteen (16) square feet when abutting Arterial Thoroughfare. Permitted only on Arterial Streets.
  - (k) Width shall not exceed four (4) feet.
- (2) The following provisions shall apply to residential uses in any zone district:
- (a) Two sign structures identifying and/or providing information regarding a residential subdivision or project area shall be permitted for each main entrance to such residential area.
  - (b) Said sign shall not exceed sixty-four (64) square feet in surface area, and may be illuminated but not flashing or animated.
  - (c) Said sign shall indicate only the name and address of the building or use, the name and address of the management thereof, or associated information, but not including permanent promotional information.
  - (d) Provision for maintenance shall be made for permanent residential identification signs in platted subdivisions. Said sign shall be constructed of ornamental metal, stone, masonry or other permanent material
- (3) The following provisions shall apply to special exception uses:
- (a) One identification sign not exceeding sixty-four (64) square feet in surface area shall be permitted for each street frontage adjoining any residential property; provided, however, for each 200 feet of additional street frontage, one additional such sign shall be permitted, not to exceed a total number of four; provided, further, when not adjoining residential property such sign surface area may be increased to a maximum of 128 square feet.
  - (b) Said sign may be illuminated but not flashing or animated.
  - (c) Said sign shall indicate only the name and address of the building or use, conditions of operation and associated information, but not including permanent promotional information.

### **(F) Accessory Sign and Sign Structures.**

Accessory signs and sign structures shall be permitted for all buildings, structures or premises used for purposes permitted by this Code in accordance with the provisions of this Section.

### **(G) Maintenance and Removal.**

- (1) All signs shall be kept in repair and in proper state of preservation.
- (2) Signs, which are no longer functional or are abandoned shall be removed or relocated in compliance with the regulations of this Code within thirty (30) days following such abandonment. Signs shall be considered no longer functional or abandoned when such sign is materially obstructed from view, when its essential elements are no longer readable, or when a condition of dilapidation is in evidence.

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- (3) Any legally established non-conforming sign shall be permitted without alteration in size or location, unless movable or unattached, in accordance with Sec. 80.07 (F) of this Code. If such sign is damaged or dilapidated to an extent of more than fifty percent (50%) of its replacement cost at time of damage or repair, as determined by the Building Inspector, it shall not be rebuilt; provided, however, that nothing herein shall prevent maintenance, repainting or normal repair of legally established non-conforming signs.
- (4) Whenever any movable or unattached sign is erected or maintained in violation of this Code, said sign may be removed by action of the Executive Director after due notice is given to the person in interest. If the Owner fails to remove or renovate the sign within thirty (30) days after due notice has been given the County or respective Town may remove such sign at the owner's expense.

### **(H) General Provisions.**

- (1) No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- (2) No sign or sign structure other than official highway signs shall be placed upon, over or in any street or highway right-of-way or any sidewalk, except as provided in paragraph (5) below.
- (3) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon, or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "Stop", "Look", "Danger", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
- (4) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (5) It shall be unlawful to erect and maintain:
  - (a) Any sign which is not included under the types of signs permitted in this Code.
  - (b) Any portable or movable sign, except as permitted under the provisions of this Code. (See Sec. 80.34.)
  - (c) Any sign which projects more than eighteen (18) inches over public property except when such sign is necessary to the public safety and convenience and so authorized by the applicable governmental unit.
  - (d) Any sign or sign structure affixed to a roof top or known as roof-top sign, which superstructure extends above the highest point of the roof.
  - (e) A business sign and advertising sign on the same lot.
- (6) Signs or sign structures located on a marquee or canopy shall be affixed flat to the surface thereof, and shall not:
  - (a) Be greater than three (3) feet in vertical measurement above the marquee or canopy.
  - (b) Extend vertically below or horizontally beyond more than eighteen (18) inches from the marquee or canopy limits.
- (7) Signs located on awnings shall be affixed flat to, or painted upon the surface thereof, shall not extend vertically or horizontally beyond the limits of said



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awning, and shall not be illuminated. Only the name and address of the use shall be indicated.

- (8) No sign or sign structure, except a projecting sign structure, attached to the wall of a building shall extend more than eighteen (18) inches horizontally from such wall.
- (9) No sign or sign structure attached to the wall of a building shall extend above the roof or parapet lines of such building; provided, however, in the case of the unified center, including unit development plans, shopping centers, planned business areas and enclosed industrial parks, in single ownership or under unified control, the Board of Zoning Appeals may grant a special exception in accordance with Sec. 80.24 for one such sign per occupant extending not more than four (4) feet above the roof or parapet line of such building.
- (10) Business and advertising signs may be illuminated, unless specified otherwise; provided, however, light reflectors shall not extend more than twelve (12) feet from the face of the sign. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of adjoining property.
- (11) Not more than one projecting business sign structure shall be allowed for each lot or occupant thereof, and the maximum surface area of such sign shall not exceed 240 square feet per side. Only one side of a projecting sign shall be considered in computing total allowable sign surface area. In no case shall the sign structure extend more than eight (8) feet from or beyond its supporting building. No projecting sign shall be at its lowest point less than eight (8) feet above grade level.
- (12) Freestanding signs shall not be higher than forty (40) feet above the street elevation to which the sign is oriented, and the maximum surface area of such sign shall not exceed 300 square feet per side.
- (13) Signs or sign structures shall be set back in accordance with the building setback lines required by the district; provided, however:
  - (a) In case the supporting building for a projecting sign is located closer than eight (8) feet to the building setback line, the projecting sign may extend in front of said setback line, but in no case shall such sign extend beyond the property line, in accordance with the standards of this Subsection; or
  - (b) In the case of free-standing signs where graphic illustration is exhibited to the Board of Zoning Appeals, indicating extensive landscaping, compliance with all other standards of this Code and appropriate safeguards for the public safety, such sign or sign structure located no closer than twenty (20) feet to the front property line shall be deemed sign setback special exemption, and in accordance with the requirements of Sec. 80.24, the Board of Zoning Appeals may approve such special exception.

**SECTION 80.38: PARKING AND STORAGE OF CERTAIN VEHICLES**

**(A) Automotive vehicles.**

An automotive or trailer of any type without current license plates or in an inoperable condition so as to be deemed dead storage or an “abandoned vehicle” shall not be permitted on a lot for a period of 30 days other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized. See definition of ‘abandoned vehicle,’ Section 80.43: Definitions.

**(B) Commercial vehicles.**

The parking of a commercial self-propelled vehicle in residential districts shall be prohibited, except as set forth in Section 80.35(B)(10), and provided further that one commercial vehicle of not more than 1 ½ tons capacity may be parked on a lot on which there is located a principal building, provided such vehicle is parked in an enclosed garage, accessory building, or rear yard in a location where it is not visible from public property (including) a street, and is used by a resident of the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.

**SECTION 80.39: ADMINISTRATION**

**(A) Enforcement Officer.**

The Executive Director is hereby designated and authorized to enforce the Zoning Code.

**(B) Improvement Location Permits.**

Within the jurisdiction of the Ripley County Area Plan Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the Zoning Code of Ripley County, Indiana, and an Improvement Location Permit for such structure, improvement, or use has been obtained from the Executive Director by the owner (s) of the property or his agent.

**(1) Compliance with Zoning Codes.**

The Executive Director shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the Zoning Code.

**(2) Building Permits.**

The Executive Director may issue an Improvement Location Permit, which may include a Building Permit authorization by the Ripley County Building Inspector.

**(C) Application for Improvement Location Permit.**

Any person, who shall make application for an Improvement Location Permit, shall, at the time of making such application, furnish a site plan or development plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit,

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which five (5) days period may be waived. Said site plan shall be labeled 'Site Plan' and shall include the parcel number (to be obtained by the applicant) and shall be properly dimensioned and drawn to scale showing the following items:

- (1) Address of property and a legal or site description of the real estate involved including acreage.
- (2) Location and size of all buildings and structures, existing and proposed.
- (3) Width and length of all entrances and exits to and from said real estate.
- (4) All adjacent and adjoining roads, alley or highways, and their names.
- (5) Lot number, area in square feet or acreage.
- (6) Actual shape and dimensions of the lot to be built upon.
- (7) Front, side and rear yard lines and their distance from the street or Lot Lines.
- (8) Number of families or housekeeping units the building is designed to accommodate and such other information in regard to the lot and neighboring lots and their use as may be necessary to determine and provide for the enforcement of the provisions of this Code.
- (9) Show primary and secondary septic sites on every lot.
- (10) A survey and deed must be made and recorded.
- (11) The property comprising the Lot shall be in the owner's name at the time of application.
- (12) Basic standards for site plan drawings:
  - (a) 8 1/2" x 11" white paper, clean on both sides,
  - (b) Plan shall be drawn with straight edge,
  - (c) Plan shall be drawn in ink,
  - (d) All applications shall be clearly printed, or typed, English only.
- (13) Centerline of driveway to either side property line shall be shown to determine 911 addresses and to obtain culvert permit.
- (14) Development Plans (required for Special Exceptions, Unit Development Plans, and Commercial Uses shall be completed by a licensed Engineer, Surveyor, or Architect. Such plans shall include:
  - (a) Drainage system,
  - (b) Ingress and Egress,
  - (c) Permit for Septic system or receipt for sewer. If on septic system, primary and secondary sites shall be shown.
  - (d) If application is for Accessory Business, a permit from the Health Department stating acceptance for Accessory use. (If applicable.)
- (15) Any other items required by this Code. Applications including site plans or development plans so furnished shall be filed and shall become a permanent record of the Plan Commission.

### **(D) Basic Duties of Executive Director.**

- (1) Issue, in the name of the Board of Zoning Appeals, improvement location permits and certificates of occupancy and maintain records thereof.
- (2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter, and report the findings and violations to the Plan Commission and Board of Zoning Appeals for the purpose of ordering compliance thereof.
- (3) Provide interpretation of the Planning and Zoning codes when necessary and such technical and clerical assistance as the Commission and Board may require.

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- (4) Provide and maintain a public information service relative to all matters arising out of the Planning and Zoning codes.
- (5) Maintain permanent and current records of the Planning and Zoning codes, including but not limited to, all maps, amendments, improvement location permits, building permits, certificates of occupancy, variances, special exceptions and appeals, and applications therefore, and records of hearings thereon.
- (6) Review all applications for improvement location permits and subdivisions to ascertain as to whether the proposed use lies in a flood hazard area as defined in this Code. If the proposed use is found to lie in such an area, the Executive Director will enforce the requirements set forth in Sec. 80.21 in the event that any structures involved are not directly covered by the Building Code regulations.
- (7) The Executive Director, during his review of improvement location permits and building permits, shall assure that all national flood insurance program regulations pertaining to state and federal permits, subdivision review, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.
- (8) The Executive Director shall review all surveys and plats of any division of land, excepting re-tracement surveys of existing traces or descriptions, and legal surveys to establish boundary lines. The Executive Director shall within five (5) working days from the date of submission to the Office of the Area Plan Commission review said surveys and plats. All surveys and plats submitted for review to the Executive Director shall conform to the minimum requirements of surveys as set forth by State law and Section 81.06 1/2 (B)(6) and corresponding ordinances within the Area Zoning Code and Subdivision Control Code of Ripley County, Indiana. The Executive Director may, at his/her discretion, reject a survey or plat that does not meet the minimum requirements set forth herein or that does not contain necessary information.

