

**ZONING ORDINANCE**

BLACKFORD COUNTY, INDIANA

ORDINANCE NO. 88-5  
BLACKFORD COUNTY, INDIANA

ORDINANCE NO. 1215  
HARTFORD CITY, INDIANA

ORDINANCE NO. 88-9  
MONTPELIER, INDIANA

ORDINANCE NO. 88-2  
SHAMROCK LAKES, INDIANA

BLACKFORD COUNTY AREA PLAN COMMISSION

BLACKFORD COUNTY  
HARTFORD CITY  
MONTPELIER  
SHAMROCK LAKES

REVISED IN MARCH OF 1996  
REVISED IN MAY OF 2001  
REVISED IN NOVEMBER 2004  
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**BLACKFORD COUNTY ZONING ORDINANCE**

**TABLE OF CONTENTS**

PREAMBLE..... 4

ARTICLE 1 – GENERAL PROVISIONS..... 6

101 TITLE..... 6

102 AUTHORITY..... 6

103 COMPLIANCE..... 6

104 SEVERABILITY..... 6

105 APPLICATION..... 6

106 JURISDICTIONAL AREA..... 6

ARTICLE 2 – DISTRICT REGULATIONS..... 7

201 ZONING MAPS..... 7

202 ZONING DISTRICTS..... 7

203 DISTRICT BOUNDARIES..... 7

204 FLOOD PLAIN DISTRICT..... 7

205 FLOODWAY DISTRICT..... 7

206 FLOODWAY FRINGE DISTRICT..... 8

207 AGRICULTURE DISTRICT..... 8

208 RESIDENTIAL DISTRICT..... 8

209 BUSINESS DISTRICT..... 8

210 INDUSTRIAL DISTRICT..... 9

211 PERMITTED AND SPECIAL EXCEPTIONS..... 9

212 LOT AND YARD REQUIREMENTS..... 18

213 HEIGHT REGULATIONS..... 19

ARTICLE 3 – GENERAL REGULATIONS..... 20

301 NON-CONFORMING USES AND STRUCTURE..... 20

302 ACCESSORY USES AND STRUCTURE..... 21

303 VISUAL CLEARANCE ON CORNER LOTS..... 22

304 TEMPORARY USES OF LAND OR STRUCTURES..... 22

305 OFF-STREET PARKING AND LOADING..... 23

306 LIMITATIONS ON SIGNS..... 28

307 MANUFACTURED HOME PARKS..... 29

308 MANUFACTURED HOME SUBDIVISIONS..... 31

309 RECREATIONAL VEHICLES..... 31

310 RECREATIONAL VEHICLE PARKS..... 31

311 HOME OCCUPATIONS..... 32

312 PERFORMANCE STANDARDS..... 33

313 PLANNING UNIT RESIDENTIAL, BUSINESS OR  
INDUSTRIAL DEVELOPMENT..... 34

314 IN FILL OF RUBBISH..... 35

ARTICLE 4 – ADMINISTRATION AND ENFORCEMENT.....	36
401 ADMINISTRATIVE RESPONSIBILITY.....	36
402 PERMITS.....	36
403 FEES.....	36
404 VIOLATIONS AND PENALTIES.....	37
405 METHOD OF APPEAL.....	37
 ARTICLE 5 – BOARD OF ZONING APPEALS.....	 39
501 GENERAL.....	39
502 APPEALS.....	40
503 VARIANCES.....	40
504 SPECIAL EXCEPTIONS.....	40
505 NON-CONFORMING USES OF LAND AND STRUCTURE.....	41
506 TRANSITIONAL USES.....	41
 ARTICLE 6 – MANUFACTURED HOMES.....	 43
601 INTENT.....	43
602 LOCATION OUT OF PARKS.....	43
603 EXTERIOR APPEARANCE STANDARDS.....	43
604 SCHEDULE OF USES FOR MANUFACTURED HOMES (MH).....	45
 ARTICLE 7 – AMENDMENTS.....	 47
701 GENERAL.....	47
702 PETITIONS.....	47
703 REFERRAL.....	47
704 ACTION.....	47
 ARTICLE 8 – DEFINITIONS.....	 48
801 WORD INTERPRETATIONS.....	48
802 WORD DEFINITIONS.....	48
 ARTICLE 9 – ORDAINING CLAUSES.....	 55
 ARTICLE 10 – WIND ENERGY CONVERSION SYSTEM (WECS) .....	 56
1001 PURPOSE .....	56
1002 DEFINITIONS APPLICABLE TO ARTICLE 10 .....	56
1003 APPLICABILITY .....	57
1004 APPLICATION REQUIREMENTS .....	57
1005 DESIGN INSTALLATION .....	61
1006 SETBACKS .....	63
1007 USE OF ROADS/SERVICES .....	64
1008 OPERATION .....	65
1009 LIABILITY INSURANCE .....	66
1010 DECOMMISSIONING PLAN .....	66
1011 WAIVERS .....	68
 ARTICLE 11 – COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM (CSECS) .....	 68
1101 PURPOSE .....	68

1102	DEFINITIONS APPLICABLE TO ARTICLE 11 .....	68
1103	APPLICABILITY .....	70
1104	APPLICATION REQUIREMENTS .....	70
1105	DESIGN AND INSTALLATION .....	74
ARTICLE 12 – UNSAFE BUILDING REGULATIONS .....		77
1201	ESTABLISHMENT .....	77
1202	DEFINITIONS .....	77
1203	ADOPTION OF STATE LAW .....	82
1204	INSPECTIONS .....	83
1205	VACANT STRUCTURES .....	83
1206	ABATEMENT OF VACANT AND/OR ABANDONED STRUCTURES.....	84
1207	CONTINUING MAINTENANCE MANDATORY AND VOLUNTARY REGISTRATION .....	
1208	REGISTRATION OF BUILDINGS AND STRUCTURES .....	85
1209	STANDARDS FOR MAINTENANCE .....	86
1210	REGISTRATION FEE .....	87
1211	PROPERTY MANAGER .....	88
1212	EXEMPTIONS .....	89
1213	PENALTY .....	89

**ZONING ORDINANCE**

**PREAMBLE**

**BLACKFORD COUNTY, INDIANA**

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR BLACKFORD COUNTY, INDIANA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND PRESCRIBING PENALTIES FOR VIOLATIONS IN ACCORDANCE WITH THE PROVISIONS OF INDIANA CODE (IC) 36-7-4 AND ALL ACTS SUPPLEMENTAL AND AMENDATORY THERETO, AND FOR THE REPEAL OF ORDINANCE #907 OF THE CITY OF HARTFORD CITY, INDIANA AND ORDINANCE #75-1 OF THE CITY OF MONTPELIER, INDIANA.

## ARTICLE 1 – GENERAL PROVISIONS

101 **TITLE:** THE OFFICIAL TITLE OF THE ORDINANCE IS: “ZONING ORDINANCE OF BLACKFORD COUNTY, INDIANA.”

102 **AUTHORITY:** THIS ORDINANCE IS ADOPTED PURSUANT TO INDIANA CODE 36-7-4 AND ALL ACTS SUPPLEMENTAL AND AMENDATORY THERETO.

103 **COMPLIANCE:** NO STRUCTURE SHALL BE LOCATED, ERECTED, CONSTRUCTED, RECONSTRUCTED, MOVED, CONVERTED, OR ENLARGED; NOR SHALL ANY STRUCTURE OR LAND BE USED OR BE DESIGNED TO BE USED, EXCEPT IN FULL COMPLIANCE WITH ALL THE PROVISIONS OF THIS ORDINANCE AND AFTER THE LAWFUL ISSUANCES OF THE PERMITS REQUIRED BY THIS ORDINANCE.

104 **SEVERABILITY:** IF ANY PROVISIONS OF THIS ORDINANCE OR THE APPLICATION OF ANY PROVISION TO PARTICULAR CIRCUMSTANCES IS HELD INVALID, THE REMAINDER OF THE ORDINANCE OR THE APPLICATION OF SUCH PROVISION TO OTHER CIRCUMSTANCES SHALL NOT BE AFFECTED.

105 **APPLICATION:** IT IS NOT INTENDED BY THIS ORDINANCE TO INTERFERE WITH, ABROGATE OR AMEND ANY EXISTING EASEMENTS, COVENANTS, OR OTHER AGREEMENTS, BETWEEN PARTIES, NOR IS IT INTENDED BY THIS ORDINANCE TO REPEAL, ABROGATE, ANNUL OR IN ANY WAY INTERFERE WITH ANY EXISTING PROVISIONS OF LAWS OR ORDINANCES NOT SPECIFICALLY REPEALED BY THIS ORDINANCE, OR ANY RULES, REGULATIONS OR PERMITS PREVIOUSLY ADOPTED OR ISSUED PURSUANT TO LAW RELATING TO THE USE OF BUILDINGS OR PREMISES PROVIDED, HOWEVER, THAT WHERE THIS ORDINANCE IMPOSES A GREATER RESTRICTION UPON THE USE OF BUILDINGS OR PREMISES THAN IS IMPOSED OR REQUIRED BY SUCH EXISTING PROVISIONS OF LAW OR BY SUCH RULES, REGULATIONS, AGREEMENTS, COVENANTS, OR PERMITS, THE PROVISIONS OF THE ORDINANCE SHALL CONTROL; BUT WHERE SUCH PRIVATE COVENANTS, PERMITS, AGREEMENTS, RULES OR REGULATIONS IMPOSE A GREATER RESTRICTION THAN IS IMPOSED BY THIS ORDINANCE, THE GREATER RESTRICTION SHALL CONTROL.

106 **JURISDICTIONAL AREA:** THIS ORDINANCE SHALL APPLY TO ALL UNINCORPORATED LAND WITHIN BLACKFORD COUNTY AND ALL INCORPORATED LAND WITHIN THE CITY OF HARTFORD CITY, THE CITY OF MONTPELIER AND THE TOWN OF SHAMROCK LAKES.

**ARTICLE 2 –DISTRICT REGULATIONS**

201 **ZONING MAPS:** A “ZONING MAP” OF THE CITY OF HARTFORD CITY, THE CITY OF MONTPELIER AND EACH TOWNSHIP IN BLACKFORD COUNTY IS HEREBY ADOPTED AS A PART OF THIS ORDINANCE. THE ZONE MAPS SHALL BE KEPT ON FILE AND AVAILABLE FOR EXAMINATION AT THE OFFICES OF THE COUNTY RECORDER AND THE COUNTY PLAN COMMISSION.

202 **ZONING DISTRICTS:** THE ENTIRE COUNTY IS DIVIDED INTO THE DISTRICTS STATED IN THIS ORDINANCE AS SHOWN BY THE DISTRICT BOUNDARIES ON THE ZONING MAPS. THE DISTRICTS ARE:

<b>FP</b>	<b>FLOOD PLAIN</b>
<b>FW</b>	<b>FLOODWAY</b>
<b>FF</b>	<b>FLOOD FRINGE</b>
<b>A-1</b>	<b>AGRICULTURE</b>
<b>R-1</b>	<b>RESIDENTIAL</b>
<b>R-2</b>	<b>RESIDENTIAL</b>
<b>R-3</b>	<b>RESIDENTIAL</b>
<b>B-1</b>	<b>BUSINESS</b>
<b>B-2</b>	<b>BUSINESS</b>
<b>B-3</b>	<b>BUSINESS</b>
<b>I-1</b>	<b>INDUSTRIAL</b>
<b>I-2</b>	<b>INDUSTRIAL</b>

203 **DISTRICT BOUNDARIES:** DISTRICT BOUNDARIES SHOWN WITHIN THE LINES OF STREETS, STREAMS, AND TRANSPORTATION RIGHTS-OF-WAY, SHALL BE DEEMED TO FOLLOW THEIR CENTERLINES. THE VACATION OF STREETS SHALL NOT AFFECT THE LOCATION OF SUCH DISTRICT BOUNDARIES. WHEN THE ZONING ADMINISTRATOR CANNOT DEFINITELY DETERMINE THE LOCATION OF A DISTRICT BOUNDARY BY SUCH CENTERLINES, BY THE SCALE OR DIMENSIONS STATED ON THE ZONING MAP, OR BY THE FACT THAT IT CLEARLY COINCIDES WITH A PROPERTY LINE, HE SHALL REFUSE ACTION, AND THE BOARD OF ZONING APPEALS, UPON APPEAL, SHALL INTERPRET THE LOCATION OF THE DISTRICT BOUNDARY WITH REFERENCE TO THE SCALE OF THE ZONING MAP AND THE PURPOSES SET FORTH IN ALL RELEVANT PROVISIONS OF THIS ORDINANCE.

204 **FLOOD PLAIN DISTRICT:** THE PURPOSE OF THE **FP** DISTRICT IS TO GUIDE DEVELOPMENT IN FLOOD HAZARD AREAS IN WHICH A COMMISSION FLOODWAY HAS NOT BEEN ESTABLISHED.

205 **FLOODWAY DISTRICT:** THE PURPOSE OF THE **FW** DISTRICT IS TO DELINEATE THE AREA ESTABLISHED BY THE NATURAL RESOURCES AS A COMMISSION FLOODWAY, NATURAL RESOURCES EXERCISES PRIMARY JURISDICTION WITHIN THE FLOODWAY DISTRICT UNDER THE PROVISIONS OF CHAPTER 318, ACTS OF 1945, AS AMENDED (I.C.1971, 13-2-22). THE COMMISSION MAY PLACE TERMS AND CONDITIONS ON ANY PERMIT IT ISSUES IN THE FLOODWAY DISTRICT WHICH ARE MORE RESTRICTIVE THAN THOSE IMPOSED BY NATURAL RESOURCES.

206 **FLOODWAY FRINGE DISTRICT:** THE PURPOSE OF THE **FF** DISTRICT IS TO REGULATE LAND USE IN THE FLOOD HAZARD AREA OUTSIDE THE FLOODWAY. THE FLOODWAY FRINGE **FF** DISTRICT MAY STAND BY ITSELF OR BE COMBINED WITH ANY DISTRICT WHICH THE PLAN COMMISSION DEEMS APPROPRIATE. GENERALLY SPEAKING, ALL CONSTRUCTION OF BUILDINGS IN THE DISTRICT SHALL BE TWO FEET ABOVE REGULATORY FLOOD PROFILE AS ESTABLISHED BY THE NATURAL RESOURCES. IN THE **FP, FW AND FF** DISTRICTS ESTABLISHED HEREIN, THE DEGREE OF FLOOD PROTECTION ESTABLISHED IN THIS ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON ENGINEERING AND SCIENTIFIC CONSIDERATIONS. LARGER FLOODS CAN AND WILL OCCUR ON RARE OCCASIONS. FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES SUCH AS ICE OR DEBRIS JAMS. THIS ORDINANCE DOES NOT IMPLY THAT AREAS OUTSIDE FLOOD HAZARD DISTRICTS AS DEFINED HEREIN WILL BE FREE OF FLOODING OR FLOOD DAMAGE. THIS ORDINANCE DOES NOT CREATE ANY LIABILITY ON THE PART OF THE CITY OF HARTFORD CITY, THE CITY OF MONTPELIER OR THE COUNTY OF BLACKFORD, INDIANA, THE COMMISSION, THE OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THIS ORDINANCE OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE THEREUNDER.

207 **AGRICULTURE DISTRICT:** THE DISTRICT DESIGNATED FOR AGRICULTURE USE, **A-1**, IS INTENDED TO PRESERVE AND PROTECT AGRICULTURAL LAND FROM UNDESIRABLE URBAN GROWTH. LIMITED RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WHEN IT DOES NOT ADVERSELY AFFECT AN AGRICULTURAL USE, DISPLACE PRIME CROPLAND ACREAGE, OR CREATE UNSANITARY CONDITIONS AND IF LOCATED ON LARGE SIZE LOTS WHICH PROVIDE ADEQUATE SPACE FOR PRIVATE WATER AND SEWAGE FACILITIES.

208 **RESIDENTIAL DISTRICTS:** DISTRICTS DESIGNATED FOR RESIDENTIAL USE, **R-1, R-2 AND R-3**, ARE LIMITED TO DWELLINGS AND PUBLIC OR SEMI-PUBLIC USES WHICH ARE NORMALLY ASSOCIATED WITH RESIDENTIAL NEIGHBORHOODS. THE ONLY USES PERMITTED IN THE RESIDENTIAL DISTRICTS ARE THOSE WHICH WOULD NOT DETRACT FROM THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. THE PURPOSE OF THESE THREE DISTRICTS IS TO CREATE AN ATTRACTIVE, STABLE AND ORDERLY RESIDENTIAL ENVIRONMENT. HOWEVER, THE FAMILIES PER DWELLING AND THE LOT AND YARD REQUIREMENTS ARE DIFFERENT IN THE THREE DISTRICTS TO PROVIDE FOR THE VARIOUS HOUSING NEEDS AND DESIRES OF THE CITIZENS.

209 **BUSINESS DISTRICTS:** THE DISTRICTS DESIGNATED FOR BUSINESS, **B-1, B-2 AND B-3**, ARE LIMITED TO BUSINESS, PUBLIC AND CERTAIN RESIDENTIAL USES. BY ESTABLISHING COMPACT DISTRICTS FOR SUCH USES, MORE EFFICIENT TRAFFIC MOVEMENT, PARKING FACILITIES, FIRE PROTECTION AND POLICE PROTECTION MAY BE PROVIDED. INDUSTRIAL USES ARE EXCLUDED IN ORDER TO REDUCE THE HAZARDS CAUSED BY EXTENSIVE TRUCK AND RAIL MOVEMENTS NORMALLY ASSOCIATED WITH SUCH USES. THE PURPOSE OF THESE DISTRICTS IS TO PROVIDE UNIFIED SHOPPING DISTRICTS CONVENIENTLY LOCATED. THE **B-1** BUSINESS DISTRICT IS INTENDED TO BE UTILIZED ONLY IN THE EXISTING CENTRAL BUSINESS DISTRICTS OF HARTFORD CITY AND



MONTPELIER. THE **B-2** BUSINESS DISTRICT IS INTENDED TO BE UTILIZED FOR LOCAL OR NEIGHBORHOOD BUSINESS WHERE THE BUSINESSES COULD BE COMPATIBLE WITH ADJOINING RESIDENTIAL USES. THE **B-3** BUSINESS DISTRICT IS A GENERAL, ALL-PURPOSE BUSINESS DISTRICT THAT INCLUDES MANY AUTOMOBILE-ORIENTED USES.

210 **INDUSTRIAL DISTRICTS:** THE DISTRICTS DESIGNATED FOR INDUSTRY, **I-1** AND **I-2** PROVIDE SUITABLE SPACE FOR EXISTING INDUSTRIES AND THEIR EXPANSION AS WELL AS FOR FUTURE INDUSTRIAL DEVELOPMENT. PERFORMANCE STANDARDS, PARKING SPECIFICATIONS AND YARD REGULATIONS ARE SET FORTH IN THIS ORDINANCE IN ORDER TO INSURE SAFE INDUSTRIAL DEVELOPMENT THAT IS COMPATIBLE WITH ADJACENT USES. THE LOCATIONS OF THE DISTRICTS ARE NEAR RAILROADS OR HIGHWAYS IN ORDER TO MEET THE TRANSPORTATION NEEDS OF INDUSTRY. **I-1**, THE LIGHT INDUSTRIAL DISTRICT, PROVIDES SPACE FOR INDUSTRIES WHICH DO NOT CAUSE CONDITIONS THAT WOULD BE OBJECTIONABLE TO NEIGHBORING PROPERTIES. **I-2**, THE HEAVY INDUSTRIAL DISTRICT PROVIDES A SPACE FOR CERTAIN INTENSIVE INDUSTRIAL OPERATIONS WHICH MAY HAVE SOME OBJECTIONABLE CHARACTERISTICS. GREATER SEPARATION IS REQUIRED BETWEEN THE INDUSTRIES IN THE **I-2** DISTRICT AND RESIDENTIAL OR BUSINESS USES THAN IS NECESSARY IN THE **I-1** DISTRICT.

211 **PERMITTED USES AND SPECIAL EXCEPTIONS:** THE PERMITTED USES FOR EACH DISTRICT ARE SHOWN ON TABLE A. THE USES THAT ARE LISTED FOR THE VARIOUS DISTRICTS SHALL BE ACCORDING TO THE COMMON MEANING OF THE TERM OR ACCORDING TO DEFINITIONS GIVEN IN ARTICLE 8. USES NOT SPECIFICALLY LISTED OR DEFINED TO BE INCLUDED IN THE CATEGORIES UNDER THIS ARTICLE SHALL NOT BE PERMITTED. THE SPECIAL EXCEPTIONS FOR EACH DISTRICT THAT MAY BE PERMITTED BY THE BOARD OF ZONING APPEALS ARE ALSO SHOWN ON TABLE A. THE BOARD OF ZONING APPEALS SHALL FOLLOW THE PROVISIONS OF SECTION 504 AND ANY OTHER APPLICABLE SECTIONS WHEN CONSIDERING ANY APPLICATION FOR A SPECIAL EXCEPTION.

**TABLE A**  
**FP FLOODPLAIN DISTRICT**

**PERMITTED USES**

1. AGRICULTURAL USES SUCH AS THE PRODUCTION OF CROPS, PASTURES, ORCHARDS, PLANT NURSERIES, VINEYARDS AND GENERAL FARMING.
2. FORESTRY, WILDLIFE AREAS AND NATURE PRESERVES.
3. PARKS AND RECREATIONAL USES, SUCH AS GOLF COURSES, DRIVING RANGES AND PLAY AREAS.