### **(E) Responsibility of the Executive Director.**

- (1) The official assigned to administer and enforce the provisions of this chapter is designated the Executive Director. He shall be appointed in accordance with the provisions of the Code of Ordinances of Ripley County, Indiana. The authority to perform inspections, review applications, and issue permits may be delegated to such other officials by the Executive Director. In the performance of these functions the Executive Director and such other officials shall be responsible to the Ripley County Area Plan Commission and the Area Board of Zoning Appeals.
- (2) If the Executive Director shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by law to ensure compliance with or to prevent violations of the provisions of this chapter.
- (3) It is the intent of this chapter that all questions of interpretation of provisions of this chapter are first presented to the Executive Director. Recourse from the decision of the Executive Director (on matters pertaining to zoning) shall

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be only to the Board of Zoning Appeals, and recourse from the decision of the Board shall be to the courts as provided by law.

### **(F) Relocation of Proposed Building, Structure, or Exit.**

The Executive Director may require the relocation of any proposed building or structure or exit or entrance shown on the site plan or the location of new exits or entrances not shown on the site plan before issuing an improvement location permit when such action is necessary to carry out the purpose and intent of the zoning code.

### **(G) Certificate of Compliance for Industrial Uses.**

An application for an Improvement Location Permit for any use subject to the provisions of Section 80.19 and 80.20 of this Chapter shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer of the State of Indiana, certifying that the use intended will satisfy the performance standards of the open industrial use or enclosed industrial use, as the case may be, and in the district in which it is to be located. The Executive Director may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Executive Director has not required any additional information or stated any objection in writing, the Executive Director shall issue the Improvement Location Permit.

### **(H) Site Plans Must Be Filed for Record.**

Site plans so furnished shall be filed and shall become a permanent public record.

### **(I) Special Exception.**

The Executive Director shall issue an Improvement Location Permit for a special exception use only following receipt of notice from the Board that the application therefore has been approved by the Board.

### **(J) Certificate of Occupancy.**

No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been signed by the Building Inspector and the Executive Director, stating that the building and use comply with all of the provisions of this Code applicable to the building or premises of the use in the district in which it is to be located.

### **(K) Completion of Improvements.**

On completion of the improvement covered by the improvement location permit, the Executive Director shall cause an inspection of the premises, and, if this inspection shall reveal that the improvement has been completed in substantial conformity with the site plan or development plan, and certificate of compliance when required, submitted in the application pursuant to Subsection (C) of this Section, a Certificate of Occupancy shall then be issued; providing the Building Code requirements have been met.

### **(L) Temporary Certificate.**

A temporary Certificate of Occupancy may be issued by the Executive Director after application has been made for completed portions of a development plan, which

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has been approved as a special exception, provided that a Certificate of Occupancy is required upon completion of the total development plan.

### **(M) Change of Use.**

No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued, and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this Code.

### **(N) Coincidental Application.**

A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful change of use, lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed, provided the Executive Director has been notified of such completion by the applicant.

### **(O) Certificates of Occupancy Filed for Record.**

A record of all Certificates of Occupancy shall be kept on file in the office of the Plan Commission and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

### **(P) Excavations.**

No Improvement Location Permit shall be issued for excavation or for the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.

### **(Q) Health and Safety Requirements.**

An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed use meets the minimum standards for a sewage disposal system and water supply system as required by the Ripley County Health Officer. No Certificate of Occupancy shall be issued for a commercial or industrial structure or for any other applicable building until the plans for such structure shall have been approved by the Department of Fire Prevention and Building Safety of the State of Indiana.

### **(R) Time Limit.**

The work or use authorized by an Improvement Location Permit, Certificate of Occupancy or permit for a variance, contingent use or other permit, except for a special exception, must be commenced within six (6) months of the date of issuance of such certificate or permit; otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within twelve (12) months from the date of issuance of the building permit therefore, except for a special exception and provided that for good cause shown, the Executive Director can extend the completion of time.

### **(S) Proper Compliance.**

The Executive Director shall review all development (and subdivision) proposals to assure compliance with the flood plain district requirements of this Chapter. All development applications for uses located in the flood plain district which are not permitted by right (See Sec. 80.21) will require the review and approval by Natural

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Resources prior to the issuance of an Improvement Location Permit. The Executive Director shall forward all these specifications, along with plans and specifications, to Natural Resources for review and comment.

The Executive Director, during his review of Improvement Location Permits, shall assure that all National Flood Insurance Program regulations pertaining to State and Federal permits, (subdivision review), mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

### **(T) Soil and Drainage Conditions Met.**

An Application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed use meets the applicable criteria of the Ripley County Soil and Water Conservation District for the lot or tract of land concerning types of soils involved and the conditions which are requisite to assure proper drainage. Also, the Executive Director must be satisfied that any Indiana Drainage Code requirements have been met before approving applications for Improvement Location Permits.

### **(U) Temporary Improvement Location Permit.**

A Temporary Improvement Location Permit may be issued by the Executive Director after application has been made for a temporary use authorized by this Code. (See Sec. 80.34 and Sec. 80.37.)

### **(V) Issuance of Permits.**

Any permits authorized by the Executive Director, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Ripley County Area Plan Commission, shall be issued only if, in addition to satisfying the requirements of the Code of Ordinances of Ripley County, Indiana, the proposed street right-of-way as set forth in the Thoroughfare Plan, will be protected from encroachment. In this instance, the proposed street right-of-way lines will be protected from encroachment, and such proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street, subject to Building Setback Lines as set forth in Sec. 80.25.

### **(W) Certain Requirements Regarding Real Estate Transfers.**

All offers and contracts for the sale of real estate shall be accompanied by a written statement, signed by both the buyer and the seller, which informs the buyer that the real estate is subject to zoning regulations. The statement shall also inform the buyer that copies of the zoning regulations can be viewed and obtained from the Ripley County Executive Director in the Area Plan Commission Office in the Courthouse at Versailles.

### **(X) Erroneously Issued Permits – Restrictive Covenants.**

The issuance of an improvement location permit and/or a certificate of occupancy in no way validates such a permit or certificate in the event that the same is erroneously issued or does not comply with applicable laws and the Code of Ordinances of Ripley County. Furthermore, the issuance of an improvement location permit and/or a

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certificate of occupancy in no way permits the violation of any restrictive covenants relative to the real estate.

### **(Y) Criteria and Standards for Surveys and Divisions of Land.**

All surveys of land, parcels, tracts and/or divisions of land, not defined as a subdivision, shall conform to the requirements of State and Local law, including the standards and criteria set forth in Section 81.04 Figure 1, Step 1 (B) (2), (4), (5), (6), (7), (8), (10), (14), (15), (16), (19), (22), (23), (24), (25), (26), (27), (28) and (29) Section 81.06 ½ of the Area Subdivision Control Code.

### **(Z) Exempt Divisions Included.**

All surveys of land, parcels, tracts and/or divisions of land, not defined as a subdivision, being (10) acres or larger in size, shall conform to the requirements of State and Local law, including that standards and criteria set forth in Section 81.04 Figure 1, Step 1 (B) (2), (4), (5), (6), (7), (8), (10), (14), (15), (16), (19), (22), (23), (24), (25), (26), (27), (28) and (29) Section 81.06 ½ of the Area Subdivision Control Code.

### **(AA) Building Permit Required – Persons Responsible.**

Before any construction of a building (requiring a building permit) takes place, the owner, builder, contractor, or agent thereof shall obtain all proper permits and a building permit. In the event that a building permit is not obtained prior to construction, such construction and failure to obtain a building permit shall be a violation of this Code and Executive Director, or the Building Inspector at the Executive Director's direction may issue a stop work order on said construction and require removal of said construction. The owner or tenant of any building or structure, premises or part thereof, and any building, contractor, or agent thereof who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties set forth in Section 80.99 – Remedies and Penalties.



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### SECTION 80.40: BOARD OF ZONING APPEALS

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

#### **(A) Organization.**

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

#### **(B) Rules.**

The Board shall adopt rules and regulations, as it may deem necessary to effectuate the provision of this Code.

#### **(C) Meetings Open to Public.**

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

#### **(D) Appeals Jurisdiction.**

The Board shall hear and determine appeals from and review:

- (1) Any order, requirement, decision or determination made by an administrative official, including the Executive Director, or staff member under this Zoning Code;
- (2) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of the zoning code; or
- (3) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of an ordinance adopted under this Code requiring the procurement of an improvement location permit or a certificate of occupancy.

#### **(E) Exceptions and uses.**

The Board shall approve or deny all:

- (1) Special exceptions; and
- (2) Variances

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

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### **(F) Variances From Development Standards of Zoning Code.**

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

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.
- (4) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district;
- (5) Such variances is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question;
- (6) That the granting of such variance will not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets.

### **(G) Variances From Use District or Classification Not Granted.**

Neither the Ripley County Area Board of Zoning Appeals nor any other Board of Zoning Appeals continued in existence under the area planning law may grant a variance from a use district or classification under the area planning law (See I.C. 36-7-4-918.3).

### **(H) Variances in FP District.**

Applications for variances to the provisions of this Chapter concerning an Improvement Location Permit or Building Permit for a use located in the FP District shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any such Permits. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

### **(I) Appeals to Board – Grounds – Transmission of Record – Disposition.**

- (1) An appeal filed with the Board must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board by rule.
- (2) The Executive Director, or other person from whom the appeal is taken shall, on the request of the Board of Zoning Appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.
- (3) Certified copies of the documents, plans, and paper constituting the record may be transmitted for purposes of Paragraph (2), above.
- (4) Upon appeal, the Board may reverse, affirm, or modify the order, requirement, decision, or determination appealed. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal is taken.

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- (5) The Board shall make a decision on any matter that it is required to hear under the Zoning Code.
  - (a) At the meeting at which that matter is first presented; or
  - (b) At the conclusion of the hearing on that matter, if it is continued.
- (6) Within five (5) days after making any decision under the Zoning Code, the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.

**(J) Writ of Certiorari.** Every decision of the Board shall be subject to review by certiorari.

### SECTION 80.41: GENERAL PROVISIONS

**(A) Interpretation.**

In interviewing and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The Ripley County Area Plan Commission has given consideration to the existing and future probable use of land in the territory affected by this Chapter, and has prepared a comprehensive plan showing the future development of this area, which has served as a guide in the preparation of this Chapter.

**(B) Non-Interference With Greater Restrictions Otherwise Imposed.**

It is not intended by this Chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor any ordinances, rules, regulations or permits previously adopted or issued and which are not in conflict with any of the provisions of this Chapter, except that, where this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance rules, regulations or permits, the provisions of this Chapter shall control.

**(C) Use.**

No building or land shall be used and shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in district in which such building or land is located.

**(D) Height.**

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located. (See Sec. 80.31.)

**(E) Yard, Lot Area and Size of Building.**

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.

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### **(F) Parking Space: Loading and Unloading Berths.**

For each building hereafter erected and for certain other uses of land, parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except that parking spaces may not be required for business or industrial uses in accordance with the provision of Sec. 80.36 (B) (13), but it is the intent of this Code to encourage the establishment of adequate parking spaces wherever normally required by this Chapter.

### **(G) Building Relocated.**

No building or structure shall be moved from one lot or premises to another unless such building and lot shall thereupon conform to all the regulations of the zone district to which such building be moved.

### **(H) Farms Exempt.**

Except for farm houses or farm dwellings – which include dwellings for the farm owner, operator or farm assistants, classified as a Contingent Use (See Sec. 80.23), and grain elevators and related uses, produce stands, sales barn for livestock, and restricted commercial farm enterprises (including confined feeding operations) (See Sec. 80.41 for definition), which are all farm related activities set forth as Special Exceptions (See Sec. 80.24); land, farm barns, farm outbuildings, or other buildings, structures or erections which are adapted, be reason of nature and area, for use for agricultural purposes as a primary means of livelihood, while so used, shall not be affected by restrictions or regulations of this Code, except for structures proposed to be located in the FP Flood Plain District.

### **(I) Public Utility Installations Exempt.**

Structures and land use for public utility installations so defined herein, while so used, shall not be affected by restrictions or regulations of this Code; provided, however, terminal facilities and treatment or processing plants for residential developments are contingent uses, but a sewage treatment facility (primary use) or a major transmission line is a special exception and is subject to the provisions of this Chapter. See Sec. 80.24 for Transmission Lines.

### **(J) Mineral Extraction.**

Each plan commission legislative body, and board of zoning appeals in an urbanized or urbanizing area (as defined in I.C. 14-4-9-18) shall comply with the provisions of I.C. 14-4-9-19) before permitting a land use that would threaten the potential extraction of aggregate in an area underlain by a deposit of qualified mineral resources (as defined in I.C. 14-4-9-14).

### **(K) Invalidity of Portions.**

Should any section or provision of this Code be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the Code as a whole, or any portion thereof, other than the portion so declared to be invalid.

### **(L) Amendments.**

All amendments to or repealers of this Zoning Code shall be made in accordance with the provisions of the 600 Series of the Area Planning Law, I.C. 36-7-4, as

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amended. Included in all petitions for rezoning property a statement indicating what utilities and infrastructure are present. Also, at least six (6) copies of aerial photographs shall be presented showing the location of the area proposed for rezoning, and a site (map) plus a legal description. In addition to these items, a Development Plan shall be included in all petitions if the rezoning is located in an R-B Roadside Business District.

### **SECTION 80.42: SOIL SURVEY, DRAINAGE, EROSION AND SEDIMENT CONTROL**

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

#### **(A) Definitions.**

Unless otherwise expressly stated, the following words shall, for the purposes of this Section, have the meaning herein stated. Words in the singular number include the singular. Present tense includes the future. The word “building” shall be deemed to include the word “structure”.

- (1) Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.
- (2) Erosion: The removal of surface materials by the action of natural elements.
- (3) Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug, into, cut quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.
- (4) Fill: Any act by which earth, sand, gravel, rock or any other similar material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
- (5) Flood Plain: See Sec. 80.43, Definitions.
- (6) Qualifying Tract: Any tract where 20 or more cubic yards of earth is removed.

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- (7) **Runoff:** The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
- (8) **Runoff from a fully developed area upstream:** The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the comprehensive plan.
- (9) **Sedimentation:** The process by which mineral or organic matter is accumulated or deposited by moving, wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment.”
- (10) **Slope:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of a horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet or horizontal distance.
- (11) **Soil Stabilization:** Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
- (12) **Swale:** A low-lying stretch of land, which gathers or carries surface water runoff.
- (13) **Top Soil:** Surface soils and subsurface soils, which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the “A Horizon.”
- (14) **Watercourse:** A permanent stream; intermittent stream, river; brook; creek; channel or ditch for water whether natural or man-made.

### **(B) Plan for Minimizing Erosion and Sedimentation.**

- (1) No changes shall be made in the contour of the land; or grading, excavating, removal or destruction of the top soil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Executive Director, or there has been a determination by the Executive Director that such plans are not necessary.
- (2) No development plan shall be approved unless there has been a plan approved by the Executive Director that provides for drainage and minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with Ripley County or the respective applicable town, as the case may be, in the form of an escrow guarantee satisfactory for the planning which will ensure installation and completion of the required improvements; or there has been a determination by the Executive Director that a plan for drainage and minimizing erosion and sedimentation is not necessary.
- (3) Measures used to control erosion and reduce sedimentation and to provide drainage shall as a minimum meet those standards and specifications of the Ripley County Soil and Water Conservation District. The Executive Director shall ensure compliance with the appropriate specifications, copies of which are available from the Ripley County Soil and Water Conservation District or the Area Plan Commission Office.

### **(C) Measures to Minimize Erosion and Sedimentation.**

The following measures are effective in minimizing erosion and sedimentations and shall be included where applicable in the control plan:

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

### **(D) Making Sites More Suitable.**

In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

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

### **(E) Excavations and Fills.**

- (1) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Building Inspector when handled under special conditions.
- (2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installations of temporary or permanent drainage across or above these areas.
- (3) Cut and fills shall not endanger adjoining property.

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- (4) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (5) Fill shall not encroach on natural watercourses or constructed channels.
- (6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- (7) Grading will not be done in such a way so as to divert water on to the property of another landowner without the expressed consent of the Building Inspector.
- (8) During grading operations, necessary measures of duct control will be exercised.
- (9) Grading equipment will not be allowed to ford live streams.
- (10) Provision will be made for the installation of temporary or permanent culverts or bridges.

### **(F) General Provisions.**

- (1) Whenever sedimentation is caused by stripping vegetation, re-grading, or other development, it shall be the responsibility of the applicant, person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- (2) Maintenance of all driveways, parking areas, drainage facilities and watercourses within any development plan area is the responsibility of the applicant, or owner developer.
- (3) It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the flood plain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
- (4) No applicant and person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any at which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Executive Director of the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
- (5) Where a development plan area is traversed by a watercourse, the total development of the watercourse shall be considered. There shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage to the satisfaction of the Executive Director. (See Sec. 80.39 (I).)

### **(G) Responsibility of Applicant.**

- (1) Each applicant, person, corporation, or other entity which makes any surface changes shall be required to:
  - (a) Collect on-site surface runoff and dispose of it to the point of discharge into an adequate outlet approved by the Executive Director.
  - (b) Handle existing and potential off-site runoff through its development by designing to adequately handle storm runoff from a fully developed area upstream.
  - (c) Pay its proportionate share of the total cost of off-site improvements to the common natural watercourse based on a fully development drainage.



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- (d) Provide and install at its expense, in accordance with the Executive Director's requirements, all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.
- (2) It is the responsibility of the applicant or owner to keep all major streams, not under the jurisdiction of other official agency, open and free flowing.
- (3) The applicant or owner shall assume the responsibility for maintaining an open and free-flowing condition in all minor streams, watercourse and drainage systems, constructed or improved in accordance with Ripley County design criteria on its property, which are necessary for proper drainage in the discretion of the Executive Director if adequate right-of-way exists or can be acquired.

### **(H) Design Standards.**

The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the following standards and specifications on file in the office of the Ripley County Soil and Water Conservation District and the Executive Director:

“Urban Soil and Water Conservation Guidelines, Specification No. 1”

Adopted by the Ripley County Soil and Water Conservation District, Versailles, Indiana

### **(I) Plan Approval.**

- (1) The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development, and become a part thereof.
- (2) Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Executive Director.
- (3) In the event the applicant or developer proceeds to clear and grade prior to the approval of the development plan, without satisfying conditions specified under paragraph (2) above, the Board may revoke the approval of all plans.

**SECTION 80.43: DEFINITIONS**

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

- (1) **Abandoned Vehicle** means the following:
- a. A vehicle located on public property legally.
  - b. A vehicle left on public property without being moved for three (3) days.
  - c. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.
  - d. A vehicle that has remained on a private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.
  - e. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantle or inoperable and left on public property.
  - f. A vehicle that has been removed by a towing service or public agency upon request of an office enforcing a statute or an ordinance other than this Chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
  - g. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in location visible from public property for more than twenty (20) days.
- (2) **Abutting.** Bordering.
- (3) **Accessory Building and Use.** A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy; such as public utility installations, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.
- (4) **Adult Entertainment/Sexually Oriented Business.** A business or use that is primarily used for or advertised as an arcade, bar, bookstore, cabaret, club, novelty store, theater, tavern or video store where human adults appear in the nude or in a state of nudity, materials depicting human adults appearing in the nude or in a state of nudity or novelty items, including but not limited to instruments, devices or paraphernalia advertised for, designed for and/or sold for the fondling or other erotic touching of the human genitals, human genital region, pubic region, buttocks, anus or female breasts.
- (5) **Agriculture.** The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding, and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for a man's use and their disposal by marketing or otherwise, In

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this use, it includes farming, feedlots, animal waste areas, horticulture, forestry, dairying, sugar making, etc.

- (6) **Airport.** Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (7) **Alley.** A permanent public service way providing a secondary means of access to abutting land, and which is less than 30 feet in width.
- (8) **Alley Line.** A lot line bordering on an alley.
- (9) **Animal Waste Area.** A holding area or lagoon used or intended to be used for the storage or treatment of animal manure and other waste products associated with an animal feedlot.
- (10) **Apartment.** A building or portion thereof designed for or occupied by more than (2) families. Also, a multi-family dwelling.
- (11) **Auction Use.** A building or any specific open area where merchandise is assembled and sold by a form of sales called an auction.
- (12) **Automobile or Trailer Sales Area.** An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.
- (13) **Automobile Wrecking Yard.** Any place where two or more motor vehicles, not in running condition, lacking current license plates and state inspection stickers, including inoperable equipment and parts thereof, are stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles, or merchandise. (See "Junk Yard.")
- (14) **Basement.** A story, wholly or partly underground, which, unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurement.
- (15) **Block.** A unit or property bounded by streets, or by streets and/or railroad rights-of-way, waterways, or other barriers.
- (16) **Block Frontage.** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or another barrier
- (17) **Board or Board of Zoning Appeals.** The Ripley County Area Board of Zoning Appeals.
- (18) **Board of County Commissioners.** The Board of Commissioners of Ripley County, Indiana.
- (19) **Boarding House.** A building not open to transients, where lodging and/or meals are provided for three (3) or more persons, but not exceeding twelve (12), persons regularly, in contradistinction to hotels and restaurants open to transients; a lodging house.
- (20) **Building.** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.
- (21) **Building, Detached.** A building having no structural connection with another building.
- (22) **Building, Front Line Of.** The line of the face of the building nearest the front lot line.