**SPECIAL EXCEPTIONS (SECTION 504)**

THE FOLLOWING SPECIAL EXCEPTION USES MAY BE PERMITTED IN THE FLOODPLAIN (FP) DISTRICT ONLY AFTER A PROPER PERMIT FOR SAME HAS BEEN GRANTED BY THE NATURAL RESOURCES. ALL TERMS AND CONDITIONS IMPOSED BY THE DEPARTMENT OF NATURAL RESOURCES WILL BE INCORPORATED IN ANY PERMIT ISSUED BY THE PLAN COMMISSION.

1. WATER MANAGEMENT AND USE FACILITIES, SUCH AS DAMS, DOCKS, DOLPHINS, CHANNEL IMPROVEMENTS, DIKES, JETTIES, GRAINS, MARINAS, PIERS, WHARVES, LEVEES, SEAWALLS, FLOODWALLS, WEIRS AND IRRIGATION FACILITIES.
2. TRANSPORTATION FACILITIES, SUCH AS STREETS, BRIDGES, ROADWAYS, FORDS, AIRPORTS, PIPELINES, RAILROAD AND UTILITY TRANSMISSION FACILITIES.
3. TEMPORARY OR SEASONAL FLOODPLAIN OCCUPANCY, SUCH AS CIRCUS SITES, FAIR SITES, CARNIVAL SITES, BOAT RAMPS, CAMPS, ROADSIDE STANDS AND TRANSIENT AMUSEMENT FACILITY SITES.
4. WATER-RELATED URBAN USES SUCH AS WASTEWATER TREATMENT FACILITIES, STORM SEWERS, ELECTRIC GENERATING AND TRANSMISSION FACILITIES AND WATER TREATMENT FACILITIES.
5. OTHER FLOOD-TOLERANT OR OPEN SPACE URBAN USES, SUCH AS FLOOD-PROOFED INDUSTRIAL AND COMMERCIAL BUILDINGS, RACETRACKS, TENNIS COURTS, PARK BUILDINGS, OUTDOOR THEATERS, FILLS, TRUCK FREIGHT TERMINALS, RADIO OR TV TOWERS, PARKING LOTS AND MINERAL EXTRACTIONS.

## **FW FLOODWAY DISTRICT**

### **PERMITTED USES**

1. AGRICULTURAL USES SUCH AS THE PRODUCTION OF CROPS, PASTURES, ORCHARDS PLANT NURSERIES, VINEYARDS AND GENERAL FARMING.
2. FORESTRY, WILDLIFE AREAS AND NATURE PRESERVES.
3. PARKS AND RECREATIONAL USES, SUCH AS GOLF COURSES, DRIVING RANGES AND PLAY AREAS.

### **SPECIAL EXCEPTIONS (SECTION 504)**

THE FOLLOWING SPECIAL EXCEPTION USES MAY BE PERMITTED IN THE FLOODWAY (FW) DISTRICT ONLY AFTER A PROPER PERMIT FOR SAME HAS BEEN GRANTED BY THE NATURAL RESOURCES. ALL TERMS AND CONDITIONS IMPOSED BY NATURAL RESOURCES WILL BE INCORPORATED IN ANY PERMIT ISSUED BY THE PLAN COMMISSION.

1. WATER MANAGEMENT AND USE FACILITIES, SUCH AS DAMS, DOCKS, DOLPHINS, CHANNEL IMPROVEMENTS, DIKES, JETTIES, GRAINS, MARINAS, PIERS, WHARVES, LEVEES, SEAWALLS, FLOODWALLS, WEIRS AND IRRIGATION FACILITIES.
2. TRANSPORTATION FACILITIES, SUCH AS STREETS, BRIDGES, ROADWAYS, FORDS, AIRPORTS, PIPELINES, RAILROAD AND UTILITY TRANSMISSION FACILITIES.
3. TEMPORARY OR SEASONAL FLOODPLAIN OCCUPANCY, SUCH AS CIRCUS SITES, FAIR SITES, CARNIVAL SITES, BOAR RAMPS, CAMPS, ROADSIDE STANDS AND TRANSIENT AMUSEMENT FACILITY SITES.
4. WATER-RELATED URBAN USES, SUCH AS WASTEWATER TREATMENT FACILITIES, STORM SEWERS, ELECTRIC GENERATING AND TRANSMISSION FACILITIES AND WATER TREATMENT FACILITIES.
5. OTHER FLOOD-TOLERANT OR OPEN SPACE URBAN USES, SUCH AS FLOOD-PROOFED INDUSTRIAL AND COMMERCIAL BUILDINGS, RACETRACKS, TENNIS COURTS, PARK BUILDINGS, OUTDOOR THEATERS, FILLS, TRUCK FREIGHT TERMINALS, RADIO OR TV TOWERS, PARKING LOTS AND MINERAL EXTRACTIONS.

## **FF FLOODWAY FRINGE DISTRICT**

WHERE THE FLOODWAY FRINGE (FF) DISTRICT OVERLAPS WITH ANY OTHER DISTRICT, THE USES PERMITTED BY RIGHT OR BY SPECIAL EXCEPTIONS IN THE OTHER DISTRICT, SHALL BE CONSTRUCTED TO HAVE A FLOOD PROTECTION GRADE AT LEAST TWO FEET ABOVE THE REGULATORY FLOOD PROFILE AS ESTABLISHED BY THE NATURAL RESOURCES.

IN THE A-1 AGRICULTURAL DISTRICT, NO NON-AGRICULTURAL BUILDING SHALL BE LOCATED CLOSER THAN 750 FEET TO AN EXISTING AGRICULTURAL BUILDING OR A CONFINED FEEDING OPERATION.

**PERMITTED USES**

**SPECIAL EXCEPTIONS (SECTION 504)**

**A-1 AGRICULTURAL DISTRICT**

- |  |  |
|--|--|
| <ol style="list-style-type: none"><li>1. AGRICULTURE</li><li>2. SINGLE-FAMILY DWELLING<br/>(SEE B AND C)</li><li>3. PUBLIC AND PAROCHIAL SCHOOLS</li><li>4. PUBLIC PARKS &amp; PLAYGROUNDS</li><li>5. CHURCHES &amp; CEMETERIES</li><li>6. ESSENTIAL SERVICES</li><li>7. ACCESSORY USES</li><li>8. ROADSIDE AGRICULTURE<br/>PRODUCE STAND</li><li>9. MANUFACTURED HOMES<br/>(STYLE I)</li><li>10. GREENHOUSES &amp; NURSERIES</li><li>11. GRAIN ELEVATORS</li><li>12. CERTIFIED RESIDENCE CHILD<br/>DAYCARE HOME</li></ol> | <ol style="list-style-type: none"><li>1. COMMERCIAL RECREATIONAL USES</li><li>2. NURSERY SCHOOLS</li><li>3. HOSPITALS &amp; CLINICS</li><li>4. PUBLIC UTILITY STRUCTURE</li><li>5. SWIMMING POOLS (PUBLIC)</li><li>6. FIRE STATIONS</li><li>7. MUNICIPAL BUILDINGS &amp; LIBRARIES</li><li>8. NURSING HOMES</li><li>9. MANUFACTURED HOME PARKS</li><li>10. FEED MILLS &amp; FERTILIZER SALES</li><li>11. GOLF COURSES</li><li>12. PRIVATE CLUBS &amp; CAMPS</li><li>13. HOME OCCUPATIONS</li><li>14. WATER &amp; SEWAGE TREATMENT PLANTS</li><li>15. MINERAL EXCAVATION</li><li>16. SANITARY LANDFILLS</li><li>17. VETERINARY HOSPITAL</li><li>18. TWO-FAMILY DWELLINGS</li><li>19. PRIVATE AIR STRIP</li><li>20. ANIMAL KENNEL</li><li>21. TRUCK TERMINALS (SEE D)</li><li>22. SALVAGE &amp; JUNK YARD</li><li>23. SUPPLY YARD</li><li>24. WAREHOUSES</li><li>25. AUCTION HOUSE</li><li>26. GENERAL STORE (SEE E)</li><li>27. RECREATIONAL VEHICLE PARK</li><li>28. PLANNED UNIT RESIDENT DEVELOP.</li><li>29. RESOURCE RECOVERY FACILITY</li><li>30. MANUFACTURED HOMES (STYLE II &amp; III)</li><li>31. CONFINED FEEDING OPERATION (SEE A)</li><li>32. WIND ENERGY CONVERSION SYSTEMS<br/>(WECS) (SEE F)</li><li>33. COMMERCIAL SOLAR ENERGY<br/>CONVERSION SYSTEMS (CSECS) (SEE G)</li></ol> |
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**A. PROVIDING THAT ANY CONFINED FEEDING OPERATION IS LOCATED AT LEAST 100 FEET FROM A STREET RIGHT-OF-WAY LINE, 750 FEET FROM A RESIDENTIAL DISTRICT BOUNDARY LINE AND 750 FEET FROM A RESIDENTIAL USE OTHER THAN THAT OF THE APPLICANT.**

**B. SINGLE-FAMILY DWELLINGS AND MANUFACTURED HOMES PROVIDED THEY ARE OCCUPIED BY A FAMILY ENGAGED IN AGRICULTURE; OR, SINGLE-FAMILY DWELLINGS AND MANUFACTURED HOMES PROVIDED THEY ARE ON A LOT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OR LAND CONTRACTS DATE PRIOR TO THE EFFECTIVE DATE OF THE ADOPTION OF THE ORDINANCE; OR, SINGLE-FAMILY DWELLINGS WHICH HAVE BEEN OCCUPIED BY A FAMILY ENGAGED IN AGRICULTURE AND SUBSEQUENTLY DIVIDED FROM THE FARM.**

C. SINGLE-FAMILY DWELLINGS NOT OCCUPIED BY A FAMILY ENGAGED IN AGRICULTURE, PROVIDED THE LOT IS THREE (3) ACRES OR MORE.

D. SHALL BE A MINIMUM OF FIVE (5) ACRES AND NOT TO EXCEED TEN (10) TRUCKS

E. BUILDING SHALL NOT EXCEED 2400 SQUARE FEET AND MERCHANDISE SHALL BE CONFINED TO BUILDING UNLESS OTHERWISE STATED IN APPEAL.

F. A WIND ENERGY CONVERSION SYSTEM (WECS) MUST COMPLY WITH THE PROVISIONS OF ARTICLE 10 OF THIS ORDINANCE IN LIEU OF SECTIONS 504 AND 312 OF THIS ORDINANCE.

G. A COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM (CSECS) MUST COMPLY WITH THE PROVISIONS OF ARTICLE 10 OF THIS ORDINANCE IN LIEU OF SECTIONS 504 AND 312 OF THIS ORDINANCE.

**PERMITTED USES**

**SPECIAL EXCEPTIONS (SEC. 504)**

**R-1 RESIDENTIAL DISTRICT**

- |   |                                     |
|---|-------------------------------------|
| 1. SINGLE-FAMILY DWELLINGS                        | 1. NURSERY SCHOOLS                  |
| 2. PUBLIC & PAROCHIAL SCHOOLS                     | 2. HOSPITALS & CLINICS              |
| 3. PUBLIC PARKS & PLAYGROUNDS                     | 3. PUBLIC UTILITY STRUCTURES        |
| 4. CHURCHES & CEMETERIES                          | 4. SWIMMING POOLS (PUBLIC)          |
| 5. ESSENTIAL SERVICES                             | 5. FIRE STATION                     |
| 6. ACCESSORY USES                                 | 6. MUNICIPAL BUILDINGS & LIBRARIES  |
| 7. AGRICULTURE, EXCEPT CONFINED FEEDING OPERATION | 7. PRIVATE CLUBS                    |
| 8. PLANNED UNIT RESIDENTIAL DEVELOP.              | 8. PARKING LOTS                     |
| 9. MANUFACTURED HOMES (STYLE 1)                   | 9. GOLF COURSES                     |
| 10. CERTIFIED RESIDENCE CHILD DAYCARE HOME        | 10. HOME OCCUPATIONS                |
|   | 11. WATER & SEWAGE TREATMENT PLANTS |
|   | 12. NURSING HOMES                   |

**R-2 RESIDENTIAL DISTRICT**

- |  |                                    |
|--|------------------------------------|
| 1. SINGLE-FAMILY DWELLINGS                 | 1. NURSERY SCHOOLS                 |
| 2. TWO-FAMILY DWELLINGS                    | 2. HOSPITALS & CLINICS             |
| 3. PUBLIC & PAROCHIAL SCHOOLS              | 3. PUBLIC UTILITY STRUCTURES       |
| 4. CHURCHES                                | 4. SWIMMING POOLS (PUBLIC)         |
| 5. PUBLIC PARKS & PLAYGROUNDS              | 5. FIRE STATIONS                   |
| 6. ESSENTIAL SERVICES                      | 6. MULTIPLE-FAMILY DWELLINGS       |
| 7. ACCESSORY USES                          | 7. MUNICIPAL BUILDINGS & LIBRARIES |
| 8. PLANNED UNIT RESIDENTIAL DEVELOP.       | 8. NURSING HOMES                   |
| 9. MANUFACTURED HOMES (STYLE I)            | 9. PRIVATE CLUBS                   |
| 10. CERTIFIED RESIDENCE CHILD DAYCARE HOME | 10. PARKING LOTS                   |

**PERMITTED USES**

**SPECIAL EXCEPTIONS (SEC. 504)**

**R-2 RESIDENTIAL DISTRICT (CONTINUED)**

11. HOME OCCUPATIONS
12. FUNERAL HOMES
13. BOARDING HOUSES

**R-3 RESIDENTIAL DISTRICT**

- |  |  |
|--|--|
| <ol style="list-style-type: none"><li>1. SINGLE FAMILY DWELLINGS</li><li>2. TWO-FAMILY DWELLINGS</li><li>3. MULTIPLE –FAMILY DWELLINGS</li><li>4. PUBLIC &amp; PAROCHIAL SCHOOLS</li><li>5. CHURCHES</li><li>6. PUBLIC PARKS &amp; PLAYGROUNDS</li><li>7. PARKING LOTS</li><li>8. BOARDING HOUSES</li><li>9. ESSENTIAL SERVICES</li><li>10. ACCESSORY USES</li><li>11. PLANNED UNIT RESIDENTIAL DEVELOP.</li><li>12. MANUFACTURED HOMES (STYLE I)</li><li>13. CERTIFIED RESIDENCE CHILD DAYCARE HOME</li></ol> | <ol style="list-style-type: none"><li>1. NURSERY SCHOOLS</li><li>2. HOSPITALS &amp; CLINICS</li><li>3. PUBLIC UTILITY STRUCTURES</li><li>4. SWIMMING POOLS (PUBLIC)</li><li>5. FIRE STATIONS</li><li>6. MUNICIPAL BUILDINGS &amp; LIBRARIES</li><li>7. NURSING HOMES</li><li>8. PRIVATE CLUBS</li><li>9. HOME OCCUPATIONS</li><li>10. FUNERAL HOMES</li><li>11. MANUFACTURED HOME PARKS</li><li>12. PROFESSIONAL OFFICES</li><li>13. CRAFT SHOP</li><li>14. BEAUTY SHOP</li><li>15. REAL ESTATE OFFICES</li><li>16. VETERINARY OFFICE</li><li>17. MANUFACTURED HOMES (STYLE II &amp; III)</li><li>18. RETAIL BUSINESS</li><li>19. OFFICES</li><li>20. INDOOR AUCTION HOUSE (SEE A)</li></ol> |
|--|--|

A. NO LIVESTOCK, VERTEBRATE OR INVERTEBRATE ANIMALS

**PERMITTED USES**

**SPECIAL EXCEPTIONS (SEC. 504)**

**B-1 BUSINESS DISTRICT**

- |  |   |
|--|---|
| 1. RETAIL BUSINESS                         | 1. RESEARCH LABORATORIES                |
| 2. EATING & DRINKING ESTABLISHMENTS        | 2. THEATERS                             |
| 3. OFFICES & BANKS                         | 3. MULTIPLE-FAMILY DWELLINGS            |
| 4. PERSONAL & PROFESSIONAL SERVICES        | 4. SINGLE-FAMILY DWELLINGS              |
| 5. FIRE STATIONS & MUNICIPAL BUILDINGS     | 5. AUTO SALES, SERVICE, REPAIR          |
| 6. PUBLIC PARKS & PLAYGROUNDS              | 6. WHOLESALE BUSINESS                   |
| 7. PARKING LOTS                            | 7. HOTELS & MOTELS                      |
| 8. ESSENTIAL SERVICES                      | 8. COMMERCIAL SCHOOLS                   |
| 9. ACCESSORY USES                          | 9. COMMERCIAL RECREATION                |
| 10. PLANNED UNIT BUSINESS DEVELOP.         | 10. PUBLIC UTILITY STRUCTURES           |
| 11. CERTIFIED RESIDENCE CHILD DAYCARE HOME | 11. PRINTING SHOPS                      |
|  | 12. CHURCHES                            |
|  | 13. PUBLIC & PAROCHIAL SCHOOLS          |
|  | 14. CLEANING & LAUNDRY PLANTS           |
|  | 15. PRIVATE CLUBS                       |
|  | 16. PUBLIC TRANSPORTATION TERMINALS     |
|  | 17. DRIVE-IN BUSINESSES                 |
|  | 18. MANUFACTURING (LIGHT)               |
|  | 19. ADULT BOOKSTORE ( <b>SEE A</b> )    |
|  | 20. MANUFACTURED HOMES (STYLE II & III) |
|  | 21. AUCTION HOUSE                       |

A. STORE MUST BE 500 FEET FROM ANY RESIDENCE, CHURCH OR SCHOOL PROPERTY LINE.

**B-2 BUSINESS DISTRICT**

- |  |  |
|--|--|
| 1. RETAIL BUSINESS                         | 1. SINGLE-FAMILY DWELLINGS                 |
| 2. EATING & DRINKING ESTABLISHMENTS        | 2. MULTIPLE-FAMILY DWELLINGS               |
| 3. OFFICES & BANKS                         | 3. AUTO SALES, SERVICE, REPAIR             |
| 4. PERSONAL & PROFESSIONAL SERVICES        | 4. HOTELS & MOTELS                         |
| 5. FIRE STATIONS & MUNICIPAL BUILDINGS     | 5. COMMERCIAL RECREATION                   |
| 6. PUBLIC PARKS & PLAYGROUNDS              | 6. PUBLIC UTILITY STRUCTURES               |
| 7. PARKING LOTS                            | 7. CHURCHES                                |
| 8. ESSENTIAL SERVICES                      | 8. PUBLIC & PAROCHIAL SCHOOLS              |
| 9. ACCESSORY USES                          | 9. PRIVATE CLUBS                           |
| 10. PLANNED UNIT BUSINESS DEVELOP.         | 10. DRIVE-IN BUSINESSES                    |
| 11. CERTIFIED RESIDENCE CHILD DAYCARE HOME | 11. FUNERAL HOME                           |
|  | 12. MANUFACTURED HOMES (STYLE I, II & III) |
|  | 13. AUCTION HOUSE                          |
|  | 14. WAREHOUSES                             |

**PERMITTED USES**

**SPECIAL EXCEPTIONS (SEC. 504)**

**B-3 BUSINESS DISTRICT**

- |  |   |
|--|---|
| 1. RETAIL BUSINESS                     | 1. THEATERS                                   |
| 2. EATING & DRINKING ESTABLISHMENTS    | 2. SUPPLY YARDS                               |
| 3. OFFICES & BANKS                     | 3. COMMERCIAL RECREATION                      |
| 4. PERSONAL & PROFESSIONAL SERVICES    | 4. DAIRIES                                    |
| 5. FIRE STATIONS & MUNICIPAL BUILDINGS | 5. SINGLE-FAMILY DWELLINGS                    |
| 6. WHOLESALE BUSINESS                  | 6. MULTIPLE-FAMILY DWELLINGS                  |
| 7. PARKING LOTS                        | 7. PUBLIC UTILITY STRUCTURES                  |
| 8. PUBLIC PARKS & PLAYGROUNDS          | 8. PRINTING SHOPS                             |
| 9. ACCESSORY USES                      | 9. WAREHOUSES                                 |
| 10. ESSENTIAL SERVICES                 | 10. COMMERCIAL SCHOOLS                        |
| 11. AUTOMOBILE SALES, SERVICE, REPAIR  | 11. CHURCHES                                  |
| 12. HOTELS & MOTELS                    | 12. PUBLIC & PAROCHIAL SCHOOLS                |
| 13. CLEANING & LAUNDRY PLANTS          | 13. HOSPITALS & CLINICS                       |
| 14. PRIVATE CLUBS                      | 14. FUNERAL HOMES                             |
| 15. DRIVE-IN BUSINESSES                | 15. FARM IMPLEMENT SALES, SERVICE,<br>REPAIR  |
| 16. VETERINARY HOSPITAL                | 16. MANUFACTURED HOME PARKS                   |
| 17. ANIMAL KENNEL                      | 17. PUBLIC TRANSPORTATION TERMINALS           |
| 18. PLANNED UNIT BUSINESS DEVELOP.     | 18. MANUFACTURED HOME SALES                   |
|  | 19. LIVESTOCK AUCTION                         |
|  | 20. LIGHT MANUFACTURING                       |
|  | 21. RECREATIONAL VEHICLE PARK                 |
|  | 22. MANUFACTURED HOMES<br>(STYLE I, II & III) |
|  | 23. AUCTION HOUSE                             |

**I-1 INDUSTRIAL DISTRICT**

- |                                    |   |
|------------------------------------|---|
| 1. RESEARCH & TESTING LABORATORIES | 1. MOTELS   |
| 2. OFFICES                         | 2. RESTAURANTS  |
| 3. WAREHOUSES                      | 3. TRUCK & RAILROAD TERMINALS                             |
| 4. PARKING LOTS                    | 4. SUPPLY YARDS   |
| 5. MANUFACTURING                   | 5. FIRE STATIONS & MUNICIPAL<br>BUILDINGS                 |
| 6. AGRICULTURE                     | 6. WATER & SEWAGE TREATMENT<br>PLANTS                     |
| 7. ESSENTIAL SERVICES              | 7. OUTDOOR STORAGE (SEE A)                                |
| 8. ACCESSORY USES                  | 8. PROCESSING   |
| 9. WHOLESALE BUSINESS              | 9. RESOURCE RECOVERY FACILITY                             |
| 10. PUBLIC UTILITY STRUCTURES      | 10. COMMERCIAL SOLAR ENERGY<br>CONVERSION SYSTEMS (CSECS) |
| 11. PLANNED UNIT INDUSTRIAL DEVEL. | <b>Only in unincorporated area (SEE B)</b>                |

**A. MATERIAL SHALL BE STORED IN A SAFE AND ORDERLY MANNER AND THE PROPERTY SHALL BE FENCED.**

**B. A COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM (CSECS) MUST COMPLY WITH THE PROVISIONS OF ARTICLE 10 OF THIS ORDINANCE IN LIEU OF SECTIONS 504 AND 312 OF THIS ORDINANCE.**



**PERMITTED USES**

**SPECIAL EXCEPTIONS (SEC.504)**

**I-2 INDUSTRIAL DISTRICT**

1. AGRICULTURE
2. RESEARCH & TESTING LABORATORIES
3. OFFICES
4. WAREHOUSES
5. PARKING LOTS
6. MANUFACTURING
7. ESSENTIAL SERVICES
8. ACCESSORY USES
9. WHOLESALE BUSINESSES
10. GRAIN ELEVATORS
11. SUPPLY YARDS
12. TRUCK & RAILROAD TERMINALS
13. PUBLIC UTILITY STRUCTURES
14. PLANNED UNIT INDUSTRIAL DEVEL.

1. RESTAURANTS
2. STOCKYARDS & SLAUGHTERHOUSES
3. FIRE STATIONS & MUNICIPAL BUILDINGS
4. WATER & SEWAGE TREATMENT PLANTS
5. AIRPORTS
6. MINERAL EXCAVATION
7. JUNK YARDS
8. BULK FUEL STORAGE
9. CONCRETE MIXING
10. MANUFACTURING & PROCESSING OF EXPLOSIVE MATERIALS
11. OUTDOOR STORAGE (**SEE A**)
12. RESOURCE RECOVERY FACILITY
13. COMMERCIAL SOLAR ENERGY CONVERSION SYSTEMS (CSECS)  
**Only in unincorporated area (SEE B)**

**A.** MATERIAL SHALL BE STORED IN A SAFE AND ORDERLY MANNER AND THE PROPERTY SHALL BE FENCED.

**B.** A COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM (CSECS) MUST COMPLY WITH THE PROVISIONS OF ARTICLE 10 OF THIS ORDINANCE IN LIEU OF SECTIONS 504 AND 312 OF THIS ORDINANCE.

212 **LOT AND YARD REQUIREMENTS:** THE MINIMUM LOT AREA, MINIMUM WIDTH OF LOT, MINIMUM DEPTH OF FRONT YARD, MINIMUM WIDTH OF EACH SIDE YARD AND MINIMUM DEPTH OF REAR YARD FOR EACH DISTRICT SHALL BE AS SHOWN ON THE FOLLOWING TABLE:

DISTRICT	MIN. LOT AREA	MIN. LOT ARE PER FAMILY	MIN. LOT WIDTH	MIN. FRONT SETBACK	MIN.* SIDE SETBACK	MIN.* REAR SETBACK
	SQ. FT.	SQ. FT.	FEET	FEET	FEET	FEET
FP	40,000	NA	150	40	20	20
FW	40,000	NA	150	40	20	20
A-1	40,000	20,000	150	40	20	20
R-1	10,000**	10,000	80	35	10	10
R-2	7000**	3500	60	30	8	10
R-3	6000**	2500	50	20	8	10
B-1	3000**	3500	30	0	0	0
B-2	7200**	3500	60	30	8	10
B-3	10,000**	5000	75	30	10	10
I-1	20,000	NA	100	30	20	20
I-2	80,000	NA	200	40	20	20

\* PRINCIPAL STRUCTURES

\*\* THE MINIMUM LOT AREA SHALL BE 40,000 SQUARE FEET OR THE MINIMUM AREA DETERMINED BY THE SANITARIAN FOR AN APPROVED SEPTIC SYSTEM, WHICHEVER IS LARGER, IF THE LOT IS NOT SERVED BY A COMMUNITY SANITARY SEWER SYSTEM APPROVED BY THE STATE BOARD OF HEALTH.

212.1 LOTS WHICH ABUT ON MORE THAN ONE THOROUGHFARE SHALL PROVIDE THE REQUIRED FRONT YARD ALONG EVERY THOROUGHFARE, EXCEPT ALLEYS.

212.2 NO PORTION OF A PRINCIPAL STRUCTURE, WHETHER OPEN OR ENCLOSED, INCLUDING GARAGES, PORCHES, CARPORTS, BALCONIES, ROOFS OR PLATFORMS ABOVE NORMAL GRADE LEVEL, SHALL PROJECT INTO ANY MINIMUM FRONT, SIDE OR REAR YARD.

212.3 ANY LOT OF RECORD EXISTING AT THE EFFECTIVE DATE OF THIS ORDINANCE AND THEN HELD IN SEPARATE OWNERSHIP DIFFERENT FROM THE OWNERSHIP OF ADJOINING LOTS MAY BE USED FOR THE ERECTION OF A STRUCTURE CONFORMING TO THE USE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED, EVEN THOUGH IT'S AREA AND WIDTHS ARE LESS THAN THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.

212.4 IN ANY RESIDENTIAL DISTRICT WHERE AT LEAST TWENTY-FIVE PERCENT OF THE LOTS IN A BLOCK ARE OCCUPIED BY EXISTING RESIDENTIAL STRUCTURES, THE MINIMUM DEPTH OF A FRONT YARD SHALL NOT BE ANY LESS THAN THE AVERAGE OF THE DEPTHS OF THE FRONT YARDS OF THE EXISTING RESIDENTIAL STRUCTURES.

212.5 ACCESSORY STRUCTURES SHALL NOT BE LOCATED CLOSER THAT FIVE (5) FEET FROM THE SIDE AND REAR PROPERTY LINES AND SHALL NOT BE LOCATED IN ANY REQUIRED FRONT YARD.

213 **HEIGHT REGULATIONS:** EXCEPT IN THE **A-1, B-1, I-1 AND I-2 DISTRICTS**, NO PRINCIPAL STRUCTURE SHALL EXCEED THIRTY-FIVE (35) FEET IN HEIGHT ABOVE AVERAGE GROUND LEVEL AND NO ACCESSORY BUILDING SHALL EXCEED TWENTY (20) FEET IN HEIGHT ABOVE AVERAGE GROUND LEVEL UNLESS APPROVED BY THE BOARD OF ZONING APPEALS. IN ANY DISTRICT, THE BOARD MAY AUTHORIZE A VARIANCE TO THIS HEIGHT REGULATION IF:

213.1 ALL FRONT AND SIDE YARD DEPTHS ARE INCREASED ONE FOOT FOR EACH ADDITIONAL FOOT OF HEIGHT; OR

213.2 THE STRUCTURE IS ANY OF THE FOLLOWING AND DOES NOT CONSTITUTE A HAZARD TO AN ESTABLISHED AIRPORT, TELEVISION AND RADIO TOWERS, CHURCH SPIRES, BELFRIES, MONUMENTS, TANKS, WATER AND FIRE TOWERS, STAGE TOWERS AND SCENERY LOFTS, COOLING TOWERS, ORNAMENTAL TOWERS AND SPIRES, CHIMNEYS, SILOS, ELEVATOR BULKHEADS, SMOKESTACKS, CONVEYORS, FLAG POLES AND ELECTRICAL SUB STATIONS.

## ARTICLE 3 – GENERAL REGULATIONS

**301 NON-CONFORMING USES OF LAND AND STRUCTURES:** IF A LAWFUL USE OF LAND, A STRUCTURE, OR OF A STRUCTURE AND LAND IN COMBINATION EXISTS AT THE EFFECTIVE DATE OF THE ADOPTION OR AMENDMENT OF THIS ORDINANCE THAT WOULD NOT BE PERMITTED IN THE DISTRICT UNDER THE TERMS OF THIS ORDINANCE, THAT USE MAY BE CONTINUED SUBJECT TO THE FOLLOWING PROVISIONS:

301.1 NO EXISTING LAND OR STRUCTURE DEVOTED TO A USE NOT PERMITTED BY THIS ORDINANCE IN THE DISTRICT IN WHICH IT IS LOCATED SHALL BE ENLARGED, EXTENDED, CONSTRUCTED, RECONSTRUCTED, MOVED OR STRUCTURALLY ALTERED EXCEPT IN CHANGING THE USE OF THE LAND OR STRUCTURE TO A USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED. IN THE COUNTY JURISDICTION, THIS PROVISION MAY BE MODIFIED BY THE BOARD OF ZONING APPEALS.

301.2 ANY NON-CONFORMING USE MAY BE EXTENDED THROUGHOUT ANY PARTS OF A BUILDING WHICH WERE MANIFESTLY ARRANGED OR DESIGNED FOR SUCH USE AT THE TIME OF ADOPTION OR AMENDMENT OF THIS ORDINANCE, BUT NO SUCH USE SHALL BE EXTENDED TO OCCUPY ANY LAND OUTSIDE SUCH BUILDING.

301.3 ANY NON-CONFORMING USE OF LAND, A STRUCTURE, OR STRUCTURE AND LAND TOGETHER, MAY BE CHANGED TO ANOTHER NON-CONFORMING USE PROVIDED THAT THE BOARD, EITHER BY GENERAL RULE OR BY MAKING FINDINGS IN THE SPECIFIC CASE, SHALL FIND THAT THE PROPOSED USE IS EQUALLY APPROPRIATE OF MORE APPROPRIATE TO THE DISTRICT THAN THE EXISTING NON-CONFORMING USE. IN PERMITTING SUCH CHANGE, THE BOARD MAY REQUIRE APPROPRIATE CONDITIONS AND SAFEGUARDS IN ACCORD WITH THE PROVISIONS OF THIS ORDINANCE.

301.4 ANY LAND, STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION, IN OR ON WHICH A NON-CONFORMING USE IS SUPERSEDED BY A PERMITTED USE, SHALL THEREAFTER CONFORM TO THE REGULATIONS FOR THE DISTRICT IN WHICH SUCH STRUCTURE IS LOCATED AND THE NON-CONFORMING USE MAY NOT THEREAFTER BE RESUMED.

301.5 WHEN A NON-CONFORMING USE OF LAND, A STRUCTURE, OR STRUCTURE AND PREMISES IN COMBINATION, IS DISCONTINUED OR ABANDONED FOR TWELVE (12) CONSECUTIVE MONTHS, THE STRUCTURE OR STRUCTURE AND PREMISES IN COMBINATION SHALL NOT THEREAFTER BE USED EXCEPT IN CONFORMANCE WITH REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED. IN THE COUNTY AND MONTPELIER JURISDICTIONS, THIS PROVISION MAY BE MODIFIED BY THE BOARD OF ZONING APPEALS.

301.6 WHERE NON-CONFORMING STRUCTURE USE STATUS APPLIES TO A STRUCTURE AND PREMISES IN COMBINATION, REMOVAL OR DESTRUCTION OF THE STRUCTURE SHALL ELIMINATE THE NON-CONFORMING STATUS OF THE LAND.

301.7 ANY NON-CONFORMING STRUCTURE DAMAGED BY FIRE, FLOOD, EXPLOSION OR OTHER CASUALTY MAY BE RECONSTRUCTED AND USED AS BEFORE IF SUCH RECONSTRUCTION IS UNDERTAKEN WITHIN TWELVE MONTHS OF SUCH CASUALTY, AND IF THE RESTORED STRUCTURE HAS NO GREATER COVERAGE AND CONTAINS NO GREATER CUBIC CONTENT THAN BEFORE SUCH CASUALTY. THIS PROVISION MAY BE MODIFIED BY THE BOARD OF ZONING APPEALS.

301.8 ALL MOBILE HOMES WHICH WERE INSTALLED BEFORE MAY 16, 1973, IN THE CITY OF HARTFORD CITY, BEFORE JULY 1, 1974, IN THE CITY OF MONTPELIER AND BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE IN THE UNINCORPORATED PORTION OF BLACKFORD COUNTY ARE HEREBY SPECIFICALLY DECLARED TO BE LEGAL NON-CONFORMING USES, SUCH MOBILE HOMES MAY BE ENLARGED OR REPLACED WITHOUT BOARD APPROVAL UPON THE CONDITION THAT SUCH ENLARGEMENT OR REPLACEMENT CONFORMS WITH ALL OTHER PROVISIONS OF THIS ORDINANCE AND THE NECESSARY PERMITS ARE OBTAINED.

301.9 NO NON-CONFORMING USE IN A FLOODWAY DISTRICT SHALL BE EXPANDED OR ENLARGED WITHOUT A PERMIT FOR CONSTRUCTION IN A FLOODWAY FROM NATURAL RESOURCES.

301.10 A NON-CONFORMING USE IN A FLOODWAY FRINGE DISTRICT MAY BE ALTERED, ENLARGED OR EXTENDED, ON A ONE TIME ONLY BASIS, PROVIDED SUCH ALTERATIONS, ENLARGEMENT OR EXTENSIONS DO NOT INCREASE THE VALUE OF THE BUILDING OR STRUCTURE, EXCLUDING THE VALUE OF LAND, BY MORE THAN FIFTY PERCENT (50%) OF ITS PRE-IMPROVEMENT MARKET VALUE, UNLESS SUCH BUILDING OR STRUCTURE IS PERMANENTLY CHANGED TO A CONFORMING USE.

301.11 A NON-CONFORMING USE IN A FLOODPLAIN DISTRICT MAY BE ALTERED, ENLARGED OR EXTENDED, ON A ONE TIME ONLY BASIS, PROVIDED THE PROCEDURES SET FORTH IN THIS ORDINANCE ARE FOLLOWED AND FURTHER PROVIDED SUCH ALTERATIONS, ENLARGEMENTS OR EXTENSIONS DO NOT INCREASE THE VALUE OF THE BUILDING OR STRUCTURE, EXCLUDING THE VALUE OF LAND, BY MORE THAN FIFTY PERCENT (50%) OF ITS PRE-IMPROVEMENT MARKET VALUE, UNLESS SUCH BUILDING OR STRUCTURE IS PERMANENTLY CHANGED TO A CONFORMING USE.

301.12 ANY NON-CONFORMING USE IN THE FP, FW AND FF DISTRICTS WHICH IS DAMAGED BY FLOOD, FIRE, EXPLOSION, ACT OF GOD OR THE PUBLIC ENEMY MAY BE RESTORED TO ITS ORIGINAL DIMENSIONS AND CONDITIONS, PROVIDED THE DAMAGE DOES NOT REDUCE THE VALUE OF THE BUILDINGS, EXCLUDING THE VALUE OF THE LAND BY MORE THAN FIFTY PERCENT (50%) OF IT PRE-DAMAGED VALUE.

**302 ACCESSORY USES AND STRUCTURES:**

302.1 FENCES, HEDGES, WALKS, DRIVEWAYS, CURBS, RETAINING WALLS, LATTICE-WORK SCREENS, TREES, FLOWERS, PLANTS, MAILBOXES, NAMEPLATES, LAMP POSTS, BIRDBATHS, BENCHES AND LANDSCAPING OF A LIKE NATURE ARE PERMITTED IN ANY REQUIRED FRONT, SIDE OR REAR YARD PROVIDED THEY DO NOT VIOLATE THE REQUIREMENTS OF SECTION 303.

302.2 ACCESSORY STRUCTURES SHALL BE PERMITTED IN ANY REAR YARD PROVIDED ANY STRUCTURE OVER 100 SQUARE FEET IN AREA (WHETHER TEMPORARY OR PERMANENT) SHALL REQUIRE A PERMIT, NO STRUCTURE SHALL OCCUPY MORE THAN THIRTY PERCENT (30%) OF THE REQUIRED REAR YARD AND THE STRUCTURE SHALL CONFORM TO SECTION 212.5 OF THIS ORDINANCE. ANY ACCESSORY BUILDING HAVING MORE THAN 1200 SQUARE FEET MUST BE APPROVED BY THE BOARD OF ZONING APPEALS AS A SPECIAL EXCEPTION BEFORE A PERMIT CAN BE GRANTED.

302.3 NO PERMANENT ACCESSORY STRUCTURE SHALL BE CONSTRUCTED ON ANY LOT PRIOR TO THE TIME OF CONSTRUCTION OF THE PRINCIPAL BUILDING TO WHICH IT IS

ACCESSORY, PROVIDED THAT ONE STRUCTURE OF ONE HUNDRED (100) SQUARE FEET OR MORE IN AREA, THAT WOULD OTHERWISE BE CONSIDERED AN ACCESSORY STRUCTURE MAY BE CONSTRUCTED ON A PARCEL WITHOUT A PRIMARY STRUCTURE UPON ISSUANCE OF AN IMPROVEMENT LOCATION OR BUILDING PERMIT AND SUBJECT TO THE OTHER PROVISIONS OF THIS ORDINANCE. NO BOX TRAILERS, PODS OR SIMILAR PREFABRICATED UNITS SHALL BE PERMITTED AS AN ACCESSORY STRUCTURE.

302.4 MIGRANT HOUSING FACILITIES OF ALL TYPES MAY BE PERMITTED AS ACCESSORY USES IN CONJUNCTION WITH AN AGRICULTURAL OPERATION PROVIDED THAT THE HOUSING IS NOT OCCUPIED MORE THAN SIX MONTHS IN EVERY CALENDAR YEAR, THAT THE MIGRANT HOUSING CONFORMS TO ALL APPLICABLE COUNTY AND STATE REQUIREMENTS AND IS LOCATED AT LEAST 200 FEET FROM A RESIDENTIAL LOT OR DISTRICT BOUNDARY LINE.

302.5 A PRIVATE SWIMMING POOL SHALL BE PERMITTED AS AN ACCESSORY USE IF IT IS SURROUNDED BY A WALL OR FENCE SO AS TO PREVENT UNCONTROLLED ACCESS.

302.6 AN ACCESSORY STRUCTURE SHALL BE PERMITTED AS AN ACCESSORY DWELLING PROVIDED THE ACCESSORY DWELLING SHALL BE OCCUPIED BY ELDERLY, BLOOD RELATIVES (MOTHER, FATHER, GRANDMOTHER, GRANDFATHER, ETC.) OF THE FAMILY RESIDING IN THE PRINCIPAL DWELLING AND SHALL CONFORM TO SECTIONS 212.5 AND 302.2 OF THIS ORDINANCE.

302.7 FENCES SHALL BE SETBACK ONE (1) FOOT FROM THE PROPERTY LINE UNLESS IT IS A JOINT FENCE, IN WHICH CASE THE FENCE SHALL BE PLACED ON THE PROPERTY LINE AND PROVIDED THE FENCE SHALL CONFORM TO SECTION 303 OF THIS ORDINANCE.

302.8 EARTHEN STRUCTURES SHALL BE PERMITTED TO A TWENTY (20) FOOT MAXIMUM HEIGHT AND TWENTY (20) FOOT EXCAVATION OR LESS.

303 VISUAL **CLEARANCE ON CORNER LOTS:** ON A CORNER LOT IN ANY DISTRICT, EXCEPT THE B-1 DISTRICT, NOTHING SHALL BE ERECTED, PLACED, PLANTED OR ALLOWED TO GROW IN SUCH A MANNER AS TO MATERIALLY IMPEDE VISION BETWEEN A HEIGHT OF TWO AND ONE-HALF (2 ½) AND TEN (10) FEET ABOVE THE CENTERLINE GRADES OF THE INTERSECTING STREETS, IN THE AREA BOUNDED BY THE STREET RIGHT OF WAY LINES OF THE CORNER LOT AND A LINE JOINING TWO POINTS ON THE STREET RIGHT OF WAY LINES THIRTY-FIVE (35) FEET FROM THE POINT OF THEIR INTERSECTION.

304 TEMPORARY **USES OF LAND OR STRUCTURES:** A PERMIT FOR A TEMPORARY STRUCTURE OR LAND USE SUCH AS CARNIVALS, REVIVAL MEETINGS, CONSTRUCTION FACILITIES, SEASONAL SALES OR USES OF A SIMILAR NATURE MAY BE ISSUED BY THE ZONING ADMINISTRATOR PROVIDED THE FOLLOWING CONDITIONS ARE ADHERED TO:

304.1 THE USE IS, IN FACT, TEMPORARY AND WILL TERMINATE AT A SPECIFIC TIME.

304.2 THE PROPOSED SITE IS OF ADEQUATE SIZE TO ACCOMMODATE THE USE WITHOUT CREATING CONGESTION IN THE STREETS OR INADEQUATE CIRCULATION FOR FIRE AND OTHER EMERGENCY VEHICLES.