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- (23) **Building, Height Of.** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- (24) **Building, Inspector/Commissioner,** the official designated by the Board of County Commissioners of Ripley County and authorized to enforce the Building Code.
- (25) **Building Principal.** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be considered a part of the principal building.
- (26) **Building Line – Building Setback.** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line. For the purpose of this chapter the proposed street and thoroughfare right-of-way lines according to the “Thoroughfare Plan” of current adoption will be considered as the street lines for lots bordering such streets and thoroughfares.
- (27) **Building Permit.** A permit signed by the Building Inspector stating that a proposed improvement complies with the provisions of the Building Code.
- (28) **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.
- (29) **Camp, Public.** Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.
- (30) **Car Wash.** A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated care wash facility when the operation is equivalent in intensity to a mechanized car wash.
- (31) **Cemetery.** Land use for the burial of the dead and dedicated for Cemetery purposes, including in conjunction with and within the boundary of such cemetery.
- (32) **Certificate of Occupancy.** A certificate signed by the Building Inspector and the Executive Director stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the Code of Ordinances of Ripley County, if the structure or use is located within the unincorporated territory of Ripley County; or the Area Zoning Code of Ripley County in the case of the Towns of Holton, Milan, Napoleon, Osgood, Sunman and Versailles.
- (32.5) **Clinic.** A facility that offers care, diagnosis and treatment of sick or injured persons. A clinic may provide outpatient surgical attention but does not include accommodations.
- (33) **Club.** Private buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit or to render a service, which is customarily carried on as a business.
- (34) **Commission or Plan Commission.** The Ripley County Area Plan Commission.
- (35) **Comprehensive Plan.** A composite of all plans of land use, of thoroughfares, of sanitation, of recreation, and other related matters according to the requirements of the 500 Series of the Area Planning Law, I.C. 36-7-4.
- (36) **Confined Feeding Operation.** See Restricted Commercial Farm Enterprise.
- (37) **County.** Ripley County, Indiana.

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- (38) **Day Care Center or Child Development Center.** A building or part thereof including the lot devoted to the care and/or education and training of infants (younger than two years of age) and/or children (two to 15 years) at a location away from home for less than 24 hours per day during weekday working hours, and not including overnight accommodation or overnight sleeping. This definition encompasses facilities generally known as childcare center, pre-school, kindergarten, nursery school, and similar programs and facilities for infants and children, but does not include, "Educational Institution." (See definition Family Day Care Home.)
- (39) **Decibel.** A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.
- (40) **Density.** The number of dwelling units developed per acre of land.
- (41) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
- (42) **Development Plan.** Specific plans for the residential, commercial, or industrial development or other development of property setting forth certain information and data required by the Plan Commission. This information and data may include:
- a. The proposed name of the development;
  - b. The name and address of developers;
  - c. The location by public way, township, and section;
  - d. The legal description;
  - e. A map including date, scale and point north, location, size, capacity, and use of all buildings and structures existing or to be placed in the development;
  - f. The nature or intensity of the operations involved in or conducted in connection with the development;
  - g. The site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading, and unloading;
  - h. The name of public ways giving access to the development and location, width and names of platted public ways, railroads, parks, utility easements, and other public open spaces;
  - i. The layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes and easements;
  - j. A description of the use and adjacent property and an identification of that property;
  - k. The location, size, and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;
  - l. The proposals for sewer, water, gas, electricity, and storm drainage;
  - m. The contours with spot elevations of the finished grade and the directions of storm runoff;
  - n. The layout of proposed lots with their numbers and dimensions; and
  - o. The land use density factors.

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- (43) **Developmental Disability.** A disability of a person which:
- Is attributable to mental retardation, cerebral palsy, epilepsy, or autism; or is attributable to any other condition found to be closely related to mental retardation because this condition results in similar impairment of general intellectual functioning or adaptive behavior, or requires similar treatment and services; or is attributable to dyslexia resulting from a disability described in this clause;
  - Originates before the person is age eighteen (18); and
  - Has continued or is expected to continue indefinitely and constitutes a substantial handicap to the person's ability to function normally in society.
- (44) **Developmental Disabilities Residential Facility.** A facility:
- That provides room and board services only, which are paid for exclusively out of private funds; or
  - That provides only those services which are minimally required, based on each recipient's needs, for federal financial participation under Title XIX of the Federal Social Security Act (42 U.S.C. 1396 et seq.); for at least four (4), but not more than eight (8), developmentally disabled individuals who are not related to the individual owning or leasing the facility; however, the term does not apply to a boarding house which is approved by the department of mental health under I.C. 16-14-4.
- (45) **District.** A section of the territory within the jurisdiction of the Ripley County Area Plan Commission for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings are herein established.
- (46) **Drive-In Establishment.** Any place or premises used for sale, dispensing, or serving of food, refreshments, beverages, or services in automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.
- (47) **Dwelling.** A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.
- A single-family dwelling is a detached building designed for or occupied by one family, exclusively. Minimum 950 sq. ft. living area on ground floor.
  - A two-family dwelling is a detached building designed for or occupied by two families, exclusively. Minimum sq. ft. living area, see figure 1 chart.
  - A multi-family dwelling is a building designed for or occupied by three or more families, exclusively. Minimum sq. ft. living area, see figure 1 chart.
- (48) **Dwelling Unit.** One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- (49) **Easement.** A right of the owner on one (1) parcel of land, by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property.

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- (50) **Educational Institution.** Public or parochial pre-primary, primary, grade, high, preparatory school or academy; junior college; college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.
- (51) **Executive Director.** The official employed by the Ripley County Area Plan Commission and authorized to enforce the Planning and Zoning Codes of Ripley County, Indiana.
- (52) **Family Day Care Home.** An occupied dwelling in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a family day care home is limited to that care given to 12 or fewer children, including children living in the home and children or close relatives cared for in the home for less than 24 hours per day during weekday working hours. A small family day care home is limited to 6 or fewer children and a large family day care home is limited to 12 or fewer children. (See definition Day Care.)
- (53) **Farm.** A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops, pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures.
- (54) **Farm House or Farm Dwelling.** The principle dwelling or residence of the owner or operator of the farm.
- (55) **Farmstead Lot.** A tract of land located in the A-1 Prime Agriculture District or A-2 Agricultural District, comprising a Farm House or Farm Dwelling built prior to June 5, 1991, and/or including accessory buildings essential to the operation of the Farm.
- (56) **Family.** An individual or two or more persons related by blood, marriage, or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five persons, provided further that the limit of five persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage, or adoption, including foster children and domestic servants.
- (57) **Feedlot.** A lot or building or combination of contiguous lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area where manure may accumulate, or where the concentration of animals is such that vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots, but pastures will not be considered animal feed lots.

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- (58) **Filling Station/Service Station.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, limited to the following:
- (a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
  - (b) Tire servicing and repair, but not recapping or regrooving;
  - (c) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
  - (d) Radiator cleaning and flushing;
  - (e) Washing and polishing, and sale of automobile washing and polishing materials;
  - (f) Greasing and lubrication;
  - (g) Providing and repairing fuel pumps, oil pumps, and lines;
  - (h) Minor servicing and repair of carburetors;
  - (i) Adjusting and repairing brakes;
  - (j) Emergency wiring repairs;
  - (k) Minor motor adjustments not including removal of the head or crankcase or racing the motor;
  - (l) Sales of cold drinks, packaged foods, ice, tobacco, similar convenience goods for service station customers, as accessory and incidental to principal operation;
  - (m) Rental of hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes or recreational vehicles, as accessory and incidental to principal operation;
  - (n) Provision of road maps and other informational materials to customers; provision of restroom facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.
- (59) **Flash Point.** The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor, which will burn momentarily using the closed cup method.
- (60) **Flood Plain.** The area adjoining the river or stream, which has been or may hereafter be covered by floodwaters.
- (61) **Floor Area, Gross.** The total area, computed on a horizontal plane, within the outside dimension of a building. (See Sec. 80.36 for application to off-street parking under subsection (D).)
- (62) **Floor Area, Net.** The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.
- (63) **Free Burning.** A rate of combustion described by a material, which burns actively and easily supports combustion.
- (64) **Frontage.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.



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- (65) **Garage, Private.** An Accessory Building or a portion of the Principal Building used only for the storage or private passenger automobiles, private boats, recreational vehicle, and private auto trailers and/or not more than one (1) truck of a rated capacity not exceeding one and one-half (1-1/2) ton on any lot; when the storage space on the lot does not exceed that normally required for the use of person occupying the Principal Building; and in which no business, service, or industry connected directly or indirectly with motor vehicles, boats, and trailers is carried on; provided that not more than one-half (1/2) of the parking spaces therein may be rented for the storage of motor vehicles, boats, and trailers of persons not resident on the premises, except that all the parking spaces in a garage of one (1) or two (2) car capacity may be so rented.
- (66) **Garage, Public.** Any building, except those defined herein as a “Private Garage,” used for storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
- (67) **Grade.** Also, Lot Ground Level.
- (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
  - (b) For building having walls adjoining more than one street, the coverage of the elevation of the sidewalk at the center of all walls adjoining the streets; and
  - (c) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.
- (68) **Ground Floor Area.** The square foot area of a residential building within its largest outside dimensions building within its largest outside dimensions computed on a horizontal plan at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways or other devices. A ground floor may have split levels provided there is not more than a five-foot difference in elevations between the different levels of the floor. See “Occupied Space” for Manufactured Dwellings.
- (69) **Health Officer.** Any officer of authority, Ripley County Health Department, and the State Board of Health. Same as “County Health Officer”, includes County Sanitarian.
- (70) **Health Facility.** Any building, structure, institution, or other place, for the reception, accommodation, board, care or treatment extending beyond a continuous twenty-four (24) hour period in any week of more than two (2) unrelated individuals requiring, in apparent need of, or desiring such services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, in competency, deformity, or any physical, mental, or emotional disability, or other impairment, illness or infirmity, not specifically mentioned hereinabove, including institutions or places or institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitariums, convalescent homes, homes for the chronically ill, homes for the indigent. The reception, accommodation, board, care or treatment in a household or family, for compensation, of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousins, shall not be deemed to constitute the premises in which the person is received, boarded, accommodated, cared for or treated, a health facility. Any state institution or any municipal corporation may specifically request such licensure and upon

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compliance with all sections of this chapter and upon compliance with all existing rules and regulations, the petitioning facility may then be so licensed under the provisions of I.C. 16-10-2; provided that the term Health Facility does not include hotels, motels, or mobile homes when used as such; hospital, mental hospitals, institutions operated by the federal government; boarding homes for children; schools for the deaf or blind; day schools for the retarded; day nurseries; children's homes; child placement agencies; offices of practitioners of the healing arts; offices of Christian Science practitioners; industrial clinic providing only emergency medical services or first-aid for employees; a residential facility, as defined in I.C. 16-10-2.1-1; and any hospital, sanatorium, nursing home, rest home, or other institution wherein any health care services and private duty nursing services are rendered in accordance with the practice and tenants of the religious denomination known as the Church of Christ, Scientist.