304.3 ADEQUATE PARKING, BOTH OFF-STREET AND ON-STREET, IS AVAILABLE WITHIN 1400 FEET OF THE PROPOSED SITE.

304.4 OUTDOOR LIGHTING WILL BE SHIELDED OR DIRECTED AWAY FROM ADJOINING RESIDENTIAL PROPERTY AND STREETS.

304.5 THE SIGN REGULATIONS OF SECTION 306 SHALL BE OBSERVED.

304.6 NEIGHBORING USES ARE NOT ADVERSELY AFFECTED.

304.7 A MANUFACTURED HOME MAY BE MOVED ONTO A LOT AND BE USED AS A TEMPORARY DWELLING UNTIL THE PERMANENT DWELLING IS BUILT OR REPAIRED DUE TO ITS DESTRUCTION BY NATURAL CAUSES. THE TEMPORARY PERMIT SHALL BE VALID FOR A PERIOD OF NOT MORE THAN SIX (6) MONTHS. ONE (1) EXTENSION OF NOT MORE THAN SIX (6) MONTHS MAY BE PERMITTED.

305 **OFF-STREET PARKING AND LOADING:** THE OFF-STREET PARKING AND LOADING PROVISIONS OF THIS ORDINANCE SHALL APPLY AS FOLLOWS:

305.1 EXCEPT IN THE B-1 DISTRICT, ALL BUILDINGS AND STRUCTURES ERECTED AND ALL USES OF LAND ESTABLISHED AFTER THE ADOPTION OF THIS ORDINANCE SHALL BE PROVIDED WITH OFF-STREET PARKING AND LOADING SPACES AS SET FORTH IN THIS SECTION.

305.2 THE PROVISIONS OF THE SECTION, EXCEPT WHERE THERE IS A CHANGE OF USE, SHALL NOT APPLY TO ANY EXISTING BUILDING OR STRUCTURE.

305.3 WHENEVER A BUILDING OR STRUCTURE CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE IS CHANGED OR ENLARGED, IN FLOOD AREA, NUMBER OF EMPLOYEES, NUMBER OF HOUSING UNITS, SEATING CAPACITY, OR OTHERWISE, TO CREATE A NEED FOR AN INCREASE IN THE NUMBER OF PARKING SPACES, ADDITIONAL PARKING SPACES SHALL BE PROVIDED ON THE BASIS OF THE ENLARGEMENT OR CHANGE, PROVIDED, WHENEVER A BUILDING OR STRUCTURE EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE IS ENLARGED TO THE EXTENT OF FIFTY PERCENT (50%) OR MORE IN FLOOR AREA, NUMBER OF EMPLOYEES, NUMBER OF HOUSING UNITS, SEATING CAPACITY OTHERWISE, SAID BUILDING OR STRUCTURE SHALL THEN AND THEREAFTER COMPLY WITH THE FULL PARKING REQUIREMENTS SET FORTH HEREIN.

305.4 ACCESSORY OFF-STREET PARKING FACILITIES IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE AND LOCATED ON THE SAME LOT AS THE BUILDING OR USE SERVED SHALL NOT HEREAFTER BE REDUCED BELOW, OR IF ALREADY LESS THAN, SHALL NOT BE FURTHER REDUCED BELOW THE REQUIREMENTS FOR A SIMILAR NEW BUILDING OR USE UNDER THE PROVISIONS OF THIS ORDINANCE.

305.5 THE FOLLOWING REGULATIONS SHALL GOVERN THE LOCATION OF OFF-STREET PARKING SPACES AND AREAS:

**A.** PARKING SPACES FOR ALL DETACHED RESIDENTIAL USES SHALL BE LOCATED ON THE SAME LOT AS THE USE WHICH THEY ARE INTENDED TO SERVE.

**B.** PARKING SPACES FOR COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL USES SHALL BE LOCATED NOT MORE THAN SEVEN HUNDRED (700) FEET FROM THE PRINCIPAL USE.

PARKING LOTS FARTHER THAN SEVEN HUNDRED (700) FEET FROM THE PRINCIPAL USE MAY BE APPROVED BY THE BOARD.

C. PARKING SPACES FOR APARTMENTS, DORMITORIES OR SIMILAR RESIDENTIAL USES SHALL BE LOCATED NOT MORE THAN THREE HUNDRED (300) FEET FROM THE PRINCIPAL USE.

305.6 OFF-STREET PARKING SPACES MAY BE LOCATED IN ANY YARD, EXCEPT THE REQUIRED FRONT YARD.

305.7 A PARKING SPACE SHALL HAVE MINIMUM RECTANGULAR DIMENSIONS OF NOT LESS THAN NINE (9) FEET IN WIDTH AND NINETEEN (19) FEET IN LENGTH FOR NINETY (90) DEGREE PARKING, NINE (9) FEET IN WIDTH AND TWENTY-THREE (23) FEET IN LENGTH FOR PARALLEL PARKING, TEN (10) FEET IN WIDTH AND NINETEEN (19) FEET IN LENGTH FOR SIXTY (60) DEGREE PARKING AND TWELVE (12) FEET IN WIDTH AND NINETEEN (19) FEET IN LENGTH FOR FORTY-FIVE (45) DEGREE PARKING. ALL DIMENSIONS SHALL BE EXCLUSIVE OF DRIVEWAYS, AISLES AND OTHER CIRCULATION AREAS.

305.8 DRIVEWAYS SERVING INDIVIDUAL PARKING SPACES SHALL BE NOT LESS THAN TWENTY-FIVE (25) FEET WIDE FOR NINETY (90) DEGREE PARKING, TWELVE (12) FEET WIDE FOR PARALLEL PARKING, SEVENTEEN AND ONE-HALF (17 ½) FEET FOR SIXTY (60) DEGREE PARKING AND THIRTEEN (13) FEET FOR FORTY-FIVE (45) DEGREE PARKING.

305.9 TWO OR MORE NON-RESIDENTIAL USES MAY JOINTLY PROVIDE AND USE PARKING SPACES WHEN THEIR HOURS OF OPERATION DO NOT NORMALLY OVERLAP, PROVIDING THAT A WRITTEN AGREEMENT APPROVED BY THE COMMISSION SHALL BE FILED WITH THE APPLICATION FOR A PERMIT.

305.10 THE REQUIRED OFF-STREET PARKING SPACES FOR ANY NUMBER OF SEPARATE BUILDINGS, STRUCTURES OR USES MAY BE PROVIDED COLLECTIVELY ON ONE LOT PROVIDING THE TOTAL NUMBER OF SUCH SPACES SHALL NOT BE LESS THAN THE SUM OF THE REQUIREMENTS FOR THE VARIOUS INDIVIDUAL BUILDINGS, STRUCTURES OR USES COMPUTED SEPARATELY IN ACCORDANCE WITH SECTION 305.14.

305.11 WHEN TWO OR MORE USES ARE LOCATED WITHIN THE SAME BUILDING OR STRUCTURE, OFF-STREET PARKING SPACES EQUAL IN NUMBER TO THE SUM OF THE SEPARATE REQUIREMENTS FOR EACH USE SHALL BE PROVIDED.

305.12 ALL OFF-STREET PARKING AREAS REQUIRED BY THIS ORDINANCE SHALL BE USED ONLY FOR THE PARKING OF VEHICLES OF OCCUPANTS, PATRONS, VISITORS OR EMPLOYEES AND SHALL NOT BE USED FOR ANY KIND OF LOADING, SALES, SERVICING OR CONTINUOUS STORAGE OF A VEHICLE FOR MORE THAN FORTY-EIGHT (48) HOURS.

305.13 EVERY PARCEL OF LAND HEREAFTER USED AS A PUBLIC OR PRIVATE OFF-STREET PARKING AREA CAPABLE OF ACCOMMODATING FIVE (5) OR MORE VEHICLES SHALL BE DEVELOPED AND MAINTAINED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

A. EACH REQUIRED OFF-STREET PARKING SPACE SHALL HAVE DIRECT ACCESS TO AN AISLE OR DRIVEWAY AND ALL REQUIRED OFF-STREET PARKING AREAS SHALL HAVE VEHICULAR ACCESS TO A STREET OR ALLEY SO DESIGNED TO MINIMIZE INTERFERENCE WITH PEDESTRIAN AND TRAFFIC MOVEMENT.



**B. ALL REQUIRED OFF-STREET PARKING SHALL BE PAVED WITH BITUMINOUS, CONCRETE OR OTHER ALL-WEATHER, DUST-PROOF SURFACING AND SHALL BE PROVIDED WITH BUMPER GUARDS OR BARRIER CURBS WHERE NEEDED.**

**C. ANY LIGHTING USED TO ILLUMINATE A REQUIRED OFF-STREET PARKING AREA SHALL BE PROVIDED WITH BUMPER GUARDS OR BARRIER CURBS WHERE NEEDED.**

305.14 FOR THE PURPOSE OF THIS ORDINANCE, THE FOLLOWING PARKING SPACE REQUIREMENTS SHALL APPLY:

**PARKING SPACE REQUIREMENTS**

<b><u>TYPE OF USE</u></b>	<b><u>PARKING SPACES</u></b>
<b><u>RESIDENTIAL:</u></b>	
SINGLE FAMILY OR TWO-FAMILY DWELLING	TWO FOR EACH UNIT
APARTMENT HOTELS, APARTMENTS OR MULTI-FAMILY DWELLINGS	TWO FOR EACH UNIT
BOARDING HOUSES, ROOMING HOUSES, DORMITORIES AND FRATERNITY HOUSES WHICH HAVE SLEEPING ROOMS	TWO FOR EACH SLEEPING ROOM OR TWO FOR EACH PER OCCUPANT
MANUFACTURED HOMES	TWO FOR EACH UNIT
<b><u>COMMERCIAL:</u></b>	
AUTOMOBILE SERVICE STATIONS WHICH ALSO PROVIDE REPAIR	ONE FOR EACH TWO GASOLINE PUMPS AND TWO FOR EACH SERVICE BAY
HOTELS AND MOTELS	ONE PER EACH SLEEPING ROOM PLUS ONE SPACE FOR EACH TWO EMPLOYEES
FUNERAL PARLORS, MORTUARIES AND SIMILAR TYPE USES	ONE FOR EACH 100 SQ. FT. OF FLOOR AREA IN SLUMBER ROOMS, PARLORS OR SERVICE ROOMS
DINING ROOMS, RESTAURANTS, TAVERNS, NIGHT CLUBS, ETC.	ONE FOR EACH 200 SQ. FT. OF FLOOR SPACE
BOWLING ALLEYS	FOUR FOR EACH ALLEY OR LANE PLUS ONE ADDITIONAL SPACE FOR

(BOWLING ALLEYS CONT)

EACH 100 SQ. FT. OF THE AREA USED FOR RESTAURANT, COCKTAIL LOUNGE OR SIMILAR USE.

DANCE FLOORS AND SKATING RINKS

ONE FOR EACH 100 SQ. FT. OF FLOOR AREA USED FOR THE ACTIVITY

OUTDOOR SWIMMING POOLS (PUBLIC)

ONE FOR EACH 5 PERSONS CAPACITY

CLUBS

ONE FOR EACH 4 SEATS OR ONE FOR EACH 30 SQ. FT. OF FLOOR AREA USED FOR SEATING PURPOSES, WHICHEVER IS GREATER

AUDITORIUMS, SPORTS ARENAS, THEATERS AND SIMILAR USES

ONE FOR EACH 4 SEATS

RETAIL STORES

ONE FOR EACH 250 SQ. FT. OF FLOOR AREA

BANKS, FINANCIAL INSTITUTIONS AND SIMILAR USES

ONE FOR EACH 200 SQ. FT. OF FLOOR AREA

OFFICES, PUBLIC OR PROFESSIONAL, ADMINISTRATION OR SERVICE BUILDINGS

ONE FOR EACH 400 SQ. FT. OF FLOOR AREA

ALL OTHER TYPES OF BUSINESS OR COMMERCIAL USES PERMITTED IN ANY COMMERCIAL DISTRICT

ONE FOR EACH 300 SQ. FT. OF FLOOR AREA

**INSTITUTIONAL:**

CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY

ONE FOR EACH 5 SEATS

HOSPITALS

ONE FOR EACH BED

SANITARIUMS, HOMES FOR THE AGED, NURSING HOMES, CHILDREN'S HOMES ASYLUMS AND SIMILAR USES

ONE FOR EACH 2 BEDS

MEDICAL AND DENTAL CLINICS

ONE FOR EVERY 200 SQ. FT. OF FLOOR AREA OF EXAMINATION, TREATING ROOM, OFFICE AND WAITING ROOM

LIBRARIES, MUSEUMS AND ART  
GALLERIES

ONE FOR EACH 400 SQ. FT.  
OF FLOOR AREA

**SCHOOLS (PUBLIC, PAROCHIAL OR PRIVATE):**

ELEMENTARY AND JUNIOR HIGH SCHOOLS

TWO FOR EACH CLASS-  
ROOM AND ONE FOR  
EVERY EIGHT SEATS IN  
AUDITORIUM OR ASSEM-  
BLY HALLS

HIGH SCHOOLS

ONE FOR EVERY TEN  
STUDENTS AND ONE FOR  
EACH TEACHER AND EM-  
PLOYEE

BUSINESS, TECHNICAL AND TRADE SCHOOLS

ONE FOR EACH TWO  
STUDENTS

COLLEGES AND UNIVERSITIES

ONE FOR EACH FOUR  
STUDENTS

KINDERGARTENS, CHILDCARE CENTERS,  
NURSERY SCHOOLS AND SIMILAR USES

TWO FOR EACH CLASS-  
ROOM BUT NOT LESS  
THEN SIX FOR THE  
BUILDING

**INDUSTRIAL:**

ALL TYPES OF MANUFACTURING, STORAGE  
AND WHOLESALE USES PERMITTED IN ANY  
INDUSTRIAL DISTRICT

ONE FOR EVERY 2 EM-  
PLOYEES (ON THE  
LARGEST SHIFT FOR  
WHICH THE BUILDING IS  
DESIGNED) PLUS ONE FOR  
EACH MOTOR VEHICLE  
USED IN THE BUSINESS

CARTAGE, EXPRESS, PARCEL DELIVERY AND  
FREIGHT TERMINALS

ONE FOR EVERY 2  
EMPLOYEES (ON THE  
LARGEST SHIFT FOR  
WHICH THE BUILDING IS  
DESIGNED) AND ONE FOR  
EACH MOTOR VEHICLE  
MAINTAINED ON THE  
PREMISES

**OTHER:**

PARKING SPACES FOR OTHER PERMITTED USES OR SPECIAL EXCEPTIONS NOT LISTED IN THIS  
ARTICLE SHALL BE DETERMINED BY THE BOARD.

305.15 A LOADING SPACE SHALL HAVE MINIMUM DIMENSIONS OF NOT LESS THAN TWELVE (12) FEET IN WIDTH, FIFTY (50) FEET IN LENGTH, EXCLUSIVE OF DRIVEWAYS, AISLES AND OTHER CIRCULATION AREAS AND A CLEARANCE HEIGHT OF NOT LESS THAN FIFTEEN (15) FEET, ONE OFF-STREET LOADING SPACE SHALL BE PROVIDED AND MAINTAINED ON THE SAME LOT FOR EVERY SEPARATE OCCUPANCY REQUIRING DELIVERY OF GOODS AND HAVING A GROSS FLOOR AREA OF UP TO FIVE THOUSAND (5000) SQUARE FEET, ONE LOADING SPACE SHALL BE PROVIDED FOR EACH ADDITIONAL TEN THOUSAND (10,000) SQUARE FEET OR FRACTION THEREOF.

305.16 ALL REQUIRED LOADING BERTHS SHALL BE LOCATED ON THE SAME LOT AS THE USE SERVED. NO PERMITTED OR REQUIRED LOADING BERTH SHALL BE LOCATED WITHIN FORTY (40) FEET OF THE NEAREST POINT OF INTERSECTION OF ANY TWO STREETS. NO LOADING BERTH SHALL BE LOCATED IN A REQUIRED FRONT YARD.

305.17 ALL OPEN OFF-STREET LOADING BERTHS SHALL BE IMPROVED WITH A CONCRETE PAVEMENT OR A COMPARABLE HARD SURFACE PAVEMENT.

306 **LIMITATION ON SIGNS:** NO SIGN SHALL BE PERMITTED IN ANY DISTRICT EXCEPT AS HEREIN PROVIDED:

306.1 **GENERAL REQUIREMENTS:**

A. NO SIGN SHALL BE PLACED IN OR OVER ANY PUBLIC RIGHT-OF-WAY EXCEPT PUBLICLY OWNED SIGNS, SUCH AS TRAFFIC CONTROL SIGNS AND DIRECTIONAL SIGNS, SIGNS DIRECTING AND GUIDING TRAFFIC AND PARKING ON PRIVATE PROPERTY BUT BEARING NO ADVERTISING MATTER SHALL BE PERMITTED ON ANY PROPERTY.

B. ALL NEW SIGNS IN EXCESS OF SIXTEEN (16) SQUARE FEET AND NOT AN INTEGRAL PART OF ANOTHER STRUCTURE SHALL REQUIRE AN IMPROVEMENT LOCATION PERMIT.

C. TEMPORARY SIGNS NOT EXCEEDING FIFTY (50) SQUARE FEET IN AREA, ANNOUNCING SPECIAL PUBLIC OR INSTITUTIONAL EVENTS, THE ERECTION OF A BUILDING, THE ARCHITECT, THE BUILDERS OR CONTRACTORS MAY BE ERECTED FOR A SPECIFIC PREDESIGNATED TIME PERIOD AND SHALL BE PROMPTLY REMOVED WHEN THEY HAVE FULFILLED THEIR FUNCTION.

D. SIGNS SHALL NOT BE ILLUMINATED IN ANY MANNER WHICH CAUSES UNDUE DISTRACTION, CONFUSION OR HAZARD TO VEHICULAR TRAFFIC.

E. LIGHTING USED TO ILLUMINATE A SIGN SHALL BE SHIELDED FROM RESIDENTIAL PROPERTIES.

F. NO SIGN SHALL BE PLACED ON PRIVATE OR PUBLIC PROPERTY WITHOUT THE WRITTEN CONSENT OF THE OWNER OR AGENT THEREOF.

306.2 **SIGNS PERMITTED IN ALL DISTRICTS:** THE FOLLOWING SIGNS SHALL BE PERMITTED IN ALL DISTRICTS.

A. SIGNS ADVERTISING THE SALE, LEASE OR RENTAL OF THE PREMISES UPON WHICH THE SIGN IS LOCATED SHALL NOT EXCEED TWELVE (12) SQUARE FEET IN AREA, EXCEPT IN ALL

RESIDENTIAL DISTRICTS WHERE THE AREA OF THE SIGN SHALL NOT BE MORE THAN SIX (6) SQUARE FEET.

**B. PROFESSIONAL NAME PLATES AND SIGNS SHALL NOT EXCEED (6) SQUARE FEET IN AREA.**

**C. SIGNS DENOTING THE NAME AND ADDRESS OF THE OCCUPANTS OF THE PREMISES SHALL NOT EXCEED (3) SQUARE FEET IN AREA.**

**D. SIGNS OR BULLETIN BOARDS CUSTOMARILY INCIDENTAL TO PLACES OF WORSHIP, LIBRARIES, MUSEUMS, SOCIAL CLUBS OR SOCIETIES SHALL NOT EXCEED (15) SQUARE FEET IN AREA AND SHALL BE LOCATED ON THE PREMISES OF SUCH INSTITUTION.**

**E. ANY SIGN ADVERTISING A COMMERCIAL ENTERPRISE, INCLUDING REAL ESTATE DEVELOPERS OR SUBDIVIDERS, IN A DISTRICT ZONED RESIDENTIAL SHALL NOT EXCEED TWELVE (12) SQUARE FEET IN AREA AND SHALL ADVERTISE ONLY THE NAMES OF THE OWNERS, TRADE NAMES, PRODUCTS SOLD AND/OR THE BUSINESS OR ACTIVITY CONDUCTED ON THE PREMISES WHERE SUCH SIGN IS LOCATED.**

306.3 IN ANY **B-1, B-2, B-3, I-1 OR I-2 DISTRICT** EXCEPT AS NOTED, AN ADVERTISING SIGN MAY BE PERMITTED, PROVIDED:

**A. ANY SIGN OVER TWENTY-FOUR (24) SQUARE FEET SHALL NOT BE LOCATED CLOSER THAN FIVE HUNDRED (500) FEET TO ANY RESIDENTIAL, SCHOOL, CHURCH, PARK, PLAYGROUND OR SIMILAR USE PROPERTY LINE.**

**B. THE SIGN SHALL NOT HAVE AN AGGREGATE SURFACE SIZE GREATER THAN FIVE (5) SQUARE FEET FOR EACH FOOT OF WIDTH OF THE PRINCIPAL STRUCTURE ON THE PREMISES.**

**C. THE SIGN SHALL NOT EXCEED ONE HUNDRED FIFTY (150) FEET IN AREA NOR FIFTEEN (15) FEET IN LENGTH, NOR TEN (10) FEET IN HEIGHT. THE MAXIMUM TOTAL HEIGHT OF THE SIGN FROM GROUND LEVEL SHALL NOT EXCEED TWENTY (20) FEET.**

**D. THE SIGN SHALL NOT CONTAIN INFORMATION OR ADVERTISING FOR ANY PRODUCT NOT SOLD OR PRODUCED ON THE PREMISES IN ANY **B-1, B-2 OR I-2 DISTRICT.****

**E. THE SIGN SHALL NOT BE LOCATED CLOSER THAN TWO HUNDRED FIFTY (250) FEET FROM A ROAD INTERSECTION EXCEPT FOR SIGNS WHICH ARE LESS THAN TWELVE (12) SQUARE FEET IN AREA.**

**F. THE SIGN SHALL NOT BE LOCATED IN A LOCATION WHICH WOULD INTERFERE WITH HIGHWAY HORIZONTAL SIGHT DISTANCES.**

306.4 IN ANY **B-3 AND I-2 DISTRICT**, AN ADVERTISING SIGN MAY BE PERMITTED BY SPECIAL EXCEPTION PROVIDED IT CONFORMS WITH **SECTION 306.3, A THRU F.**

306.5 **PORTABLE SIGNS:** PORTABLE SIGNS SHALL BE PERMITTED IN ANY **A-1, B-2, B-3, I-1 OR I-2 DISTRICT** PROVIDED SUCH SIGNS SHALL NOT BE GREATER THAN FIFTY (50) SQUARE FEET IN AREA AND SHALL CONFORM WITH **SECTION 303** OF THIS ORDINANCE. ALL PORTABLE SIGNS SHALL HAVE BEEN ISSUED A TEMPORARY IMPROVEMENT LOCATION PERMIT BY THE ZONING ADMINISTRATOR.