- (71) **Home Occupation.** An accessory use conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.
- (72) **Hospital.** An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.
- (73) **Hotel.** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.
- (74) **Household Pets.** Animals kept within a home. Household pets include, but are not limited to dogs.
- (75) **Improvement Location Permit.** A permit (which may be combined with a Building Permit) signed by the Executive Director stating that a proposed improvement or use complies with the provisions of the Zoning Code. A Temporary Improvement Location Permit is an Improvement Location Permit authorized by the Ripley County Area Board of Zoning Appeals with a definite time limit attached thereto.
- (76) **Industrial Park.** A single or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles or architectural and landscape architectural design, and industrial management.
- (76.5) **Institution.** A facility designed and used to aid individuals in need of mental, therapeutic, rehabilitation counseling, or other correctional services. This includes methadone or controlled substance abuse facilities, where persons who are addicted to opioid-based drugs, such as heroin or prescription painkillers; or any other form of controlled substances receive in patient counseling and/or therapy; or where persons receive medication-based therapy such as Methadone, Dolophine, or any variation thereof, on an outpatient or as needed basis.
- (77) **Intense Burning.** A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

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- (78) **Junk Yard.** Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
- (79) **Jurisdiction of the Commission.** The unincorporated territory Ripley County, Indiana, and the territory within the Towns of Versailles, Osgood, Milan, Sunman, Holton, and Napoleon, Indiana, the boundaries of which are shown on the Zone Map, dated 1991; as amended, which includes all of the area over which this Chapter is effective.
- (80) **Kennel.** Any lot or use on which or where four (4) or more dogs, cats or other small animals, more than four (4) months of age, are kept for the purpose of breeding, boarding, training or show of animals, except where accessor to an agricultural use or veterinary clinic use.
- (81) **Livestock.** Any animal which has been domestic primarily for agricultural purposes, but not including house pets such as dogs, cats, canaries, or any other similar animal or fowl usually considered a house pet.
- (82) **Loading and Unloading Berths.** The off-street area required for the receipt or distribution by vehicles of material or merchandise.
- (83) **Lodging House.** A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons, not open to transients, in contradistinction to a hotel or lodge which is open to transients.
- (84) **Lot.** A parcel, tract or area of land accessible by means of a street or place, and for residential uses as set forth in this Code, abutting upon a street or place for at least fifty percent (50%) of the lot width prescribed for the district in which the lot is located. It may be single parcel separately described in a deed or plan which is recorded in the Office of the County Recorder of Ripley County, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street or a place shall be included.
- (85) **Lot, Corner.** A lot at the junction of and having frontage on two or more intersecting streets.
- (86) **Lot, Depth of.** The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.
- (87) **Lot, Interior.** A lot other than a Corner Lot or Through Lot.
- (88) **Lot, Reverse Interior.** An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the Interior Lot Line by an alley.
- (89) **Lot, Through.** A lot having frontage on two parallel, or approximately parallel streets. Also, Double Frontage Lot.
- (90) **Lot, Width.** The dimension of a lot, measured between side lot lines on the building line.

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- (91) **Lot, Area.** The horizontally projected area of a lot computed exclusive of any portion of a street, existing or proposed.
- (92) **Lot Coverage.** The total ground area of a lot usually expressed as a percentage of the lot area that is covered occupied or enclosed by principal and accessory buildings and structures.
- (93) **Lot Frontage.** The linear distance of a lot measured at the front line where said lot abuts a street, measured between side lot lines.
- (94) **Lot Line.** The property line between two established parcels of land or one parcel and a public right-of-way or place.
- (95) **Lot Line, Front.** In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.
- (96) **Lot Line, Rear.** A lot line which is opposite and most distance from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- (97) **Lot Line, Side.** Any lot boundary line not a front line or a rear lot line.
- (98) **Lot of Record.** A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Ripley County, or a parcel of land, the deed to which has been recorded in the Office of the Ripley County Recorder.
- (99) **Manufactured Dwelling.** A dwelling unit, built in a factory and bearing a seal of compliance with federal Manufactured Housing Construction and Safety Standards Law or Indiana Public Law 360, Acts of 1971, and constructed prior to January 1, 2003, and although it is not actually a Mobile Home, for the purposes of this Code, it is a Mobile Home.
- (100) **Manufactured Home.** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.) or Indiana Public Law 360, Acts of 1971 (I.C. 22-11-1-9), constructed after January 1, 2003, and exceeds nine hundred and fifty (950) square feet of occupied space.
- (101) **Mini-Warehouse.** A structure or group of structures for the dead storage of a customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where one or more stalls or lockers has less than five-hundred (500) square feet of floor area.
- (102) **Mobile Home.** A transportable vehicle, which is greater than eight (8) feet in body width and longer than thirty-six (36) feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics:
  - (a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
  - (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;
  - (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

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- (103) **Mobile Home Park.** A tract of land which has been developed with all necessary facilities and services in accordance with a development plan meeting all legal requirements and which is intended for the purpose of providing a site for five (5) or more manufactured homes, manufactured dwellings or mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such Mobile Home Park.
- (104) **Mobile Home Lot.** A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for said occupants.
- (105) **Mobile Home Slab or Foundation.** The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a Permanent Foundation.
- (106) **Mobile Home Stand.** That part of the mobile home park which has been reserved for the placement of one (1) mobile home unit, including the mobile home slab, lawn area, driveway area and parking area for the unit.
- (107) **Moderate Burning.** A rate of combustion described by a material, which supports combustion and is consumed slowly as it burns.
- (108) **Motel.** A building or detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients, and more than 50 percent of the lodging rooms are for rent to transient automobile tourists for a continuous period of less than thirty (30) days.
- (109) **Natural Resources.** The Indiana Natural Resources Commission.
- (110) **Nonconforming Use.** A building or premises which does not conform in its use or otherwise with all of the regulations of the district in which the building or premises is located.
- (111) **Nudity/State of Nudity.** The showing of the human male or female genitals, public area, vulva, anus, anal cleft, or cleavage with less than fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- (112) **Nursing Home.** Same as Health Facility.
- (113) **Nursing Home Conversions.** A dwelling, which is converted for the use of a nursing home and licensed by the State Board of Health. See Health Facility.
- (114) **Occupied Space.** The total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garage, patios and porches.
- (115) **Octave Band.** A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer, the audible sound spectrum is divided into eight octave bands.

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- (116) **Opacity.** A condition, which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed.

<u>Opacity Percent</u>	<u>Ringelmann</u>
10	.5
20	1
30	1.5
40	2
60	3
80	4
100	5

See Definition of Ringelmann Number.

- (117) **Open Space.** The total horizontal area of a lot excluding the building area but including parking areas and recreational area; provided, however, in the residential districts, said open space may include the useable roof area within the project which has been improved for outdoor use of occupants, plus one-half of that space, such as balconies, which may be open on its sides but not open above to the sky.
- (118) **Outdoor Recreation.** Outdoor recreation includes one or more of the following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conversation clubs, Girl Scout and Boy Scout lodges or clubhouses, private parks or playgrounds, archery ranges, and other outdoor recreation uses approved by the Board of Zoning Appeals; and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse building. Outdoor recreation may be private recreational developments or outdoor commercial enterprises. (See Business.)
- (119) **Park Management.** The person who owns or has charge, care or control of a mobile home park.
- (120) **Parking Area.** An area paved with a hard surface in accordance with City specifications set forth in this Zoning Code, other than a street or alley, designed for use or used for temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.
- (121) **Parking Space.** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways. For computing purposes, the average area of passageways shall be at least 70 square feet per space. Accordingly, the minimum total average area for a parking space is 250 square feet.
- (122) **Particulate Matter.** Finely divided liquid or solid material, which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.
- (123) **Pasture.** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.
- (124) **Performance Standard.** Criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.

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- (125) **Permanent Foundation.** Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. (See I.C. 22-11-1-1.5.)
- (126) **Permanent Perimeter Wall.** An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of site-constructed homes, designed to support the loads imposed and extending below the established frost line.
- (127) **Person.** A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person or persons.
- (128) **Place.** An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
- (129) **Plan Commission or Commission or Area Plan Commission.** The Ripley County Area Plan Commission.
- (130) **Plan Commission Staff.** The staff of the Ripley County Area Plan Commission specifically, the Executive Director, and Building Inspector, and any other persons employed by the Area Plan Commission, under the supervision of the Executive Director who have regular duties in the Area Plan Commission Office.
- (131) **Plat.** A map or chart indicating the subdivision or re-subdivision of land either filed or intended to be filed for record.
- (132) **Premises.** A lot, tract, or plat including buildings thereon, if any.
- (133) **Private School.** Private, primary, grade, high or preparatory school or academy.
- (134) **Professional Office.** Office of a member or members of a recognized profession as defined by the United State Bureau of the Census.
- (135) **Public Utility Installations.** The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare.
- (136) **Recreational Vehicle.** A portable vehicular structure designed as a temporary dwelling for travel, vacation and recreational uses which is either a structure mounted on an automobile or truck and designed to be used for human habitation, including sleeping, or identified on the unit by the manufacturer as a travel trailer or recreational vehicle, and is not more than eight (8) feet in width, and not more than thirty-six (36) feet in length.
- (137) **Recreational Vehicle Park.** A tract of land which has been developed with all necessary facilities in accordance with a site development plan meeting all legal requirements and which is for short term occupancy by recreational vehicles only. It shall include, but not be limited to, travel trailers, pick-up coaches, motor homes, camping trailers, and tents.
- (138) **Regulatory Flood.** Any flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a hundred-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 the probability of occurrence of one percent (1%) in any given year.