307 **MANUFACTURED HOME PARKS:** IN ANY DISTRICT IN WHICH MANUFACTURED HOME PARKS ARE PERMITTED, THE FOLLOWING MINIMUM REQUIREMENTS SHALL APPLY:

307.1 CONDITIONS OF SOIL, GROUNDWATER LEVEL, DRAINAGE, GEOLOGIC STRUCTURES AND TOPOGRAPHY SHALL NOT CREATE HAZARDS TO THE PARK SITE OR TO THE HEALTH AND SAFETY OF OCCUPANTS, NOR SHALL THE SITE BE SUBJECT TO THE HAZARD OF OBJECTIONAL SMOKE, ODOR, NOISE OR THE POSSIBILITY OF SUBSIDENCE, SUDDEN FLOODING OR SEVERE EROSION.

307.2 THE MINIMUM AREA OF A MANUFACTURED HOME PARK SHALL BE FIVE (5) ACRES.

307.3 THE DENSITY OF A PARK SHALL NOT EXCEED EIGHT (8) MANUFACTURED HOMES PER ACRE OF GROSS SITE AREA.

307.4 NO MANUFACTURED HOME AND ENCLOSED ACCESSORY STRUCTURES DESIGNED FOR LIVING SPACE SHALL BE LOCATED CLOSER THAN TWENTY (20) FEET FROM ANY OTHER MANUFACTURED HOME OR PERMANENT BUILDING WITHIN THE MANUFACTURED HOME PARK.

307.5 MANUFACTURED HOME PARKS SHALL HAVE DIRECT ACCESS TO AN ADEQUATE PUBLIC THOROUGHFARE WITH SUFFICIENT FRONTAGE THEREON FOR THE PROPER CONSTRUCTION OF ENTRANCES AND EXITS. SUCH ENTRANCES AND EXITS SHALL BE DESIGNED FOR THE SAGE MOVEMENT OF MANUFACTURED HOMES INTO AND OUT OF THE PARK.

307.6 ALL MANUFACTURED HOMES SHALL BE LOCATED 25 FEET OR MORE FROM THE RIGHT-OF-WAY LINE OF AN ABUTTING DEDICATED PUBLIC THOROUGHFARE AND 10 FEET OR MORE FROM OTHER BOUNDARY LINES OF THE PARK.

307.7 INTERNAL MANUFACTURED HOME PARK STREETS, IF DEDICATED TO THE PUBLIC USE, SHALL MEET THE MINIMUM STANDARDS FOR DESIGN AND CONSTRUCTION AS REQUIRED IN THE COUNTY SUBDIVISION CONTROL ORDINANCE.

307.8 EACH PARK SHALL PROVIDE A RECREATIONAL AREA OR AREAS EQUAL IN SIZE TO AT LEAST EIGHT PERCENT (8%) OF THE AREA OF THE PARK, GENERALLY IN A CENTRAL LOCATION. STREETS, PARKING AREAS AND PARK SERVICE FACILITY AREAS SHALL NOT BE INCLUDED IN THE REQUIRED RECREATIONAL AREA.

307.9 IN OTHER THAN BUSINESS DISTRICTS, COIN-OPERATED LAUNDRIES, LAUNDRY AND DRY-CLEANING PICK-UP STATIONS AND OTHER COMMERCIAL CONVENIENCE ESTABLISHMENTS MAY BE PERMITTED IN MANUFACTURED HOME PARKS, PROVIDED:

- A. THEY ARE SUBORDINATE TO THE RESIDENTIAL CHARACTER OF THE PARK.
- B. THEY ARE LOCATED, DESIGNED AND INTENDED TO SERVE ONLY THE NEEDS OF PERSONS LIVING IN THE PARK;
- C. 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;
- D. THE ESTABLISHMENTS SHALL PRESENT NO VISIBLE EVIDENCE OF THEIR COMMERCIAL NATURE TO AREAS OUTSIDE THE PARK.

307.10 EACH PARK SHALL PROVIDE EITHER ONE OR MORE CENTRAL WATERPROOF STRUCTURES AVAILABLE TO ALL MANUFACTURED HOME SITES OR A SINGLE WATERPROOF STRUCTURE FOR EACH MANUFACTURED HOME SITE SUITABLE FOR STORAGE OF GOODS AND THE USUAL EFFECTS OF PERSONS OCCUPYING THE PARK.

307.11 EACH MANUFACTURED HOME SITE SHALL BE PROVIDED WITH A STAND CONSISTING OF A SOLID CONCRETE SLAB, TWO CONCRETE RIBBONS OR CONCRETE PILLARS OF A THICKNESS AND SIZE ADEQUATE TO SUPPORT THE MAXIMUM ANTICIPATED LOADS DURING ALL SEASONS. WHEN CONCRETE RIBBONS ARE USED, THE AREA BETWEEN THE RIBBONS OR PILLARS SHALL BE FILLED WITH A LAYER OF CRUSHED ROCK OR STONE.

307.12 ALL EXTERIOR PARK LIGHTS SHALL BE AS LOCATED AND SHIELDED AS TO PREVENT ILLUMINATION OF ANY AREAS OUTSIDE THE PARK.

307.13 EACH MANUFACTURED HOME SHALL BE SUPPORTED UNDER THE I-BEAMS AND SHALL BE SKIRTED ON ALL SIDES WITH A PERMANENTLY ATTACHED, SUBSTANTIAL MATERIAL, SUCH AS PAINTED METAL, FIBERGLASS, CONCRETE OR MASONRY, THAT WILL NOT DETRACT FROM THE APPEARANCE OF THE MANUFACTURED HOME.

308 **MANUFACTURED HOME SUBDIVISIONS:** IN ANY DISTRICT IN WHICH MANUFACTURED HOME PARKS ARE PERMITTED AS A SPECIAL EXCEPTION, MANUFACTURED HOME SUB-DIVISIONS MAY ALSO BE PERMITTED AND THE FOLLOWING MINIMUM REQUIREMENTS SHALL APPLY:

308.1 THE PROCEDURES, DESIGN STANDARDS AND REQUIRED IMPROVEMENTS OF THE COUNTY SUBDIVISION CONTROL ORDINANCE SHALL BE ADHERED TO.

308.2 EACH MANUFACTURED HOME SHALL BE SUPPORTED UNDER THE I-BEAMS AND SHALL BE SKIRTED ON ALL SIDES WITH A PERMANENTLY ATTACHED, SUBSTANTIAL MATERIAL, SUCH AS PAINTED METAL, FIBERGLASS, CONCRETE OR MASONRY THAT WILL NOT DETRACT FROM THE APPEARANCE OF THE MANUFACTURED HOME.

308.3 THE MINIMUM AREA OF A MANUFACTURED HOME SUBDIVISION SHALL BE FIVE (5) ACRES.

309 **RECREATIONAL VEHICLES:** RECREATIONAL VEHICLES SHALL NOT BE OCCUPIED FOR LONGER THAN FOUR (4) WEEKS IN ANY COUNTY LOCATION OTHER THAN AN APPROVED RECREATIONAL VEHICLE PARK.

310 **RECREATIONAL VEHICLE PARKS:** IN ANY DISTRICT IN WHICH RECREATIONAL VEHICLE PARKS ARE PERMITTED, THE FOLLOWING REQUIREMENTS SHALL APPLY:

310.1 RECREATIONAL VEHICLE PARKS SHALL HAVE DIRECT ACCESS TO A PUBLIC HIGHWAY OR ROAD 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.

310.2 CONDITIONS OF SOIL, GROUNDWATER LEVEL, DRAINAGE, GEOLOGIC STRUCTURE AND TOPOGRAPHY SHALL NOT CREATE HAZARDS TO THE PARK SITE OR TO THE HEALTH AND SAFETY OF OCCUPANTS, NOR SHALL THE SITE BE SUBJECT TO THE HAZARDS OF

OBJECTIONABLE SMOKE, ODOR, NOISE OR THE POSSIBILITY OF SUBSIDENCE, SUDDEN FLOODING OR SEVERE EROSION.

310.3 THE DENSITY OF A PARK SHALL NOT EXCEED 15 RECREATIONAL VEHICLE SPACES PER ACRE OF GROSS SITE AREA.

310.4 THE MINIMUM AREA OF A RECREATIONAL VEHICLE PARK SHALL BE 5 ACRES.

310.5 RECREATIONAL VEHICLES SHALL BE SEPARATED FROM EACH OTHER AND FROM OTHER PARK BUILDINGS OR STRUCTURES BY AT LEAST 10 FEET.

310.6 IN ADDITION TO COMPLYING WITH THE REQUIRED MINIMUM YARD PROVISIONS OF THIS ORDINANCE:

A. NO RECREATIONAL VEHICLE SPACE SHALL BE NEARER THAN 25 FEET TO THE RIGHT-OF-WAY LINE OF A HIGHWAY OR ROAD.

B. WHERE THE BOUNDARY LINE OF A RECREATIONAL VEHICLE PARK COINCIDES WITH THAT OF A RESIDENTIAL DISTRICT OTHER THAN ALONG A THOROUGHFARE OR ALLEY, A YARD SEPARATION OF AT LEAST 25 FEET IN WIDTH SHALL BE REQUIRED.

310.7 AT LEAST ONE CENTRALLY LOCATED RECREATION AREA EQUAL IN SIZE TO 8 PERCENT (8%) OF THE GROSS PARK AREA SHALL BE PROVIDED IN EACH RECREATIONAL VEHICLE PARK, STREETS, PARKING AREA AND PARK SERVICE FACILITY AREAS SHALL NOT BE INCLUDED IN THE REQUIRED RECREATIONAL AREA.

310.8 IN ADDITION TO BUSINESS DISTRICT LOCATIONS, FOOD STORES, RESTAURANTS, SPORTING GOOD, LAUNDROMATS, DRY-CLEANING PICK-UP STATIONS AND SIMILAR CONVENIENCE AND SERVICE SHOPS MAY BE PERMITTED IN RECREATIONAL VEHICLE PARKS CONTAINING 50 OR MORE SPACES, PROVIDED:

A. SUCH SHOPS AND THE PARKING AREA REQUIRED BY THEIR USE SHALL NOT OCCUPY MORE THAN 10 PERCENT (10%) OF THE TOTAL AREA OF THE PARK.

B. THE SHOPS SHALL BE PRIMARILY FOR THE USE OF THE OCCUPANTS OF THE PARK.

C. SUCH SHOPS SHALL BE SO LOCATED OR DESIGNED WITHIN THE PARK TO PRESENT NO VISIBLE EVIDENCE OF THEIR COMMERCIAL NATURE TO PERSONS OUTSIDE THE PARK.

310.9 MANAGEMENT OFFICES AND STORAGE, PLAYGROUND AND PICNIC EQUIPMENT, SANITATION AND LAUNDRY FACILITIES, INFORMATIONAL SIGNS AND OTHER STRUCTURES CUSTOMARILY INCIDENTAL TO A RECREATIONAL VEHICLE PARK SHALL BE PERMITTED AS NECESSARY USES.

311 **HOME OCCUPATIONS:** A HOME OCCUPATION MAY BE PERMITTED AS A SPECIAL EXCEPTION IF IT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

311.1 THE HOME OCCUPATION SHALL BE CARRIED ON BY A MEMBER OF THE FAMILY RESIDING IN THE DWELLING UNIT WITH NOT MORE THAN ONE EMPLOYEE WHO IS NOT PART OF THE FAMILY.



311.2 THE HOME OCCUPATION SHALL BE CARRIED ON WHOLLY WITHIN THE PRINCIPAL OR ACCESSORY STRUCTURES.

311.3 EXTERIOR DISPLAYS OR SIGNS OTHER THAN THOSE PERMITTED UNDER SECTION 306, EXTERIOR STORAGE OF MATERIALS AND EXTERIOR INDICATION OF THE HOME OCCUPATION OR VARIATION FROM THE RESIDENTIAL CHARACTER OF THE PRINCIPAL STRUCTURE SHALL NOT BE PERMITTED.

311.4 OBJECTIONABLE NOISE, VIBRATION, SMOKE, DUST, ELECTRICAL DISTURBANCE, ODORS HEAT OR GLARE SHALL NOT BE PRODUCED.

311.5 THE HOME OCCUPATION SHALL NOT CREATE ANY TRAFFIC OR PARKING PROBLEMS.

312 **PERFORMANCE STANDARDS:** ALL USES ESTABLISHED OR PLACED INTO OPERATION AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SHALL COMPLY WITH THE FOLLOWING PERFORMANCE STANDARDS IN THE INTERESTS OF PROTECTING THE PUBLIC HEALTH, SAFETY AND WELFARE AND LESSEN INJURY TO PROPERTY. NO USE IN EXISTENCE ON THE EFFECTIVE DATE OF THE ORDINANCE SHALL BE SO ALTERED OR MODIFIED TO CONFLICT WITH THESE STANDARDS.

312.1 **FIRE PROTECTION:** FIRE FIGHTING EQUIPMENT AND PREVENTION MEASURES ACCEPTABLE TO THE LOCAL FIRE DEPARTMENT SHALL BE READILY AVAILABLE AND APPARENT WHEN ANY ACTIVITY INVOLVING THE HANDLING OR STORAGE OF FLAMMABLE OR EXPLOSIVE MATERIALS IS CONDUCTED.

312.2 **ELECTRICAL DISTURBANCE:** NO USE SHALL CAUSE ELECTRICAL DISTURBANCE ADVERSELY AFFECTING RADIO, TELEVISION OR OTHER EQUIPMENT IN THE VICINITY.

312.3 **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.

312.4 **VIBRATION:** NO USE SHALL CAUSE VIBRATIONS OR CONCUSSIONS DETECTABLE BEYOND THE LOT LINES WITHOUT THE AID OF INSTRUMENTS.

312.5 **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.

312.6 **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.

312.7 **HEAT AND GLARE:** NO USE SHALL PRODUCE HEAT OR GLARE IN SUCH A MANNER AS TO CREATE A NUISANCE PERCEPTIBLE FROM ANY POINT BEYOND THE LOT LINES.

312.8 **WATER POLLUTION:** NO USE SHALL PRODUCE EROSION OR OTHER POLLUTANTS IN SUCH QUANTITY AS TO BE DETRIMENTAL TO ADJACENT PROPERTIES AND CONFLICT WITH WATER POLLUTION STANDARDS ESTABLISHED BY THE PUBLIC AGENCIES.

312.9 **WASTE MATTER:** NO USE SHALL ACCUMULATE WITHIN THE LOT OR DISCHARGE BEYOND THE LOT LINES ANY WASTE MATTER, WHETHER LIQUID OR SOLID, IN VIOLATION OF APPLICABLE PUBLIC HEALTH, SAFETY AND WELFARE STANDARDS AND REGULATIONS.

312.10 **SURFACE WATER RUNOFF:** NO USE SHALL PRODUCE INCREASED RATE OF SURFACE WATER RUNOFF INTO ANY LEGAL OPEN DRAIN OR TILE SO THAT ANY FLOODING OR PONDING OCCURS.

313 **PLANNED UNIT RESIDENTIAL BUSINESS OR INDUSTRIAL DEVELOPMENT:** THE DISTRICT REGULATIONS OF THIS ORDINANCE MAY BE MODIFIED BY THE AREA PLAN COMMISSION IN THE CASE OF A PLAN UTILIZING AN UNUSUAL CONCEPT OF DEVELOPMENT WHICH MEETS THE REQUIREMENTS OF THIS SECTION. THE PLANNED UNIT DEVELOPMENT PROVISION IS INTENDED TO ENCOURAGE ORIGINAL AND IMAGINATIVE DEVELOPMENT AND SUBDIVISION DESIGN WHICH PRESERVES THE NATURAL AMENITIES OF THE SITE AND PROVIDES FOR THE GENERAL WELFARE OF THE COUNTY. AFTER THE UNIT PLAN IS APPROVED, ALL DEVELOPMENT, CONSTRUCTION AND USE SHALL BE IN ACCORDANCE WITH THAT PLAN UNLESS A NEW PLANNED UNIT DEVELOPMENT PLAN IS SUBMITTED TO AND APPROVED BY THE PLAN COMMISSION AS REQUIRED BY THIS ORDINANCE. ANY DEVELOPMENT CONTRARY TO THE APPROVED UNIT PLAN SHALL CONSTITUTE A VIOLATION OF THIS ORDINANCE.

313.1 THE AREA OF LAND TO BE DEVELOPED SHALL NOT BE LESS THAN FIVE (5) ACRES.

313.2 PROPERTIES ADJACENT TO THE UNIT PLAN SHALL NOT BE ADVERSELY AFFECTED.

313.3 IN PLANNED UNIT RESIDENTIAL DEVELOPMENT, THE MINIMUM LOT AND YARD REQUIREMENTS MAY BE REDUCED; HOWEVER, THE AVERAGE DENSITY OF DWELLING UNITS IN THE TOTAL UNIT PLAN SHALL NOT BE HIGHER THAN THAT PERMITTED IN THE DISTRICT IN WHICH THE PLAN IS LOCATED.

313.4 IN PLANNED UNIT BUSINESS AND INDUSTRIAL DEVELOPMENT, THE MINIMUM LOT AND YARD REQUIREMENTS MAY BE REDUCED. HOWEVER, THE TOTAL LAND AREA OF THE UNIT PLAN SHALL EQUAL THE ACCUMULATIVE LOT AREA REQUIREMENTS OF EACH USE OR STRUCTURE CONTAINED WITHIN THE UNIT PLAN.

313.5 THE UNIT PLAN SHALL PERMANENTLY PRESERVE LAND SUITABLE FOR THE COMMON USE OF THE PUBLIC OR THE OWNERS IN A PARTICULAR DEVELOPMENT. THIS MAY BE ACCOMPLISHED BY DEDICATION, COVENANT OR EASEMENT. THIS LAND MAY BE FOR FUTURE PUBLIC FACILITIES, FOR RECREATIONAL OR SCENIC OPEN SPACE OR FOR A LANDSCAPE BUFFER ZONE AS APPROVED BY THE PLAN COMMISSION. PROVISIONS FOR PERMANENT CONTROL AND MAINTENANCE OF THIS LAND SHALL BE OUTLINED IN A FORM ACCEPTABLE TO THE AREA PLAN COMMISSION WITH THE ADVICE OF THEIR ATTORNEY.

313.6 THE USE OF THE LAND SHALL NOT DIFFER SUBSTANTIALLY FROM THE USES PERMITTED IN THE DISTRICT IN WHICH THE PLAN IS LOCATED, EXCEPT THAT LIMITED BUSINESS FACILITIES, INTENDED TO SERVE ONLY THE PLANNED UNIT RESIDENTIAL DEVELOPMENT AREA AND FULLY INTEGRATED INTO THE DESIGN OF THE PROJECT MAY BE CONSIDERED AND MULTI-FAMILY DWELLINGS MAY BE CONSIDERED IN SINGLE-FAMILY RESIDENTIAL DISTRICTS IF THEY ARE SO DESIGNED AND SITED THAT THEY DO NOT DETRACT FROM THE CHARACTER OF THE NEIGHBORHOOD IN WHICH THEY OCCUR.

313.7 THE UNIT PLAN SHALL BE CONSISTENT WITH THE PURPOSE OF THIS ORDINANCE.

313.8 THE UNIT PLAN SHALL BE REVIEWED AND APPROVED OR REJECTED BY THE AREA PLAN COMMISSION FOLLOWING THE GUIDELINES OF THIS SECTION AND THE PROCEDURES AND STANDARDS IN THE COUNTY SUBDIVISION CONTROL ORDINANCE.

314 **IN FILL OF RUBBISH:** OWNERS OF PROPERTY USED FOR THE BURIAL OF RUBBISH SHALL COVER SUCH WITHIN THIRTY (30) DAYS.

## ARTICLE 4 – ADMINISTRATION AND ENFORCEMENT

401 **ADMINISTRATIVE RESPONSIBILITY:** THE AREA PLAN COMMISSION AND PLANNING DIRECTOR SHALL ESTABLISH THE PROCEDURES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE IN ACCORDANCE WITH THE FOLLOWING PROVISIONS AND STATE LEGISLATION.

402 **PERMITS:** NO PERMIT SHALL BE ISSUED UNLESS THE PROPOSED STRUCTURE OR USE OF STRUCTURE OR LAND IS IN COMPLETE CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE OR UNLESS A WRITTEN ORDER IS RECEIVED FROM THE BOARD OF ZONING APPEALS, THE AREA PLAN COMMISSION OR A COURT IN ACCORDANCE WITH THIS ORDINANCE AND STATE LEGISLATION.

402.1 (A) **IMPROVEMENT LOCATION PERMIT:** SHALL BE OBTAINED BEFORE ANY STRUCTURE MAY BE CONSTRUCTED, RECONSTRUCTED, MOVED, ENLARGED OR STRUCTURALLY ALTERED. IF AN IMPROVEMENT LOCATION PERMIT IS ISSUED, THE APPLICANT SHALL APPLY FOR AN OCCUPANCY PERMIT, WHICH PERMIT SHALL NOT BE ISSUED UNTIL THE STRUCTURE IS COMPLETE AND COMPLIANCE WITH THIS ORDINANCE IS IN EVIDENCE. A TEMPORARY DWELLING REQUIRES AN IMPROVEMENT LOCATION PERMIT.

402.1 (B) **DEMOLITION PERMIT:** SHALL BE OBTAINED BEFORE ANY PRINCIPAL OR ACCESSORY STRUCTURE SHALL BE DEMOLISHED OR REMOVED. THE APPLICATION FOR A DEMOLITION PERMIT SHALL SHOW THE LOCATION, DESCRIPTION AND OWNERSHIP OF THE STRUCTURE AND THE NAME AND ADDRESS OF THE CONTRACTOR OTHER PERSON WHO WILL BE PERFORMING THE DEMOLITION OR REMOVAL. ALL DEMOLITION OR REMOVAL WORK SHALL BE CONDUCTED IN A SAFE AND RESPONSIBLE MANNER SO AS TO CAUSE NO RISK OF INJURY TO PERSONS OR DAMAGE TO PROPERTY. UPON COMPLETION OF THE DEMOLITION OR REMOVAL, ALL RUBBISH, REFUSE AND MATERIAL FROM THE WORK SHALL BE REMOVED FROM THE SITE AND ANY EXCAVATIONS FILLED AND RETURNED TO GRADE.

402.1 (C) **ROOFING PERMIT:** SHALL BE OBTAINED BEFORE ANY EXISTING ROOF IS REMOVED AND REPLACED. REPLACEMENT MEANS MORE THAN THIRTY (30) PER CENT OF THE SQUARE FOOTAGE OF AN EXISTING ROOF WILL BE REMOVED AND REPLACED WITH NEW ROOFING MATERIALS. A ROOFING PERMIT IS NOT REQUIRED FOR NEW CONSTRUCTION. THE APPLICATION FOR A ROOFING PERMIT SHALL SHOW THE LOCATION, DESCRIPTION AND OWNERSHIP OF THE STRUCTURE AND THE NAME AND ADDRESS OF THE CONTRACTOR OR OTHER PERSON WHO WILL BE PERFORMING THE REMOVAL AND REPLACEMENT. ALL WORK SHALL BE CONDUCTED IN A SAFE AND RESPONSIBLE MANNER SO AS TO CAUSE NO RISK OF INJURY TO PERSONS OR DAMAGE TO PROPERTY. UPON COMPLETION OF THE REMOVAL AND REPLACEMENT OF THE ROOF, ALL RUBBISH, REFUSE AND MATERIAL FROM THE WORK SHALL BE REMOVED FROM THE SITE.

402.2 **AN OCCUPANCY PERMIT:** SHALL BE OBTAINED BEFORE ANY PERSON MAY:

A. OCCUPY OR USE ANY VACANT LAND;

B. OCCUPY OR USE ANY STRUCTURE HEREAFTER CONSTRUCTED, RECONSTRUCTED, MOVED, ENLARGED OR STRUCTURALLY ALTERED;

**C. CHANGE THE USE OF A STRUCTURE OR LAND TO A DIFFERENT USE; OR**

**D. CHANGE THE USE OF A NON-CONFORMING USE.**

402.3 NO PERMIT SHALL BE REQUIRED FOR:

**A. ROUTINE MAINTENANCE, REPAIR OR REMODELING OF EXISTING STRUCTURES NOT INVOLVING ANY CHANGE OF USE, ADDITIONAL LOT COVERAGE OR INCREASE IN STRUCTURE SIZE:**

**B. ESSENTIAL SERVICES AS DEFINED IN ARTICLE 8:**

**C. LOT AND YARD IMPROVEMENTS SUCH AS FENCES, DRIVES, SIDEWALKS, PATIOS, RETAINING WALLS, PLAY EQUIPMENT AND LANDSCAPING;**

**D. SIGNS WITH A SURFACE AREA OF LESS THAN FOUR SQUARE FEET; AND**

**E. STRUCTURES WITH A VALUE OF LESS THAN \$1000 WHICH ARE USED EXCLUSIVELY FOR AGRICULTURAL PRODUCTION PURPOSE.**

402.4 ALL APPLICATIONS FOR PERMITS SHALL BE ACCOMPANIED BY A PLOT PLAN WHICH IS DRAWN TO SCALE AND SHOWS CLEARLY AND COMPLETELY:

**A. THE LOCATION, DIMENSIONS AND NATURE OF THE PROPERTY;**

**B. THE LOCATION AND DIMENSIONS OF ANY EXISTING PROPOSED STRUCTURES;**

**C. ALL ADJOINING THOROUGHFARES AND ANY EXISTING OR PROPOSED ACCESS TO THESE THOROUGHFARES.**

**D. THE EXISTING AND PROPOSED USE OF ALL STRUCTURES AND LAND;**

**E. THE LOCATION AND TYPE OF SEWERAGE SYSTEMS, WATER SYSTEM AND DRAINAGE FACILITIES AND, IF THE USE IS NOT SERVED BY A COMMUNITY SANITARY SEWER SYSTEM, THE APPLICANT SHALL ATTACH EVIDENCE THAT A SEPTIC PERMIT HAS BEEN ISSUED BY THE COUNTY BOARD OF HEALTH.**

**F. SUCH OTHER INFORMATION AS MAY BE NECESSARY TO DETERMINE CONFORMANCE WITH THIS ORDINANCE.**

402.5 IF THE WORK DESCRIBED AN ANY PERMIT HAS NOT BEGUN WITHIN 180 DAYS FROM THE DATE OF ISSUANCE THEREOF, SAID PERMIT SHALL EXPIRE AND A WRITTEN CANCELLATION NOTICE SHALL BE SENT TO THE PROPERTY OWNER.

402.6 IF THE WORK DESCRIBED IN ANY PERMIT HAS NOT BEEN SUBSTANTIALLY COMPLETED WITHIN TWO YEARS OF THE DATE OF ISSUANCE THEREOF, SAID PERMIT SHALL EXPIRE AND A WRITTEN CANCELLATION NOTICE SHALL BE SENT TO THE PROPERTY OWNER, FURTHER WORK SHALL NOT PROCEED UNLESS A NEW PERMIT IS OBTAINED.

403 FEES: APPLICATIONS FILED PURSUANT TO THE PROVISIONS OF THIS ORDINANCE REQUIRING PLAN COMMISSION OR BOARD OF ZONING APPEALS APPROVAL SHALL BE

ACCOMPANIED BY THE FILING FEES SPECIFIED BY THE FEE SCHEDULE ADOPTED BY COMMISSION RESOLUTION. THE FEE SCHEDULE SHALL NOT BE A PART OF THIS ORDINANCE AND MAY BE REVISED ANNUALLY BY COMMISSION RESOLUTION. ALL FEES SHALL BE NON-REFUNDABLE. FEES MAY BE APPLIED, BUT NOT LIMITED TO, THE FOLLOWING APPLICATIONS:

403.1 IMPROVEMENT LOCATION PERMIT

403.2 DEMOLITION PERMIT

403.3 ROOFING PERMIT

403.4 OCCUPANCY PERMIT

403.5 PETITION FOR AMENDMENT TO THIS ORDINANCE

403.6 PETITION FOR BOARD OF ZONING APPEALS ACTION

404 **VIOLATIONS AND PENALTIES:** ANY PERSON, WHETHER AS PRINCIPAL AGENT, OWNER, LESSEE, TENANT, CONTRACTOR, BUILDER, ARCHITECT, ENGINEER OR OTHERWISE, WHO VIOLATES ANY PROVISIONS OF THIS ORDINANCE, SHALL UPON ENTRY OF JUDGMENT, BE FINED NOT LESS THAN TEN DOLLARS (\$10) NOR MORE THAN THREE HUNDRED (\$300) FOR EACH OFFENSE PLUS ALL ATTORNEY FEES AND COSTS. EACH DAY THE VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

405 **METHOD OF APPEAL:** ANY PERSON AGGRIEVED OR AFFECTED BY ANY PROVISION OF THIS ORDINANCE OR BY ANY DECISION OF THE ADMINISTRATOR MAY APPEAL TO THE BOARD OF ZONING APPEALS, AS PROVIDED BY THE RULES OF THE BOARD, BY FILING A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. EVERY DECISION OF THE BOARD SHALL BE SUBJECT TO REVIEW BY CERTIORARI.

## **ARTICLE 5 – BOARD OF ZONING APPEALS**

501 **GENERAL:** IN ACCORDANCE WITH STATE LAW, A BOARD OF ZONING APPEALS SHALL BE APPOINTED, WHICH BOARD MAY ADOPT RULES TO GOVERN ITS PROCEDURE. THE BOARD OF ZONING APPEALS SHALL HOLD MEETINGS, KEEP MINUTES AND PURSUANT TO NOTICE, SHALL CONDUCT HEARINGS, COMPEL THE ATTENDANCE OF WITNESSES, TAKE TESTIMONY AND RENDER DECISIONS IN WRITING, ALL AS REQUIRED BY LAW. WHEN PERMITTING ANY USE, THE BOARD MAY IMPOSE SUCH CONDITIONS AND REQUIREMENTS AS IT DEEMS NECESSARY FOR THE PROTECTION OF ADJACENT PROPERTY AND THE PUBLIC INTEREST.

501.1 WITH RESPECT TO APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF NON-CONFORMING USES WITHIN THE JURISDICTION ENCOMPASSED BY THE COMPREHENSIVE ZONING MAPS FOR HARRISON TOWNSHIP, ONE OF SAID CONDITIONS SHALL BE THAT THE BOARD OF COMMISSIONERS OF BLACKFORD COUNTY SHALL BE NOTIFIED AT LEAST TEN (10) DAYS PRIOR TO PROCESSING OF ANY SUCH APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF A NON-CONFORMING USE WITH SUFFICIENT DETAIL TO ADVISE THE NATURE OF SUCH ACTION.

501.2 WITH RESPECT TO APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF NON-CONFORMING USES WITHIN THE JURISDICTION ENCOMPASSED BY THE COMPREHENSIVE ZONING MAP FOR THE CITY OF MONTPELIER, INDIANA, ONE OF SAID CONDITIONS SHALL BE THAT THE COMMON COUNCIL OF THE CITY OF MONTPELIER SHALL BE NOTIFIED AT LEAST TEN (10) DAYS PRIOR TO PROCESSING OF ANY SUCH APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF A NON-CONFORMING USE WITH SUFFICIENT DETAIL TO ADVISE THE NATURE OF SUCH ACTION.

501.3 WITH RESPECT TO APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF NON-CONFORMING USES WITHIN THE JURISDICTION ENCOMPASSED BY THE COMPREHENSIVE ZONING MAP FOR THE CITY OF HARTFORD CITY, INDIANA, ONE OF SAID CONDITIONS SHALL BE THAT THE COMMON COUNCIL OF THE CITY OF HARTFORD CITY SHALL BE NOTIFIED AT LEAST TEN (10) DAYS PRIOR TO PROCESSING OF ANY SUCH APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF A NON-CONFORMING USE WITH SUFFICIENT DETAIL TO ADVISE THE NATURE OF SUCH ACTION.

501.4 WITH RESPECT TO APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF NON-CONFORMING USES WITHIN THE JURISDICTION ENCOMPASSED BY THE COMPREHENSIVE ZONING MAP FOR THE TOWN OF SHAMROCK LAKES, INDIANA, ONE OF SAID CONDITIONS SHALL BE THAT TOWN BOARD OF THE TOWN OF SHAMROCK LAKES SHALL BE NOTIFIED AT LEAST TEN (10) DAYS PRIOR TO PROCESSING OF ANY SUCH APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF A NON-CONFORMING USE WITH SUFFICIENT DETAIL TO ADVISE THE NATURE OF SUCH ACTION.

501.5 WITH RESPECT TO ANY HEARING OF THE BOARD OF ZONING APPEALS, CONCERNING ANY MATTER WITHIN THE JURISDICTION OF THE “MONTPELIER COMPREHENSIVE ZONING MAP”, SUCH HEARING SHALL BE HELD IN THE COUNCIL CHAMBERS OF THE CITY COUNCIL OF MONTPELIER.

501.6 THE MEMBERSHIP TO THE FIRST BOARD OF ZONING APPEALS WAS SELECTED SUCH THAT, ASIDE FROM THE APPOINTMENT OF THE MAYOR OF HARTFORD CITY, THERE WOULD BE ONE MEMBER FROM JACKSON TOWNSHIP, LICKING TOWNSHIP AND WASHINGTON

TOWNSHIP AND ONE MEMBER FROM THE MONTPELIER, HARRISON TOWNSHIP AREA. IT IS THE REQUEST OF THE CITY OF MONTPELIER THAT THIS “GENTLEMEN’S AGREEMENT” BE HONORED IN THE FUTURE.

502 **APPEALS:** THE BOARD SHALL HAVE THE POWER TO HEAR AND DECIDE APPEALS FROM ANY ORDER, REQUIREMENT, DECISION, GRANT OR REFUSAL MADE BY THE ADMINISTRATOR OF THIS ORDINANCE.

503 **VARIANCES:** THE BOARD OF ZONING APPEALS, UPON APPEAL, SHALL HAVE THE POWER TO AUTHORIZE VARIANCES FROM THE REQUIREMENTS OF THIS ORDINANCE AND TO ATTACH SUCH CONDITIONS TO THE VARIANCES AS IT DEEMS NECESSARY TO ASSURE COMPLIANCE WITH THE PURPOSE OF THIS ORDINANCE. A VARIANCE MAY BE PERMITTED IF ALL THE FOLLOWING REQUIREMENTS ARE MET:

503.1 LITERAL ENFORCEMENT OF THE ORDINANCE WOULD RESULT IN AN UNNECESSARY HARDSHIP WITH RESPECT TO THE PROPERTY; AND

503.2 SUCH UNNECESSARY HARDSHIP RESULTS BECAUSE OF THE UNIQUE CHARACTERISTICS OF THE NEIGHBORHOOD; AND

503.3 THE VARIANCE WOULD NOT CHANGE THE LAND USE OF THE PROPERTY OR THE CHARACTER OF THE NEIGHBORHOOD; AND

503.4 THE VARIANCE OBSERVES THE SPIRIT OF THIS ORDINANCE, PRODUCES SUBSTANTIAL JUSTICE AND IS NOT CONTRARY TO THE PUBLIC INTEREST; AND

503.5 THE BOARD OF ZONING APPEALS MAY NOT GRANT A VARIANCE TO ANY OF THE REQUIREMENTS OF THE FLOOD PROTECTION GRADE REQUIREMENTS OF THE FLOODWAY FRINGE DISTRICT WITHOUT THE WRITTEN APPROVAL OF NATURAL RESOURCES.

504 **SPECIAL EXCEPTIONS:** THE BOARD OF ZONING APPEALS SHALL HAVE THE POWER TO AUTHORIZE SPECIAL EXCEPTIONS IF THE FOLLOWING REQUIREMENTS ARE MET:

504.1 THE SPECIAL EXCEPTION SHALL BE LISTED AS SUCH, IN TABLE A OF THIS ORDINANCE, FOR THE DISTRICT REQUESTED.

504.2 THE SPECIAL EXCEPTION CAN BE SERVED WITH ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES.

504.3 THE SPECIAL EXCEPTION SHALL NOT INVOLVE ANY ELEMENT OR CAUSE ANY CONDITION THAT MAY BE DANGEROUS, INJURIOUS OR NOXIOUS TO ANY OTHER PROPERTY OR PERSONS AND SHALL COMPLY WITH THE PERFORMANCE STANDARDS OF SECTION 312.

504.4 THE SPECIAL EXCEPTION SHALL BE SITED, ORIENTED AND LANDSCAPED TO PRODUCE A HARMONIOUS RELATIONSHIP OF BUILDINGS AND GROUNDS TO ADJACENT BUILDINGS AND PROPERTIES.

504.5 THE SPECIAL EXCEPTION SHALL PRODUCE A TOTAL VISUAL IMPRESSION AND ENVIRONMENT WHICH IS CONSISTENT WITH THE ENVIRONMENT OF THE NEIGHBORHOOD.



504.6 THE SPECIAL EXCEPTION SHALL PLAN VEHICLE ACCESS AND PARKING TO MINIMIZE TRAFFIC CONGESTION IN THE NEIGHBORHOOD.

504.7 THE SPECIAL EXCEPTION SHALL PRESERVE THE PURPOSE OF THIS ORDINANCE.

505 **NON-CONFORMING USES OF LAND AND STRUCTURES:** THE BOARD SHALL HAVE THE POWER TO AUTHORIZE CHANGE OF LAWFUL NON-CONFORMING USES IN ACCORDANCE WITH SECTION 301 OF THIS ORDINANCE.

506 **TRANSITIONAL USES:** THE BOARD OF ZONING APPEALS SHALL HAVE THE POWER TO AUTHORIZE A TRANSITIONAL USE AND TO ATTACH SUCH CONDITIONS TO THE TRANSITIONAL USE AS IT DEEMS NECESSARY TO ASSURE COMPLIANCE WITH PURPOSES OF THIS ORDINANCE. A TRANSITIONAL USE MAY BE PERMITTED IF ALL THE FOLLOWING REQUIREMENTS ARE MET:

506.1 THE BOARD SHALL REQUEST AND RECEIVE A RECOMMENDATION CONCERNING THE PROPOSED TRANSITIONAL USE FROM THE AREA PLAN COMMISSION.

506.2 THE BOARD SHALL NOTIFY THE COUNTY COMMISSIONERS, THE HARTFORD CITY COUNCIL OR THE MONTPELIER CITY COUNCIL TEN (10) DAYS PRIOR TO THE PUBLIC HEARING CONCERNING THE TRANSITIONAL USE.

506.3 THE TRANSITIONAL USE SHALL ADJOIN OR BE ACROSS THE STREET FROM A ZONING DISTRICT THAT PERMITS THE PROPOSED TRANSITIONAL USE.

506.4 UNLESS OTHERWISE MODIFIED BY THE BOARD, THE TRANSITIONAL USE SHALL MEET ALL OF THE REQUIREMENTS OF THIS ORDINANCE SUCH AS SETBACK, YARD, PARKING AND LOADING FOR THE EXISTING ZONING DISTRICT.

506.5 THE TRANSITIONAL USE SHALL BE CAPABLE OF BEING SERVED WITH ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES.

506.6 THE TRANSITIONAL USE SHALL NOT INVOLVE ANY ELEMENT OR CAUSE ANY CONDITION THAT MAY BE DANGEROUS, INJURIOUS OR NOXIOUS TO ANY OTHER PROPERTY OR PERSONS AND SHALL COMPLY WITH THE PERFORMANCE STANDARDS OF SECTION 312.

506.7 THE TRANSITIONAL USE SHALL BE SITED, ORIENTED AND LANDSCAPED TO PRODUCE A HARMONIOUS RELATIONSHIP OF BUILDINGS AND GROUNDS TO ADJACENT BUILDINGS AND PROPERTIES.

506.8 THE TRANSITIONAL USE SHALL PRODUCE A TOTAL VISUAL IMPRESSION AND ENVIRONMENT WHICH IS CONSISTENT WITH THE ENVIRONMENT OF THE NEIGHBORHOOD.

506.9 THE TRANSITIONAL USE SHALL PLAN VEHICLE ACCESS AND PARKING TO MINIMIZE TRAFFIC CONGESTION IN THE NEIGHBORHOOD.

506.10 A TRANSITIONAL USE SHALL PRESERVE THE PURPOSES OF THIS ORDINANCE.

506.11 A TRANSITIONAL USE MAY BE CONSIDERED ONLY FOR A SPECIFIC USE AND IF

GRANTED BY THE BOARD, NO OTHER USE OR MODIFICATION OF THE USE SHALL BE PERMITTED EXCEPT AS OUTLINED IN 506.1 THROUGH 506.10 AND APPROVED BY THE BOARD.

**ARTICLE 6 – MANUFACTURED HOMES**

601 **INTENT:** IT IS THE INTENT OF THIS ORDINANCE TO ENCOURAGE THE PROVISIONS OF ALTERNATIVE MODEST INCOME HOUSING IN CERTAIN AREAS UNDER SPECIFIC GUIDELINES.

602 **LOCATIONS OUT OF PARKS:** THIS CHAPTER SHALL ONLY APPLY TO MANUFACTURED HOMES LOCATED OUTSIDE OF MANUFACTURED COMMUNITIES (PARKS).