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- (139) **Restricted Commercial Farm Enterprise.** An operation or use which is inherent to or closely associated with a farm or agriculture, but not including industrial grain elevators, industrial mills, abattoirs, the manufacture of commercial fertilizer, and similar operations which are of an industrial nature. Also, a restricted commercial enterprise is any similar operation, which may:
- (1) Cause stream pollution by the disposal of wastes discharged into streams thus endangering water supply and health, or
  - (2) Release odors to the atmosphere beyond the boundary of the property, which may be strong and beyond the normal expectancy of a farm operation, or
  - (3) Create any unusual or loud noises audible beyond the normal expectancy of a farm operation, or
  - (4) Emit poisonous and injurious fumes and gases beyond the boundaries of the property, or
  - (5) Cause the emission of smoke or particulate matter or cause any undue vibration or excessive glare or heat beyond the boundaries of the property, or
  - (6) Because of the location of its facilities influence adversely the uses of adjacent properties, either existing or proposed.
  - (7) Animal Feeding Operation, (AFO) see 372 IAC 19-2-3 or as revised (latest amendment).
  - (8) Confined Feeding Operation & Concentrated Animal Feeding Operation, (CFO & CAFO) see 327 IAC 19-2-6 or as revised (latest amendment).
- (140) **Retirement Home or Home for the Aged.** Same as Health Facility.
- (141) **Ringelmann Number.** The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC 7718) May 1, 1967, or any adoption thereof which has been approved. The Chart illustrates graduated shades of gray for use in estimating smoke density. See Definition of Opacity.
- (142) **Service Drive, Commercial.** A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).
- (143) **Shopping Center.** An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this Code.
- (144) **Sign.** (See Sec. 80.37 (A) (1) for definition.)
- (145) **Slaughter House.** A building or place where animals are butchered for food.
- (146) **Slow Burning or Incombustible.** Materials, which do not in themselves, constitute an active fuel for the spread of combustion. A material, which will not ignite, nor actively support, combustion during an exposure for five (5) minutes to temperature of 1200 degrees Fahrenheit.
- (147) **Smoke.** Small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material that form a visible plume in the air.



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- (148) **Smoke Unit.** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation periods.
- (149) **Special School.** Any school, which has, as its primary purpose, the instruction, care and rehabilitation of atypical or exceptional children or adults such that the usual statutory education requirements expressly or implicitly do not apply.
- (150) **Story.** That portion of a building, included between the surface on any floor and surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.
- (151) **Story, Half.** That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.
- (152) **Street.** A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.
- (153) **Street, Frontage.** A street that runs parallel to the frontal street and located within the space between the building(s) and the frontal street.
- (154) **Structure.** Anything constructed or erected on the ground or attached to the ground.
- (155) **Structural Alteration.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.
- (156) **Subdivision.** The division of land parcels as defined in Area Subdivision Control Ordinance, Chapter 81 of the Code of Ordinances, Ripley County, Indiana, or the applicable participating town codes.
- (157) **Swimming Pool, Private.** A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence and not for monetary gain.
- (158) **Thoroughfare, Arterial.** A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.
- (159) **Tourist Home.** A building in which one but not more than five (5) guest rooms are used to provide or offer overnight accommodations to transients for compensation.
- (160) **Town.** The incorporated Town of Versailles, Osgood, Milan, Sunman, Holton and Napoleon, Indiana.
- (161) **Townhouse.** A two or two and one-half story dwelling, which may include a basement, and which is normally an integral part of an apartment or multi-family use as set forth in this Code.
- (162) **Trade or Business School.** Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.

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- (163) **Use.** The employment or occupation of a building, structure or land for service, benefit or enjoyment to a person.
- (164) **Use, Nonconforming.** See Nonconforming Use.
- (165) **Variance.** A modification of the specific requirements of this Code granted by the Ripley County Area Board of Zoning Appeals, in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.
- (166) **Vibration.** Oscillatory motion transmitted through the ground.
- (167) **Vision Clearance on Corner Lots.** Also, Intersection Visibility. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting 2 points measured 15 feet equidistant from the intersection of the property lines or the property lines extended at the corner of the lot using each of the street right-of-way lines.
- (168) **Yard.** A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.
- (169) **Yard, Front.** A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the least distance between the front lot line and the building line.
- (170) **Yard, Rear.** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty percent (30%) of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.
- (171) **Yard, Side.** A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four (4) feet, and certain accessory uses in accordance with the provisions of this Chapter. The width of the required side yard is measured horizontally at 90 degrees with the side lot line from the nearest point of the building.
- (172) **Zone Map.** The Area Zone Map of Ripley County, Indiana, as amended, consists of eleven (11) sheets, each identified by the name of the Township represented thereon, and participating Towns may be found on the back of the applicable sheet. The Area Zone Map defined herein with an effective date being the date of its adoption, shows the districts that appeared on the Zone Map dated December 14, 1998, as amended.

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NOTE #1: In accordance with the authority conferred by I.C. 36-7-4-602(c) and the requirements of Section 80.02(B) and (C) of “The Area Zoning Code of Ripley County, Indiana, 1991,” as amended, the previous Zone Map consisting of six (6) sheets, was replaced with an “Area Zone Map of Ripley County, Indiana, effective December 14, 1998”, consisting of six (6) sheets with corrections and all known and recorded changes enacted since September 3, 1991, for the unincorporated territory of Ripley County; since July 2, 1991, for Napoleon; since June 12, 1991, for Holton; since July 2, 1991, for Osgood; since September 4, 1991 for Versailles; and since September 5, 1991, for Sunman and Milan. The existing zone map will be replaced with an updated zone map consisting of the eleven (11) townships with participating towns located thereon with corrections and all known and recorded changes enacted since December 14, 1998.

NOTE #2:

- (a) The original Zone Map was part of the “Unified Zoning Ordinance of Ripley County, Indiana,” passed by the Ripley County Board of Commissioners and the Town Boards of Versailles, Osgood, Sunman, Milan, and Napoleon in 1970 and 1971.
- (b) In 1991 the “Unified Zoning Ordinance of Ripley County, Indiana, passed in 1970 and 1971, was repealed by enactment of the “Area Zoning Code of Ripley County, Indiana, 1991;” accordingly, the original Zone Map was replaced by another Zone Map, entitled: “Area Zone Map, Ripley County, Indiana,” Sheets 1, 2, 3, 4, 5, and 6 of 6 dated 1991.
- (c) The “Area Zone Map” of 1991 was intended to include the original zoning patterns established in 1970 and 1971, plus all of the amended zones, which were passed up to 1991. The Town of Holton became a member of the Area Planning Department and their zoning was “new” in 1991. The Town of Sunman requested numerous changes in their zone districts, which were included and passed in 1991. Also changes were made to types of districts or zones and their designations in the “Area Zoning Code of Ripley County, Indiana, 1991.” The “MH” Mobile Home District, “AB” Accommodation Business District, and “SC” Shopping Center District were eliminated, and the “RB” Roadside Business District, “IB” Interchange Business District, and the “UD” Unit Development Plan District were created.
- (d) The new “Area Zone Map of 1998” incorporated new town maps with up-to-date lot divisions from Ripley County records, which in some instances may vary somewhat from the town maps which are a part of the “Area Zone Map of 1991.” It was noticed that the “MH” Mobile Home District appeared in Sunman in two areas, which are now classified in the “R-3” Multi-Family Residence District. Also, the “FP” Flood Plain District has been shown on each sheet of the “Area Zone Map of 1998” by photogrammetrical methods, assuring accuracy and compatibility with the actual Federal Flood Maps. All of the above have necessitated making minor adjustments in some districts, but every effort has been made to follow the spirit of the existing zoning patterns and to avoid establishing “creative” or “new” zones wherever possible.
- (e) The “Area Zone Map of 2005” incorporated new town maps with up-to-date lot division from Ripley County records, which in some instances may vary somewhat from the town maps which are a part of the “Area Zone Map of 1998.” The “Area Zone Map of 2005” takes into account the known and recorded changes that have taken place since December 14, 1998 and the Comprehensive Plan of Ripley County adopted by Ordinance 2002-13 on June 10, 2002 by the Board of Commissioners of Ripley County, Indiana. All of the above has necessitated making minor adjustments in some districts, but every effort has been made to follow the spirit of the existing zoning patterns and to avoid establishing “creative” or “new” zones wherever possible.

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- (f) In the event a property owner can produce factual information to the Executive Director indicating that his or her parcel has been improperly classified, after this ordinance goes into effect, the Area Plan Commission may, on its own motion, petition the respective legislative body to correct the “Area Zone Map of 2005”, accordingly, and at no expense to the property owner.

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### SECTION 80.44: FILING FEES AND FORMS

#### (A) Application Forms.

Applications and petitions shall be prepared on the forms provided by the Executive Director (and Building Inspector), and accompanied by the filing fees herein specified, to be paid to the Executive Director who shall forthwith pay over to the Auditor of Ripley County to the credit of the General Fund of Ripley County.

#### (B) Improvement Location Permit Fee.

For each application for an Improvement Location Permit or a Temporary Improvement Location Permit, the sum of \$10.00 shall be paid.

#### (C) Certificate of Occupancy Fee.

For each application for a Certificate of Occupancy or Temporary Certificate of Occupancy, the sum of \$5.00 shall be paid.

#### (D) Fees for Amendments, Appeals and Requests.

Applications for petitions to amend this code, appeals from the decision of the Executive Director, requests for Variances, Special Exceptions, Temporary Uses, Exceptions and other matters upon which the Board is required to act, shall be accompanied by the following fees for each application:

- |  |                     |
|--|---------------------|
| (1) Variance.....  | \$ 250.00           |
| (2) Amendments: Change of Zone<br>Classification or Change of Text.....      | \$ 250.00           |
| (3) Change in Development Plan<br>(which previously has been approved) ..... | \$ 250.00           |
| (4) Unit Development Plan  |                     |
| (a) Preliminary Unit .....   | \$ 300.00 +         |
|  | \$ 5.00 per acre, + |
|  | \$ 100.00 per phase |
| (5) Special Exception.....   | \$ 250.00           |
| (6) Exceptions and Temporary Uses.....                                       | \$ 250.00           |

#### (E) Fees Must Be Paid.

Until all applicable fees have been paid in full, including any fees or deposits for building permits, no application shall be processed by the Executive Director. If an application for an Improvement Location Permit is made belatedly, and after notice of non-compliance from the Executive Director has been made, a late-filing fee of fifty dollars (\$50.00) shall be assessed.

#### (F) Fees not Returnable.

No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.

#### (G) Publication Costs.

In addition to the fees set forth herein, the applicant, petitioner or appellant shall meet the cost of publication notices and due notices to interested parties, when required.

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### **(H) Coincidental Applications.**

An Improvement Location Permit shall be applied for coincidentally with the application for a Building Permit whenever a Building Permit is necessitated by the proposed improvements. In such cases, the Improvement Location Permit fee is charged in addition to the Building Permit fees set forth in the Building Code.

## **SECTION 80.45: SPECIFICATIONS**

The following specifications are hereby declared to be a part of this Code.