602.1 **REPLACEMENT OF NON-CONFORMING HOMES:** THEREAFTER, UPON APPLICATION TO THE DESIGNATED ADMINISTRATOR AND SUBSEQUENT APPROVAL THEREOF, A MANUFACTURED OR MOBILE HOME, DEEMED A LEGAL NON-CONFORMING USE, MAY BE REPLACED BY A MANUFACTURED HOME, PROVIDED THE REPLACEMENT IS OF AN EQUAL OR A HIGHER STYLE NUMBER, AS SPECIFIED IN SECTION 603 OF THIS ORDINANCE, (EXTERIOR APPEARANCE STANDARDS). EQUAL OR HIGHER STYLE MEANS THAT A MOBILE HOME MAY BE REPLACED WITH A STYLE I, II, III OR IV MANUFACTURED HOME; A STYLE IV MANUFACTURED HOME COULD BE REPLACED WITH A STYLE I, II, III OR IV MANUFACTURED HOME; A STYLE III MANUFACTURED HOME COULD BE REPLACED WITH A STYLE I, II OR III MANUFACTURED HOME; A STYLE II MANUFACTURED HOME COULD BE REPLACED WITH A STYLE I OR II MANUFACTURED HOME; A STYLE I MANUFACTURED HOME COULD ONLY BE REPLACED WITH ANOTHER STYLE I MANUFACTURED HOME.

602.2 **STRUCTURAL ALTERATION:** DUE TO ITS INTEGRAL DESIGN, ANY STRUCTURAL ALTERATION OR MODIFICATION OF A MANUFACTURED HOME AFTER IT IS PLACED ON THE SITE, MUST BE APPROVED BY THE EXECUTIVE DIRECTOR OF BLACKFORD COUNTY.

603 **EXTERIOR APPEARANCE STANDARDS:**

603.1 **MANUFACTURED HOME CLASSIFICATION:** MANUFACTURED HOMES SHALL BE CLASSIFIED AS TO ACCEPTABLE COMPATIBILITY OR SIMILARITY IN APPEARANCE WITH SITE CONSTRUCTED RESIDENCES, AS FOLLOWS:

603.1 (A) A MANUFACTURED HOME OF **STYLE I** SHALL:

1. HAVE MORE THAN 950 SQUARE FEET OF OCCUPIED SPACE IN A DOUBLE SECTIONAL OR LARGER MULTI-SECTIONAL UNIT, WITH A MINIMUM WIDTH OF 23 FEET, MANUFACTURED AFTER JANUARY 1, 1981;
2. BE PLACED ON A PERMANENT FOUNDATION AND UTILIZE A PERMANENT PERIMETER ENCLOSURE;
3. BE ANCHORED TO THE GROUND;
4. HAVE WHEELS, AXLES AND HITCHES REMOVED;
5. HAVE SIDING MATERIAL OF A TYPE NORMALLY USED ON SITE-CONSTRUCTED RESIDENCES;
6. HAVE A PITCHED ROOF AND ROOFING MATERIAL OF A TYPE CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES.

603.1 (B) A MANUFACTURED HOME OF **STYLE II** SHALL:

1. HAVE MORE THAN 900 SQUARE FEET OF OCCUPIED SPACE;
2. BE PLACED ON A PERMANENT FOUNDATION;
3. BE ENCLOSED WITH A SOLID PERMANENT PERIMETER ENCLOSURE;
4. BE ANCHORED TO THE GROUND;
5. HAVE SIDING OF A TYPE CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES;
6. HAVE A PITCHED ROOF AND ROOFING MATERIAL OF A TYPE CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES;
7. HAVE WHEELS, AXLES AND HITCH REMOVED.

603.1 (C) A MANUFACTURED HOME OF **STYLE III** SHALL:

1. HAVE MORE THAN 900 SQUARE FEET OF OCCUPIED SPACE;
2. BE PLACED ON A PERMANENT FOUNDATION;
3. BE ENCLOSED WITH FOUNDATION SIDING/SKIRTING;
4. BE ANCHORED TO THE GROUND;
5. HAVE A PITCHED ROOF AND ROOFING MATERIAL CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES;
6. HAVE SIDING OF A TYPE CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES;
7. HAVE WHEELS, AXLES AND HITCH REMOVED.

603.1 (D) A MANUFACTURED HOME OF **STYLE IV** SHALL:

1. HAVE MORE THAN 650 SQUARE FEET OF OCCUPIED SPACE;
2. BE PLACED ON A PERMANENT FOUNDATION;
3. BE ENCLOSED WITH FOUNDATION SIDING/SKIRTING;
4. BE ANCHORED TO THE GROUND;
5. HAVE A STANDARD MANUFACTURED DESIGN.

603.1 (E) MOBILE HOME:

1. MANUFACTURED BEFORE JANUARY 1, 1981;
2. HAVE A MINIMUM OF 650 SQUARE FEET OF OCCUPIED SPACE;
3. BE PLACED ON A PERMANENT FOUNDATION;
4. BE ENCLOSED WITH FOUNDATION SIDING/SKIRTING;
5. BE ANCHORED TO THE GROUND.

604 **SCHEDULE OF USES FOR MANUFACTURED HOMES (MH):**

<u>DISTRICT</u>	<u>STYLE I</u>	<u>STYLE II</u>	<u>STYLE III</u>	<u>STYLE IV</u>	<u>MOBILE HOME</u>
A-1	P	SE*	SE*	X	X
R-1	P**	X	X	X	X
R-2	P	X	X	X	X
R-3	P	SE*	SE*	X	X
B-1	SE	SE*	SE*	X	X
B-2	SE	SE*	SE*	X	X
B-3	SE	SE*	SE*	X	X
I-1	X	X	X	X	X
I-2	X	X	X	X	X
MH PARK	P	P	P	P	P
MH SUBDIV.	P	P	P	P	P

CODE FOR ABOVE CHART:

- P – PERMITTED USE**
- SE – SPECIAL EXCEPTION**
- X – PROHIBITED USE**

**PERMITTED USE:** THE APPLICANT IS GRANTED A PERMIT BY THE DIRECTOR.

**SPECIAL EXCEPTION:** THE SPECIAL EXCEPTION FOR EACH DISTRICT THAT MAY BE PERMITTED BY THE BLACKFORD COUNTY BOARD OF ZONING APPEALS ARE SHOWN IN THE ABOVE CHART AND ON TABLE A OF THE ORDINANCE. THE BOARD SHALL FOLLOW THE PROVISIONS OF SECTION 504 AND ANY OTHER APPLICABLE SECTIONS WHEN CONSIDERING ANY APPLICATION FOR A SPECIAL EXCEPTION.

**PROHIBITED USE:** THIS PROHIBITS THE PLACEMENT OF THE DESCRIBED UNIT IN THAT DISTRICT.

**\*-WITH RESPECT TO THAT AREA WITHIN THE JURISDICTION OF BLACKFORD COUNTY, THERE SHALL BE PERMITTED, AS A SPECIAL EXCEPTION IN A-1, R-3, B-1, B-2 AND B-3 DISTRICTS, A MANUFACTURED HOME, STYLE II AND STYLE III, IF THE FOLLOWING CONDITIONS ARE FULFILLED:**

**A. THAT SAID MANUFACTURED HOME SHALL BE PLACED ON A PERMANENT FOUNDATION AND FURTHER THAT IT BE SECURED BY TIE-DOWNS;**

**B. THAT SAID MANUFACTURED HOME, EXCLUSIVE OF CARPORTS, PARTITIONS AND OTHER PERTINENT ADDITIONS, SHALL HAVE AN OCCUPIED SPACE OF NOT LESS THAN 900 SQUARE FEET;**

**C. THAT NO LANDOWNER WITHIN 250 FEET ON ANY PORTION OF THE PLOT UPON WHICH THE MANUFACTURED HOME SHALL BE LOCATED SHALL OPPOSE SAID USE;**

**D. THAT ALL OTHER REQUIREMENTS RELATING TO PERMANENT HOUSING AND SPECIAL EXCEPTIONS, WITHIN THE RESPECTIVE ZONING DISTRICTS, BE FULFILLED;**

**E. EACH MANUFACTURED HOME SHALL BE ENCLOSED ON ALL SIDES WITH A PERMANENTLY ATTACHED, SUBSTANTIAL MATERIAL, SUCH AS PAINTED METAL, FIBERGLASS, CONCRETE, VINYL OR MASONRY THAT WILL NOT DETRACT FROM THE APPEARANCE OF THE MANUFACTURED HOME;**

**F. MANUFACTURED HOMES, PERMITTED BY SPECIAL EXCEPTION, CANNOT BECOME RENTAL PROPERTY AT A LATER DATE.**

**\*\* DOES NOT INCLUDE THE INCORPORATED TOWN OF SHAMROCK LAKES.**

## ARTICLE 7 – AMENDMENTS

701 **GENERAL:** ANY LEGISLATIVE BODY THAT HAS ADOPTED THIS ORDINANCE MAY INTRODUCE AND CONSIDER AMENDMENTS TO THIS ORDINANCE AND TO THE ZONE MAPS COVERING THEIR JURISDICTION, AS PROPOSED BY THE LEGISLATIVE BODY, BY THE AREA PLAN COMMISSION OR BY A PETITION OF THE OWNERS OF PROPERTY OF FIFTY PERCENT (50%) OR MORE OF THE AREA INVOLVED IN THE PETITION.

702 **PETITIONS:** PETITIONS FOR AMENDMENT SHALL BE FILED WITH THE AREA PLAN COMMISSION, AND THE PETITIONER, UPON SUCH FILING, SHALL, WHETHER OR NOT THE PROPOSED AMENDMENT IS ENACTED, PAY A FILING FEE AND THE COST OF PUBLIC NOTICE THAT IS REQUIRED.

703 **REFERRAL:** ANY PROPOSED AMENDMENT NOT ORIGINATING FROM THE AREA PLAN COMMISSION SHALL BE REFERRED TO THE AREA PLAN COMMISSION FOR CONSIDERATION AND REPORT BEFORE ANY FINAL ACTION IS TAKEN BY THE LEGISLATIVE BODY. THE AREA PLAN COMMISSION SHALL HOLD A PUBLIC HEARING, AS PRESCRIBED BY LAW, AND REPORT ITS FINDINGS AND RECOMMENDATION IN WRITING TO THE LEGISLATIVE BODY.

704 **ACTION:** AFTER RECEIVING THE AREA PLAN COMMISSION REPORT, THE LEGISLATIVE BODY MAY PROCEED TO TAKE ACTION ON THE PROPOSED AMENDMENT IN ACCORDANCE WITH STATE LAW.

## ARTICLE 8 – DEFINITIONS

801 **WORD INTERPRETATIONS:** FOR THE PURPOSE OF THIS ORDINANCE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED BELOW.

801.1 THE PRESENT TENSE INCLUDES THE FUTURE TENSE.

801.2 THE SINGULAR NUMBER INCLUDES THE PLURAL AND THE PLURAL INCLUDES THE SINGULAR.

801.3 THE WORD “SHALL” IS MANDATORY; THE WORD “MAY” IS PERMISSIVE.

801.4 THE WORD “USED” INCLUDES “DESIGNED” OR “INTENDED TO BE USED.”

802 **WORD DEFINITIONS:** CERTAIN WORDS USED IN THIS ORDINANCE ARE DEFINED BELOW. ANY WORDS NOT DEFINED AS FOLLOWS SHALL BE CONSTRUED IN THEIR GENERAL ACCEPTED MEANINGS AS DEFINED BY **WEBSTER’S DICTIONARY.**

802.1 **ACCESSORY USE OR STRUCTURE:** ONE WHICH (A) IS SUBORDINATE TO AND SERVES A PRINCIPAL BUILDING OR PRINCIPAL USE; (B) IS SUBORDINATE IN AREA, EXTENT OR PURPOSE TO THE PRINCIPAL BUILDING OR PRINCIPAL USE SERVED; (C) CONTRIBUTES TO THE COMFORT, CONVENIENCE OR NECESSITY OF OCCUPANTS OF THE PRINCIPAL BUILDING OR PRINCIPAL USE SERVED; AND (D) IS LOCATED ON THE SAME LOT AS THE PRINCIPAL BUILDING OR PRINCIPAL USE SERVED, WITH THE SINGLE EXCEPTION OF SUCH ACCESSORY OFF-STREET PARKING FACILITIES AS ARE PERMITTED TO LOCATE ELSEWHERE THAN ON THE SAME LOT WITH THE BUILDING OR USE SERVED.

802.2 **AGRICULTURE:** THE USE OF LAND OR STRUCTURES FOR AGRICULTURAL PURPOSE, INCLUDING FARMING, DAIRYING, PASTURAGE, AGRICULTURE, HORTICULTURE, FLORICULTURE, VITICULTURE AND ANIMAL AND POULTRY HUSBANDRY AND THE NECESSARY ACCESSORY STRUCTURES AND USES SUCH AS TENANT HOUSING AND FOR THE PACKING, TREATING OR STORING OF PRODUCE; PROVIDED, HOWEVER, THAT THE OPERATION OF ANY SUCH ACCESSORY USES SHALL BE SECONDARY TO THAT OF THE NORMAL AGRICULTURAL ACTIVITIES.

802.3 **AIR POLLUTION:** PRESENCE IN THE OUTDOOR ATMOSPHERE OF ONE OR MORE AIR CONTAMINANTS IN SUFFICIENT QUANTITIES AND OF SUCH CHARACTERISTICS AND DURATION AS TO BE INJURIOUS TO HUMAN, PLANT OR ANIMAL LIFE, TO PROPERTY OR WHICH UNREASONABLY INTERFERE WITH THE COMFORT ENJOYMENT OF LIFE AND PROPERTY.

802.4 **ALLEY:** A PUBLIC RIGHT-OF-WAY WHICH NORMALLY AFFORDS A SECONDARY MEANS OF ACCESS TO ABUTTING PROPERTY.

802.5 **BOARD:** THE BOARD OF ZONING APPEALS.

802.6 **BUILDING:** A STRUCTURE BUILT FOR THE SUPPORT, ENCLOSURE, SHELTER OR PROTECTION OF PERSONS, ANIMALS, CHATTELS OR MOVABLE PROPERTY OF ANY KIND AND WHICH IS PERMANENTLY AFFIXED TO THE LAND.



802.7 **CERTIFIED RESIDENCE CHILD DAYCARE HOME:** A STRUCTURE IN WHICH THE OPERATOR RESIDES AND PROVIDES CHILD DAYCARE AS DEFINED BY IC 12-17-5.

802.8 **CLINIC:** ANY ESTABLISHMENT WHERE HUMAN PATIENTS ARE EXAMINED AND TREATED BY DOCTORS OR DENTISTS BUT NOT HOSPITALIZED OVERNIGHT.

802.9 **COMMISSION:** BLACKFORD COUNTY AREA PLAN COMMISSION.

802.10 **CONFINED FEEDING:** THE CONFINED FEEDING OF ANIMALS FOR FOOD, FUR OR PLEASURE PURPOSES IN LOTS, PENS, PONDS, SHEDS OR BUILDINGS WHERE: (A) ANIMALS ARE CONFINED, FED AND MAINTAINED FOR AT LEAST FORTY-FIVE (45) DAYS DURING ANY TWELVE (12) MONTH PERIOD; AND (B) GROUND COVER OR VEGETATION IS NOT SUSTAINED OVER AT LEAST FIFTY PERCENT (50%) OF THE ANIMAL CONFINEMENT AREA. THE TERM DOES NOT INCLUDE THE FOLLOWING: (A) A LIVESTOCK MARKET, WHERE ANIMALS ARE ASSEMBLED FROM AT LEAST TWO (2) SOURCES TO BE PUBLICLY AUCTIONED OR PRIVATELY SOLD ON A COMMISSION BASIS; AND (B) THAT IS UNDER STATE OF FEDERAL SUPERVISION. A LIVESTOCK SALE BARN OR AUCTION MARKET WHERE ANIMALS ARE KEPT FOR NOT MORE THEN TEN (10) DAYS.

802.11 **CONFINED FEEDING OPERATION:** “CONFINED FEEDING OPERATION,” FOR PURPOSES OF IC 13-18-10, MEANS: (1) ANY CONFINED FEEDING OF: (A) AT LEAST THREE HUNDRED (300) CATTLE; (B) AT LEAST SIX HUNDRED (600) SWINE OR SHEEP; AND (C) AT LEAST THIRTY THOUSAND (30,000) FOWL; (2) ANY ANIMAL FEEDING OPERATION ELECTING TO BE SUBJECT TO IC 13-18-10; OR (3) ANY ANIMAL FEEDING OPERATION THAT IS CAUSING A VIOLATION OF: (A) WATER POLLUTION CONTROL LAWS; (B) ANY RULES OF THE WATER POLLUTION CONTROL BOARD; OR (C) IC 13-18-10. A DETERMINATION BY THE DEPARTMENT UNDER THIS SUBDIVISION IS APPEALABLE UNDER IC 4-21-5.

802.12 **DWELLING:** A PERMANENT BUILDING OR PORTION THEREOF, HAVING A MINIMUM OCCUPIED SPACE OF 720 SQUARE FEET, A MINIMUM AVERAGE WIDTH OF 23 FEET AND SUPPORTED BY A PERMANENT, SOLID PERIMETER FOUNDATION OR SOLID PERIMETER ENCLOSURE ON A SLAB, DESIGNED OR USED EXCLUSIVELY FOR RESIDENTIAL OCCUPANCY, INCLUDING SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTIPLE-FAMILY DWELLINGS, BUT NOT INCLUDING HOTELS, MOTELS OR LODGING HOUSES.

802.13 **DWELLING UNIT:** ONE OR MORE ROOMS WHICH ARE ARRANGED, DESIGNED OR USED AS LIVING QUARTERS FOR ONE FAMILY.

802.14 **DWELLING, SINGLE-FAMILY:** A DWELLING CONTAINING ONE DWELLING UNIT ONLY.

802.15 **DWELLING, TWO-FAMILY:** A DWELLING CONTAINING TWO DWELLING UNITS ONLY.

802.16 **DWELLING, MULTIPLE-FAMILY:** A DWELLING OR PORTION THEREOF, CONTAINING THREE OR MORE DWELLING UNIT INCLUDING CONDOMINIUMS.

802.17 **ESSENTIAL SERVICES:** THE ERECTION, CONSTRUCTION, ALTERATION OR MAINTENANCE BY PUBLIC UTILITIES OR MUNICIPAL OR OTHER GOVERNMENTAL AGENCIES OF UNDERGROUND OR OVERHEAD GAS, ELECTRICAL, TELEPHONE, SEWER, WATER TRANSMISSION DRAINS, SEWERS, PIPES, CONDUIT CABLES, FIRE ALARM BOXES, POLICE CALL BOXES, TRAFFIC SIGNALS, HYDRANTS, STREET SIGNS AND OTHER SIMILAR EQUIPMENT

AND FOR THE FURNISHING OF ADEQUATE SERVICES BY SUCH PUBLIC UTILITIES OR MUNICIPAL OR OTHER GOVERNMENTAL AGENCIES OR FOR THE PUBLIC HEALTH OR SAFETY OR GENERAL WELFARE BUT NOT INCLUDING BUILDINGS.

802.18 **FAMILY:** ONE OR MORE PERSONS EACH RELATED TO THE OTHER BY BLOOD, MARRIAGE OR ADOPTION OR A GROUP OF NOT MORE THAN THREE PERSONS NOT ALL SO RELATED, TOGETHER WITH HIS OR THEIR DOMESTIC SERVANT, MAINTAINING A COMMON HOUSEHOLD IN A DWELLING UNIT. A FAMILY MAY INCLUDE NOT MORE THAN TWO ROOMERS, BOARDERS OR PERMANENT GUESTS, WHETHER OR NOT GRATUITOUS.

802.19 **FLOOD HAZARD AREAS:** THOSE FLOODPLAINS WHICH HAVE NOT BEEN ADEQUATELY PROTECTED FROM FLOODING BY MEANS OF DIKES, LEVEES, RESERVOIRS OR OTHER WORKS APPROVED BY NATURAL RESOURCES.

802.20 **FLOOD OR FLOODWATER:** THE WATER OF ANY RIVER OR STREAM WHICH IS ABOVE THE BANKS AND/OR OUTSIDE THE CHANNEL AND BANKS OF SUCH RIVER OR STREAM.

802.21 **FLOOD PROTECTION GRADE:** THE ELEVATION OF THE LOWEST POINT AROUND THE PERIMETER OF A BUILDING AT WHICH FLOODWATER MAY ENTER THE INTERIOR OF THE BUILDING.

802.22 **FLOODWAY DISTRICT:** THAT AREA DESIGNATED AS A “COMMISSION FLOODWAY” BY NATURAL RESOURCES.

802.23 **FLOODWAY FRINGE DISTRICT:** THOSE PORTIONS OF FLOOD HAZARD AREAS LYING OUTSIDE THE FLOODWAY DISTRICT.

802.24 **FLOOR AREA OF A BUILDING:** (FOR DETERMINING OFF-STREET PARKING AND LOADING REQUIREMENTS) THE SUM OF THE GROSS HORIZONTAL AREAS OF THE SEVERAL FLOORS OF THE BUILDING, OR PORTION THEREOF, DEVOTED TO A SPECIFIC USE, INCLUDING ACCESSORY STORAGE AREAS LOCATED WITHIN THE SELLING OR WORKING SPACE SUCH AS COUNTERS, RACKS OR CLOSETS; AND ANY BASEMENT FLOOR AREA DEVOTED TO RETAILING ACTIVITIES, TO THE PRODUCTION OF PROCESSING OF GOODS OR TO BUSINESS OR PROFESSIONAL OFFICES.

802.25 **FRONT YARD:** THE SPACE NOT CONTAINING ANY STRUCTURES BETWEEN A STRUCTURE AND THOROUGHFARE RIGHT-OF-WAY LINE.