### **(A) Figure 1. Lot and Yard Requirements.**

Figure 1, Lot Area, Ground Floor Area, Lot Width, Lot Coverage, Minimum Yard Requirements, and other development standards for Dwelling, Businesses and Industrial Uses, shows the minimum lot areas, area per unit, ground floor area, lot widths, lot coverage, front yard depths, side yard widths, rear yard depths, height limits and other standards and dwellings, businesses and industrial uses for the various districts. Figure 1 follows this Zoning Code.

### **(B) Floor Insurance Criteria and Maps.**

The Flood Plain District (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Rate Map dated September 1, 1987, (or applicable Town map), with any subsequent revisions to the text of the federal criteria or maps, and all NFIP regulations (contained in CRF 44, Chapter 60 3(d) and as specified on attachment A (Section 10 Review Sheet for NFIP Regulations) are adopted by reference and are on file for public examination in the Plan Commission Office in the Ripley County Court House. (See Sec. 80.02: Establishment of Districts and Zone Map.)

## **SECTION 80.46: INDIANA DRAINAGE CODE REQUIREMENTS.**

### **(A) 75-foot Drainage Right-of-Way.**

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

### **(B) Use of Drainage Right-of-Way.**

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

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### **SECTION 80.47: COMPLAINTS.**

Whenever a violation of this Chapter of the Code occurs, or is alleged to have occurred, any person or agent/board member or clerk of a participating Town, may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Executive Director. The Executive Director shall properly record such complaint and immediately investigate. If acts elicited by such investigation are sufficient to establish a reasonable belief that a violation has occurred on the party investigated, the Executive Director shall file with the Plan Commission attorney, or the Ripley County attorney a complaint against such person requesting action thereon for complaints filed in the unincorporated areas of Ripley County. Where such violation may be located within the incorporated boundaries of a participating Town, the Executive Director shall file his/her official findings with the Clerk/Treasurer of such participating Town, for enforcement by the participating Town and/or its Attorney. (See Sec. 80.99 for violations and penalties.)

### **SECTION 80.48: REPEALER.**

An ordinance entitled: "Unified Zoning Ordinance of Ripley County, Indiana"-  
"An Ordinance for the Development through Zoning of the area within the jurisdiction of the Area Plan Commission of Ripley County," as amended, passed on the 15<sup>th</sup> day of June, 1970, by the Board of County Commissioners of Ripley County, Indiana; on the 13<sup>th</sup> day of July 1970, by the Town Board of Trustees of Versailles, Indiana; on the 14<sup>th</sup> day of July, 1970, by the Town Board of Osgood, Indiana; on the 14<sup>th</sup> day of July, 1970, by the Town Board of Sunman, Indiana; on the 1<sup>st</sup> day of November, 1971, by the Town Board of Trustees of Milan, Indiana; on the 14<sup>th</sup> day of July, 1970, by the Town Board of Trustees of Napoleon, Indiana, is hereby repealed.

**SECTION 80.49: CELLULAR/WIRELESS/PERSONAL  
COMMUNICATION FACILITIES AND TOWERS**

**(A) General Provisions.**

- (1) Purpose – In order to protect the public health, safety and general welfare of the community, while accommodating the communication needs of residents and business these regulations are necessary in order to:
  - (a) Facilitate the provision of wireless telecommunication services to the residents and businesses of Ripley County;
  - (b) Minimize adverse visual effects of towers through careful design and sizing standards;
  - (c) Encourage the location of towers in non-residential areas through performance standards and incentives;
  - (d) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,
  - (e) Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.
- (2) Authority – The Board of Zoning Appeals of Ripley County (hereinafter “Board”) is vested with the authority to review, approve, conditionally approve, and disapprove applications for cellular/wireless/personal communication facilities and towers including sketch, preliminary and final plans.
- (3) Jurisdiction
  - (a) These regulations apply to all cellular/wireless/personal communication facilities and towers as defined herein, located within the jurisdiction of the Ripley County Area Plan Commission and Area Zoning Code.
- (4) Enactment – In order that wireless communications facilities may be constructed in accordance with these purposes and policies, these regulations are hereby adopted and made effective as of the date of passing. All applications for cellular/wireless/personal communication facilities and tower(s) pending on the effective date of these regulations shall be reviewed under these regulations or thereafter filed.
- (5) Public Purpose – Regulation of the sizing of wireless communication facilities is an exercise of valid police power delegated by the State of Indiana and as stipulated in the Federal Telecommunications Act of 1996. The developer has the duty of compliance with reasonable conditions set forth or required by the Area Plan Commission.

**(B) Definitions.**

- (1) For the purpose of these regulations, certain abbreviations, terms and words shall be used, interpreted, and defined as set forth in this Article. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.
- (2) Words and Terms Defined



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- (a) **Act** – The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future amendments to the Communications Act of 1934.
- (b) **Alternative Tower Structure** – Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (See also Stealth Facility).
- (c) **Analog Technology** – Replicates and amplifies voice messages as they are carried from the transmitting antenna to the receiving antenna.
- (d) **Antenna** – Any exterior apparatus designed for telephonic, radio, or television communications through sending and/or receiving of electromagnetic waves.
- (e) **Antenna Height** – The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
- (f) **Cellular Telecommunications** – A commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.
- (g) **County** – Ripley County, Indiana
- (h) **Co-Location** – Locating wireless communication equipment from more than one provider on a single site.
- (i) **Common Carrier** – An entity licensed by the FCC or a state agency to supply local and/or distance telecommunications services to the general public at established and stated prices.
- (j) **Cellular/Wireless/Personal Communication Tower** – A guyed, monopole, or self-supporting tower, constricted as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.
- (k) **Cellular/Wireless/Personal Communications Facility** – A land use facility supporting antennas and/or microwave dishes that send and/or receive radio frequency signals. Communications facilities include structures or towers, supporting equipment and accessory buildings.
- (l) **Comprehensive or Master Plan** – The current adopted Comprehensive/Master Plan of Ripley County, Indiana.
- (m) **Digital Technology** – Technology that converts voice and data messages into digits that represent sound intensities at specific points of time and data content.
- (n) **FAA** – The Federal Aviation Administration.
- (o) **FCC** – The Federal Communications Commission.
- (p) **Frequency** – The number of cycles completed each second by a sound wave; measured in hertz (Hz).

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- (q) **Governing Authority** – The Board of Zoning Appeals of Ripley County, Indiana.
- (r) **Grade** – The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.
- (s) **Guyed Tower** – A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
- (t) **Lattice Tower** – A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.
- (u) **Monopole Tower** – A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- (v) **Owner** – The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Ripley County Assessor's Office. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the Ripley County Board of Zoning Appeals a copy of a deed or contract of sale showing date, book, and page of recording.
- (w) **Personal Communications Services or PCS** – Digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer the same telephone number wherever he or she goes. Also known as Personal Communication Network (PCN).
- (x) **Pre-Existing Towers and Antennas** – Any tower or antenna for which a permit has been issued prior to the effective date of these regulations and is exempt from the requirements of these regulations so long as the tower and antennas are not modified or changed.
- (y) **Public Property** – Any real property, easement, air-space, or other interest in real estate, including a street, owned or controlled by this county or any other government unit.
- (z) **Self-Support Tower** – A communication tower that is constructed without guy wires and ground anchors.
- (aa) **Temporary Wireless Communication Facility** – Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.
- (bb) **Tower** – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.
- (cc) **Wireless Communication** – An all encompassing definition; any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmission/receptions.

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### **(C) Wireless Communication Facility Application Procedure and Approval Process**

- (1) General Procedure – The submission of applications for wireless communications facilities shall follow the same procedure as detailed in Ripley County’s Area Zoning Ordinance for Special Exceptions.
- (2) Additional Procedures - In addition to the information required elsewhere in Ripley County’s Area Zoning Ordinance for Special Exceptions, development applications for wireless communications facilities shall include the following supplemental information:
  - (a) A report from a qualified and licensed professional engineer which:
    1. Describes the tower height and design including a cross section and elevation, (including the total height with antennas, etc).
    2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
    3. Describes the tower’s capacity, including the number and type of antennas that it can accommodate;
    4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
    5. Includes an engineer’s stamp and registration number; and,
    6. Includes other information necessary to evaluate the request.
  - (b) For all cellular/wireless/personal communication facilities and/or towers, a letter of intent committing the tower owner and his, her or its successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
  - (c) Before the issuance of an improvement location permit, the following supplemental information shall be submitted:
    1. A copy of the FAA’s response to the submitted “Notice of Proposed Construction or Alteration” (FAA Form 7460-1) shall be submitted to Executive Director;
    2. Proof of compliance with applicable Federal Communications Commission regulations; and,
    3. A report from a qualified and licensed professional engineer which demonstrates the tower’s compliance with any applicable local, state or federal structural and electrical standards;
    4. A copy of any purchase agreement and/or lease for the land upon which the subject tower is to be located which document shall contain language in accordance with Section D 9(b) of this ordinance.
  - (d) Technical Assistance-In the course of its consideration of an application, the Executive Director, the Area Plan Commission or the Board of Zoning Appeals may deem it necessary, in complex situations, to employ an engineer(s) or other consultant qualified in the design and installation of wireless communication facilities to assist the Ripley County Board of Zoning Appeals in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the Ripley County Area Plan Commission or Board of Zoning of Appeals not to exceed One Thousand Five Hundred Dollars

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(\$1,500.00) for the technical review and recommendation shall be reimbursed by the applicant prior to the final hearing on the proposed cellular/wireless/personal communication facility or tower.

- (3) Site Plan Requirements – In addition to the Site Plan requirements found elsewhere in Ripley County's Zoning Code, site plans for wireless communications facilities shall include the following supplemental information:
- (a) Location and approximate size and height of all buildings and structures within 500 feet adjacent to the proposed wireless communication facility.
  - (b) Site plan of entire development, indicating all improvements including landscaping and screening.
  - (c) Elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed I site.
  - (d) Plans shall be drawn at the scale of 1-inch equals 50 feet.
- (4) General Approval Standards
- (a) The location of proposed tower is compatible with Ripley County's Master Plan/Comprehensive Plan and Zoning Ordinance.
  - (b) All efforts to locate on an existing tower have been made and have not been successful or legally/physically possible.
  - (c) The submitted site plan complies with the performance standards set in these regulations.
  - (d) The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district.
  - (e) The plan calls for chain link security fence around the perimeter of the facility or tower and around any guyed wire anchors a minimum of six (6) feet up to a maximum of ten (10) feet high. Also, the facility/tower shall be visually screened by trees, large shrubs, solid walls, solid fences, and/or nearby buildings if said facility or tower are within four hundred (400) feet of a residential district or the closest edge of a residential dwelling in any district.
  - (f) The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.
  - (g) The owner of the cellular/wireless/personal communication facility or tower has agreed by written commitment as a condition for approval to permit other persons, common carriers or cellular providers to attach cellular antenna or other communications apparatus which do not interfere with the primary purpose of the facility.
  - (h) There exists no other existing facility/tower that can reasonably serve the needs of the owner of the proposed new facility/tower.
  - (i) The proposed facility/tower is not constructed in such a manner as to result in needless height, mass, and guy-wire supports.
  - (j) The color of the proposed facility/tower will be of a light tone or color (except where required otherwise by the FAA) as to minimize the visual impact and that the tower will have a security fence around the tower base or the lot where the tower is located.
  - (k) The facility/tower is in compliance with any other applicable local, state or federal regulations.
  - (l) The applicant for the proposed facility/tower shall have a written commitment with at least one (1) common carrier (for towers up to 250

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- feet) or at least two (2) common carriers (for towers up to 400 feet) attached to it and submitted at the time of the initial application.
- (m) The applicant for the facility/tower should provide an estimate for annual repair and maintenance and provide a bond sufficient to cover the cost of repair or removal of the proposed facility/tower.
- (5) Additional Considerations – The Board of Zoning Appeals, in reviewing the special exception application, shall give consideration to the particular needs and circumstances of each application and shall examine the following items as they relate to the proposed special exception:
- (a) Topography;
  - (b) Zoning on site;
  - (c) Surrounding zoning and land use;
  - (d) Access to public streets;
  - (e) Building height, bulk and setback;
  - (f) Front, side and rear yards;
  - (g) Site coverage by building(s), parking area(s) and other structures, trash and material storage;
  - (h) Special and general easements for public or private use;
  - (i) Landscaping and trees masses, screening and buffering, fencing, and exterior lighting;
  - (j) On-site and off-site, surface and subsurface storm and water drainage;
  - (k) Protective restrictions and/or covenants.

### **(D) General Wireless Communications Facility Performance Standards**

- (1) Co-location Requirements – All commercial wireless telecommunication towers erected, constructed, or located within the jurisdiction of the Ripley County Area Zoning Code shall comply with the following requirements:
- (a) New cellular/wireless/personal communications facilities and towers shall not be permitted within one (1) mile of an existing cellular/wireless/personal communications facility or tower, unless the criteria of this section is met to the satisfaction of the Ripley County Board of Zoning Appeals; also, such tower shall be set back from any yard line or inhabitable building a distance of at least the distance of the height of the tower plus an additional fifty (50) feet, unless the tower is of a collapsible type, in which case the tower must collapse within a fenced area.
  - (b) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Board of Zoning Appeal finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower due to one or more of the following reasons:
    - 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - 2. The planned equipment would cause interference materially impacting the usability of the other existing or planned equipment

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at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
  4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
  - (c) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users.
- (2) Tower and Antenna Design Requirements – Proposed and modified towers and antennas shall meet the following design requirements:
- (a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
  - (b) Commercial wireless telecommunication service towers shall be of a monopole design unless the Board of Zoning Appeal determines that an alternative design would better blend into the surrounding environment.
- (3) Tower Height – The maximum tower height permitted in the County is as follows:
- (a) If the tower is designed to accommodate three (3) common carriers/service providers, and the applicant has at least one (1) written commitment from a common carrier to utilize the proposed facility/tower, the maximum height shall be 250 feet from grade.
  - (b) If the tower is designed to accommodate five (5) common carriers/service providers, and the applicant has at least two (2) written commitments from common carriers to utilize the proposed facility/tower, the maximum height shall be 400 feet from grade.
  - (c) No facility/tower including the height of any attached antenna, array, microwave, satellite, etc. shall exceed the maximum tower height as set forth above.
  - (d) No facility/tower, including the height of any attached antenna, array, microwave, satellite, etc., shall be permitted, placed or situated within a distance less than the height of the facility/tower plus fifty (50) feet from an adjoining property line or the edge of a road or highway right-of-way.
- (4) Accessory Utility Building and Uses.
- (a) All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be completely screened from view by suitable landscaping and/or vegetation, except where a design of non-vegetative screening better reflects and

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complements the architectural character of the surrounding neighborhood.

- (b) Accessory uses for wireless communication facilities, cellular/wireless/personal communication towers shall not include:
  - 1. Offices;
  - 2. Long term vehicles storage;
  - 3. Broadcast studios, except if used only for emergency purposes; or
  - 4. Other uses that are not needed to send or receive transmissions.In no event shall accessory uses for a primary tower exceed 25% of the gross floor area used for transmission equipment and functions.
- (5) Tower Lighting – Towers shall not be illuminated by artificial means and display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower and meet all State and Federal safety requirements.
- (6) Antennas Mounted on Structures, Roofs, Walls and Existing Towers – The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved by the Executive Director, provided the antennas meet the requirements of these regulations, after submittal of:
  - (a) A final site and building plan as specified by these regulations, and;
  - (b) A report prepared by a qualified and licensed professional engineer indicating the existing structure of tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- (7) Temporary Wireless Communications Facilities – Any facility designed for temporary use and defined in this Section, is subject to the following:
  - (a) Use of a temporary facility is allowed only if the owner has received a temporary user permit from the Ripley County pursuant to the procedure set forth in Section 80.34.
  - (b) Temporary wireless facilities are permitted for use of no longer than 30 days for use while constructing permanent facilities, and no longer than 5 days for use during a special event.
  - (c) Temporary facilities are subject to all applicable portions of these regulations.
- (8) Interference with Public Safety Telecommunications.

Neither new nor existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicated all potential interference problems. Before the introduction of a new service or changes in existing service, telecommunication providers shall notify the Executive Director of the Ripley County Area Plan Commission at least ten calendar days in advance of such changes to allow any employee or agent for Ripley County to monitor interference levels during the testing process.
- (9) Abandoned or Unused Towers or Portions of Towers – Abandoned or unused towers or portions of towers shall be removed as follows:
  - (a) The owner of a wireless facility shall file annually a declaration with Executive Director as to continuing operation of every facility installed subject to these regulations. Failure to do so shall be determined to

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mean that the facility is no longer in use and considered abandoned, thus subject to the following:

- (b) All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless a time extension is approved by the Executive Director. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operations at a site, the tower and associated facilities may be removed by Ripley County and the costs of removal assessed against the property owner and/or property.
- (10) Signs and Advertising – The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

### **(E) Zoning Specific, Cellular/Wireless/Personal Communication Facility Performance Standards.**

#### **(1) Facility/Tower Sitting Standards – Zoning**

- (a) Cellular/wireless/personal communication facilities and/or towers are permitted only as a special exception with the approval of the Board of Zoning Appeals, in all districts except for any Residential District (R1, R2, or R3) and Flood Plain District (FP).
- (b) Cellular/wireless/personal communication facilities and/or towers are not permitted under any circumstances in any Residential District (R1, R2, or R3) or Flood Plain District (FP).
- (c) No cellular/wireless/personal communication towers shall be permitted within the boundaries of any incorporated town.
- (d) No cellular/wireless/personal communication facilities and/or towers shall be permitted, placed or situated within a distance equivalent to or less than two (2) times the height of the tower (and antennas, etc. extending above the facility/tower), of any residential district, or the closest edge of any residential dwelling or structure in any district.

### **(F) Construction of Cellular/Wireless/Personal Communication Facilities and Towers**

#### **(1) Construction.**

- (a) Construction of all towers must begin within ninety (90) days after issuance of a permit. Once construction begins, all towers must be completed within ninety days.
- (b) Any permit issued prior to the adoptive date of this amended ordinance must have construction started within one hundred and eighty days (180) from the date of the adoption. If construction does not begin within one hundred and eighty (180) days of issuance, then such permit shall be void.
- (c) All tower placements must be pursuant to the amended provisions of this ordinance thereafter.



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### SECTION 80.99: REMEDIES AND PENALTIES

#### **(A) Remedies and Enforcement.**

Remedies and enforcement of the provisions of the Zoning Code are set forth in I.C. 36-7-4-1000, "1000 Series – Remedies and Enforcement."

#### **(B) Violations as Common Nuisance.**

Any structure erected, raised or converted, or land or premises used, in violation of this Chapter of the Code, is a common nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining a common nuisance.

#### **(C) Penalty.**

Any person or corporation in violation of Chapter 80 may be punished subject to the provisions of I.C. 36-1-3-8, specifically; a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for an ordinance violation.

#### **(D) FP Flood Plain District Violations.**

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Ripley County. All violations shall be punishable by a fine not exceeding \$2,500.00.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Ripley County Area Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

#### **(E) Continuation of Violation.**

Each month or period of 30 days, (whichever is less), that a violation of any portion of this Code or Chapter continues or exists shall constitute a separate offense, and any person or corporation in violation of this Code or Chapter may be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) as set forth in Section 80.99(C) for each month or period of 30 days, (whichever is less), that such violation continues or exists.

#### **(F) Enforcement by participating Towns.**

Each Town, that is a participating member/Town of this Area Zoning Code, shall have the right to enforce the terms of this Code within its incorporated area/boundary as set forth in Section 80.99 (A) through (E) above.

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THIS ORDINANCE SHALL BE IN FULL EFFECT FROM AFTER ITS PASSAGE, AS PROVIDED BY LAW.

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In accordance with the provisions of I.C. 36-7-4-604 the Ripley County Area Plan Commission gave notice and conducted a public hearing on the Area Zoning Ordinance on Tuesday, April 2<sup>nd</sup>, 1991. The hearing was continued to May 7<sup>th</sup>, 1991.

At the conclusion of the hearing the Plan Commission moved to approve the replacement zoning ordinance and maps. Accordingly, the proposal was certified to each participating legislative body with a favorable recommendation from the Plan Commission. (See I.C. 36-7-4-605[1].)

The Area Zoning Ordinance became effective in each participating legislative body in the following manner:

Ripley County: Certified to the Board of Commissioners on June 5, 1991. Ordinance became effective on September 3, 1991 in accordance with I.C. 36-7-4-606 (f).

Versailles. Certified to the Town Council on June 6, 1991. Ordinance became effective on September 5, 1991, in accordance with I.C. 36-7-4-606 (f).

Holton: Certified to the Town Council on June 6, 1991. Ordinance No. 91-8 passed by Town Council on July 2, 1991, in accordance with I.C. 36-7-4-606(b)(1).

Osgood: Certified to the Town Council on June 6, 1991. Ordinance became effective September 4, 1991, in accordance with I.C. 36-7-4-606(f).

Napoleon: Certified to the Town Council on June 6, 1991. Ordinance passed by Town Council on June 12, 1991, in accordance with I.C. 36-7-4-606(b)(1).

Sunman: Certified to the Town Council on June 7, 1991. Ordinance became effective on September 5, 1991, in accordance with I.C. 36-7-4-606(f).

Milan: Certified to the Town Council on June 7, 1991. Ordinance became effective on September 5, 1991, in accordance with I.C. 36-7-4-606(f).