802.26 **GRADE:** THE AVERAGE LEVEL OF THE FINISHED SURFACE OF THE GROUND ADJACENT TO THE EXTERIOR WALLS OF THE BUILDING OR STRUCTURE.

802.27 **HOME OCCUPATION:** AN OCCUPATION OR ACTIVITY CONDUCTED ENTIRELY WITHIN A DWELLING BY THE OCCUPANTS THEREOF, WHICH IS CLEARLY INCIDENTAL AND SECONDARY TO THE USE OF THE BUILDING FOR DWELLING PURPOSES.

802.28 **HOTEL (MOTEL):** A BUILDING, GROUP OF BUILDINGS OR PORTION THEREOF IN WHICH MORE THAN FIVE (5) GUEST ROOMS ARE PROVIDED AS TEMPORARY ACCOMMODATIONS FOR COMPENSATION TO TRANSIENT GUESTS.

802.29 **INDOOR AUCTION HOUSE:** ITEMS MUST BE OFFERED AND MAINTAINED FOR AUCTION INSIDE A PERMANENT STRUCTURE.802.30

**JUNK YARD:** AN OPEN AREA WHERE WASTE OR SCRAP MATERIALS OF THREE OR MORE MOTOR VEHICLES NOT IN RUNNING OR OPERABLE CONDITION OR PARTS THEREOF ARE BOUGHT, SOLD, EXCHANGED, STORED, BALED, PACKED, DISASSEMBLED OR HANDLED, BUT EXCLUDING USES ESTABLISHED ENTIRELY WITHIN ENCLOSED BUILDINGS.

802.31 **KENNEL:** ANY PREMISES OR PORTIONS THEREOF ON WHICH MORE THAN FOUR DOGS, CATS OR OTHER HOUSEHOLD DOMESTIC ANIMALS OVER FOUR MONTHS OF AGE ARE KEPT OR ON WHICH MORE THAN TWO SUCH ANIMALS ARE MAINTAINED, BOARDED, BRED OR CARED FOR, IN RETURN FOR REMUNERATION OR ARE KEPT FOR THE PURPOSE OF SALE.

802.32 **LOT OF RECORD:** A LOT WHICH IS PART OF A SUBDIVISION, THE PLAT OF WHICH HAS BEEN RECORDED IN THE OFFICE OF THE RECORDER; OR A PARCEL OF LAND, THE DEED TO WHICH WAS RECORDED IN THE OFFICE OF SAID RECORDER PRIOR TO THE ADOPTION OF THIS ORDINANCE.

802.33 **LOT:** A TRACT OR PARCEL OF LAND OF AT LEAST SUFFICIENT SIZE TO MEET MINIMUM ZONING REQUIREMENTS FOR USE AND AREA AND TO PROVIDE SUCH YARDS AND OTHER OPEN SPACES AS ARE HEREIN REQUIRED. SUCH LOT SHALL HAVE FRONTAGE ON A PUBLIC STREET OR A PERMANENT EASEMENT OF ACCESS, AT LEAST TWENTY (20) FEET WIDE, CONNECTING TO A PUBLIC STREET.

802.34 **LOT, CORNER:** A LOT SITUATED AT THE INTERSECTION OF TWO OR MORE STREETS.

802.35 **LOT, THROUGH:** A LOT HAVING FRONTAGE ON TWO NONINTERSECTING STREETS AS DISTINGUISHED FROM A CORNER LOT. BOTH STREET LINES SHALL BE DEEMED FRONT LOT LINES.

802.36 **LOT DEPTH:** THE MEAN HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINES OF A LOT MEASURED AT RIGHT ANGLES TO THE LOT DEPTH AT THE ESTABLISHED FRONT BUILDING LINE.

802.37 **LOT WIDTH:** THE HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINES OF A LOT, MEASURED AT RIGHT ANGLES TO THE LOT DEPTH AT THE ESTABLISHED FRONT BUILDING LINE.

802.38 **MOBILE HOME:** A TRANSPORTABLE STRUCTURE USED OR DESIGNED TO BE USED AS A YEAR-ROUND RESIDENTIAL UNIT WHETHER THE WHEELS, AXLES AND HITCH ARE ATTACHED OR NOT AND BUILT PRIOR TO THE ENACTMENT OF THE FEDERAL MOBILE HOME AND CONSTRUCTION AND SAFETY ACT OF 1974, WHICH BECAME EFFECTIVE FOR ALL MOBILE HOME CONSTRUCTION JUNE 15, 1976.

802.39 **MANUFACTURED HOME PARK:** AN AREA OF LAND UNDER SINGLE OWNERSHIP USED FOR THE PARKING OF THREE (3) OR MORE OCCUPIED MANUFACTURED HOMES.

802.40 **MANUFACTURED HOME SITE:** THE AREA OF LAND IN A MANUFACTURED HOME PARK FOR THE PARKING OF ONE MANUFACTURED HOME.

802.41 **MANUFACTURED HOME SUBDIVISION:** A RESIDENTIAL SUBDIVISION DESIGNED EXCLUSIVELY FOR AND OCCUPIED BY MANUFACTURED HOMES IN WHICH THE HOMES AND THE LAND IS OWNED BY THE SAME PERSON.

802.42 **MOBILE HOME PARK OR SUBDIVISION:** SEE MANUFACTURED HOME PARK OR SUB-DIVISION.

802.43 **MODULAR HOME:** A FACTORY-FABRICATED TRANSPORTABLE BUILDING DESIGNED TO BE USED ALONE OR TO BE INCORPORATED WITH SIMILAR UNITS AT A BUILDING SITE AND DESIGNED AND CONSTRUCTED WITH A PERIMETER FRAME TO BECOME A PERMANENT STRUCTURE ON A SITE, WITH ALL OUTSIDE WALLS SUPPORTED BY A PERMANENT FOUNDATION. A MODULAR HOME IS A SINGLE-FAMILY DWELLING FOR PURPOSES OF THIS ORDINANCE.

802.44 **MOTEL:** (SEE HOTEL AT 802.28)

802.45 **NATURAL RESOURCES:** THE INDIANA NATURAL RESOURCES COMMISSION.

802.46 **NON-CONFORMING STRUCTURE:** A STRUCTURE DESIGNED, CONVERTED OR ADAPTED FOR A USE PRIOR TO THE ADOPTION OF PROVISIONS PROHIBITING SUCH USE OR STRUCTURE IN SUCH LOCATION.

802.47 **NON-CONFORMING USE:** NON-CONFORMING USE IS ANY USE OR ARRANGEMENT OF LAND OR STRUCTURES LEGALLY EXISTING AT THE TIME OF ENACTMENT OF THIS ORDINANCE OR ANY OF ITS AMENDMENTS, WHICH DOES NOT CONFORM TO THE PROVISIONS OF THIS ORDINANCE.

802.48 **OCCUPIED SPACE:** THE TOTAL AREA OF EARTH HORIZONTALLY COVERED BY THE STRUCTURE, NOT INCLUDING THE HITCH OR ACCESSORY STRUCTURES, SUCH AS, BUT NOT LIMITED TO, GARAGES, PATIOS AND PORCHES.

802.49 **OFF-STREET PARKING:** THE PROVISIONS OF PARKING SPACES WHICH ARE NOT LOCATED ON ANY PUBLIC RIGHT-OF-WAY.

802.50 **PERMANENT FOUNDATION:** ANY STRUCTURAL SYSTEM FOR TRANSPOSING LOADS FROM THE STRUCTURE TO THE EARTH AT A DEPTH BELOW THE ESTABLISHED FROST LINE WITHOUT EXCEEDING THE SAFE BEARING CAPACITY OF THE SUPPORTING SOIL.

802.51 **PERMANENT PERIMETER ENCLOSURE:** A PERMANENT STRUCTURAL SYSTEM COMPLETELY ENCLOSING THE SPACE BETWEEN THE FLOOR JOISTS OF THE HOME AND THE GROUND.

802.52 **PUBLIC UTILITY STRUCTURES:** ELECTRIC AND TELEPHONE SUBSTATIONS AND DISTRIBUTION CENTERS, FILTRATION PLANT, PUMPING STATION AND WATER RESERVOIR, PUBLIC OR PACKAGE SEWAGE TREATMENT PLANTS, TELEPHONE EXCHANGE, RADIO AND TELEVISION TRANSMITTING OR RELAY STATIONS, ANTENNA TOWERS, OTHER SIMILAR PUBLIC UTILITY SERVICE STRUCTURES AND MERCHANT POWER PLANTS.

802.53 **RECREATIONAL VEHICLE:** A TEMPORARY DWELLING FOR TRAVEL, RECREATION AND VACATION USE INCLUDING, BUT NOT LIMITED TO; TRAVEL TRAILER, PICK-UP COACH, MOTOR HOME AND CAMPING TRAILER.

802.54 **RECREATIONAL VEHICLE PARK AND/OR RECREATION PARK:** AN AREA OF LAND USED FOR THE PARKING OF TWO OR MORE RECREATIONAL VEHICLES NOT TO BE USED FOR PERMANENT RESIDENCY OR CONTINUOUS OCCUPANCY.

802.55 **REGULATORY FLOOD PROFILE:** A LONGITUDINAL PROFILE ALONG THE THREAD OF A STREAM SHOWING THE MAXIMUM WATER SURFACE ATTAINED BY THE REGULATORY FLOOD.

802.56 **RESOURCE RECOVERY FACILITY:** A DEFINED AREA OF LAND AND/OR STRUCTURE FOR THE PURPOSE OF REDUCING THE AMOUNT OF WASTE GENERATED FOR FINAL DISPOSAL IN A LANDFILL. THIS USE WOULD INCLUDE, BUT IS NOT LIMITED TO, RECYCLING AND COMPOSTING FACILITIES, BUT DOES NOT INCLUDE SALVAGE FACILITIES OR JUNKYARDS.

802.57 **SETBACK:** THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE FRONT LINE OF A BUILDING OR STRUCTURE AND THE STREET RIGHT-OF-WAY LINE.

802.58 **SIGN:** A NAME, IDENTIFICATION, DESCRIPTION, DISPLAY OR ILLUSTRATION WHICH IS AFFIXED TO, OR REPRESENTED DIRECTLY OR INDIRECTLY UPON A BUILDING, STRUCTURE OR TRACT OF LAND AND WHICH DIRECTS ATTENTION TO AN OBJECT, PRODUCT, PLACE, ACTIVITY, PERSON, INSTITUTION, ORGANIZATION OR BUSINESS: A “SIGN” SHALL NOT INCLUDE: (A) THE DISPLAY OF OFFICIAL COURT OR PUBLIC OFFICE NOTICES; (B) THE FLAG, EMBLEM OR INSIGNIA OF A NATION, POLITICAL UNIT, SCHOOL OR RELIGIOUS GROUP; NOR (C) ONE LOCATED COMPLETELY WITHIN AN ENCLOSED BUILDING, EXCEPT SIGNS LOCATED BEHIND WINDOW AREAS INTENDED TO BE VIEWED FROM OUTSIDE THE BUILDING.

802.59 **SIGN, ADVERTISING:** A SIGN, INCLUDING A BILLBOARD, WHICH DIRECTS ATTENTION TO A BUSINESS, COMMODITY, SERVICE OR ENTERTAINMENT NOT EXCLUSIVELY RELATED TO THE PREMISES WHERE SUCH SIGN IS LOCATED OR TO WHICH IT IS AFFIXED.

802.60 **SIGN, BUSINESS:** A SIGN WHICH DIRECTS ATTENTION TO A BUSINESS OF PROFESSION CONDUCTED OR TO A COMMODITY, SERVICE OR ENTERTAINMENT SOLD OR OFFERED UPON THE PREMISES WHERE SUCH SIGN IS LOCATED OR TO WHICH IT IS AFFIXED.

802.61 **SIGN, GROSS AREA OF:** THE ENTIRE AREA WITHIN A SINGLE CONTINUOUS PERIMETER ENCLOSING THE EXTREME LIMITS OF SUCH SIGN. SUCH PERIMETER SHALL NOT INCLUDE ANY STRUCTURAL ELEMENTS LYING OUTSIDE THE LIMITS OF SUCH SIGN AND NOT FORMING AN INTEGRAL PART OF THE DISPLAY.

802.62 **SIGN, PORTABLE:** A SIGN NOT PERMANENTLY AFFIXED TO A BUILDING, STRUCTURE OR THE GROUND AND DESIGNED TO BE MOVED FROM PLACE TO PLACE OR A STRUCTURE AFFIXED TO A CHASSIS EQUIPPED WITH WHEEL AND AXLE OR OTHER MEANS OF MOBILITY.

802.63 **SIGN, TEMPORARY:** A SIGN NOT PERMANENTLY AFFIXED TO A BUILDING, STRUCTURE OR THE GROUND (INCLUDING AN IN-GROUND POST), CONSTRUCTED OF CLOTH, CANVAS, LIGHT FABRIC, CARDBOARD OR OTHER LIGHT MATERIAL.

802.64 **STREET:** A PARTIALLY OR FULLY IMPROVED PUBLIC RIGHT-OF-WAY WHICH AFFORDS THE PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTY.

802.65 **STRUCTURE:** ANYTHING CONSTRUCTED OR ERECTED, THE USE OF WHICH REQUIRES PERMANENT LOCATION ON THE GROUND OR ATTACHED TO SOMETHING HAVING A PERMANENT LOCATION ON THE GROUND, EXCEPT PUBLIC UTILITY, COMMUNICATION AND ELECTRICAL TRANSMISSION LINES AND EQUIPMENT AND FACILITIES SUPPORTING THE SAME AND/OR INCIDENTAL THERETO.

802.66 **SUPPLY YARDS:** COMMERCIAL ESTABLISHMENT STORING OR OFFERING FOR SALE BUILDING SUPPLIES, STEEL, SUPPLIES, COAL, HEAVY EQUIPMENT, FEED AND GRAIN AND SIMILAR GOODS. SUPPLY YARDS DO NOT INCLUDE THE WRECKING, SALVAGING, DISMANTLING OR STORAGE OF AUTOMOBILES AND SIMILAR VEHICLES.

802.67 **TOURIST HOME:** A BUILDING IN WHICH ONE (1) BUT NOT MORE THAN FIVE (5) GUEST ROOMS ARE USED TO PROVIDE OR OFFER OVERNIGHT ACCOMMODATIONS FOR TRANSIENTS. ALSO KNOWN AS “BED AND BREAKFAST INNS”. FOR THE PURPOSE OF THIS ORDINANCE, A TOURIST HOME SHALL BE DEFINED AS A HOME OCCUPATION.

802.68 **TRUCK:** TRUCK TRACTORS, TRUCKS AND TRACTORS AND TRAILERS AS THE SAME ARE DEFINED BY I.C. 9-4-1-3 THROUGH I.C. 9-4-1-5.

802.69 **USE:** THE PURPOSE OF ACTIVITY FOR WHICH THE LAND OR BUILDING THEREON IS DESIGNED, ARRANGED OR INTENDED OR FOR WHICH IT IS OCCUPIED OR MAINTAINED.

802.70 **YARD:** AN OPEN SPACE ON THE SAME LOT WITH A BUILDING OR STRUCTURE, UNOCCUPIED AND UNOBSTRUCTED FROM ITS LOWEST LEVEL UPWARD, EXCEPT AS OTHERWISE PERMITTED BY THIS ORDINANCE.

802.71 **YARD, FRONT:** A YARD EXTENDING ALONG THE FULL LENGTH OF THE FRONT LOT LINE BETWEEN THE SIDE LOT LINES.

802.72 **YARD, REAR:** A YARD EXTENDING ALONG THE FULL LENGTH OF THE REAR LOT LINE BETWEEN THE SIDE LOT LINES.

802.73 **YARD, SIDE:** A YARD EXTENDING ALONG A SIDE LOT LINE FROM THE FRONT TO THE REAR YARD.

**ARTICLE 9**

**ORDAINING CLAUSES**

- 901** BLACKFORD COUNTY
- 902** HARTFORD CITY
- 903** MONTPELIER
- 904** SHAMROCK LAKES
- 905** BLACKFORD COUNTY 1996 AMENDMENT
- 906** HARTFORD CITY 1996 AMENDMENT
- 907** MONTPELIER 1996 AMENDMENT
- 908** SHAMROCK LAKES 1996 AMENDMENT
- 909** BLACKFORD COUNTY 2001 AMENDMENT
- 910** HARTFORD CITY 2001 AMENDMENT
- 911** MONTPELIER 2001 AMENDMENT
- 912** SHAMROCK LAKES 2001 AMENDMENT
- 913** BLACKFORD COUNTY 2004 AMENDMENT
- 914** HARTFORD CITY 2004 AMENDMENT
- 915** MONTPELIER 2004 AMENDMENT
- 916** SHAMROCK LAKES 2004 AMENDMENT
- 909** BLACKFORD COUNTY 2020 AMENDMENT
- 910** HARTFORD CITY 2020 AMENDMENT
- 911** MONTPELIER 2020 AMENDMENT
- 912** SHAMROCK LAKES 2020 AMENDMENT

*ORDAINING CLAUSE LETTERS KEPT IN THE OFFICE OF PLANNING AND ZONING*

**ARTICLE 10 – WIND ENERGY CONVERSION SYSTEMS**

1001. **PURPOSE** THIS ARTICLE 10 IS ADOPTED FOR THE FOLLOWING PURPOSES:

- A. TO ASSURE THAT ANY DEVELOPMENT AND PRODUCTION OF WIND-GENERATED ELECTRICITY IN BLACKFORD COUNTY IS SAFE AND EFFECTIVE;
- B. TO FACILITATE ECONOMIC OPPORTUNITIES FOR LOCAL RESIDENTS;
- C. TO PROVIDE A REGULATORY SCHEME FOR THE CONSTRUCTION AND OPERATION OF WIND ENERGY FACILITIES IN THE COUNTY, SUBJECT TO REASONABLE RESTRICTIONS, THIS WILL PRESERVE THE PUBLIC HEALTH AND SAFETY.

1002. **DEFINITIONS APPLICABLE TO ARTICLE 10**

1002.1 **APPLICANT:** THE ENTITY OR PERSON WHO SUBMITS TO THE BLACKFORD COUNTY AREA BOARD OF ZONING APPEALS (BZA), PURSUANT TO SEC. 1004, AN APPLICATION FOR THE SITING OF ANY WECS OR SUBSTATION.

1002.2 **FINANCIAL ASSURANCE:** REASONABLE ASSURANCE FROM A CREDITWORTHY PARTY, EXAMPLES OF WHICH INCLUDE A SURETY BOND, TRUST INSTRUMENT, CASH ESCROW, OR IRREVOCABLE LETTER OF CREDIT OR COMBINATIONS THEREOF.

1002.3 **OPERATOR:** THE ENTITY RESPONSIBLE FOR THE DAY-TO-DAY OPERATION AND MAINTENANCE OF THE WECS, INCLUDING ANY THIRD-PARTY SUBCONTRACTORS.

1002.4 **OWNER:** THE ENTITY OR ENTITIES WITH AN EQUITY INTEREST IN THE WECS(S), INCLUDING THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. OWNER DOES NOT MEAN (I) THE PROPERTY OWNER FROM WHOM LAND IS LEASED FOR LOCATING THE WECS (UNLESS THE PROPERTY OWNER HAS AN EQUITY INTEREST IN THE WECS); OR (II) ANY PERSON HOLDING A SECURITY INTEREST IN THE WECS(S) SOLELY TO SECURE AN EXTENSION OF CREDIT, OR A PERSON FORECLOSING ON SUCH SECURITY INTEREST PROVIDED THAT AFTER FORECLOSURE, SUCH PERSON SEEKS TO SELL THE WECS(S) WITHIN ONE YEAR OF SUCH EVENT.

1002.5 **PROFESSIONAL SURVEYOR, PROFESSIONAL ENGINEER, REGISTERED LANDSCAPE ARCHITECT:** A QUALIFIED INDIVIDUAL WHO IS LICENSED OR REGISTERED AS A SURVEYOR, ENGINEER OR LANDSCAPE ARCHITECT IN ANY STATE IN THE UNITED STATES.

1002.6 **PRIMARY STRUCTURE:** FOR EACH PROPERTY, THE STRUCTURE THAT ONE (1) OR MORE PERSONS OCCUPY THE MAJORITY OF TIME ON THAT PROPERTY FOR EITHER BUSINESS OR PERSONAL REASONS. PRIMARY STRUCTURE INCLUDES STRUCTURES SUCH AS RESIDENCES, COMMERCIAL BUILDINGS, HOSPITALS, AND DAY CARE FACILITIES. PRIMARY STRUCTURE EXCLUDES STRUCTURES SUCH AS HUNTING SHEDS, STORAGE SHEDS, POOL HOUSES, UNATTACHED GARAGES AND BARN.



1002.7 **SUBSTATION:** THE APPARATUS THAT CONNECTS THE ELECTRICAL COLLECTION SYSTEM OF THE WECS(S) AND INCREASES THE VOLTAGE FOR CONNECTION WITH THE UTILITY’S TRANSMISSION LINES.

1002.8 **SWITCHING STATION:** SHALL BE AN APPARATUS/STRUCTURE IN THE SYSTEM SIMILAR TO A SUBSTATION BUT NOT NECESSARILY INCREASING VOLTAGE INTO THE GRID.

1002.9 **WECS PROJECT:** THE COLLECTION OF WECS AND SUBSTATIONS AS SPECIFIED IN THE APPLICATION FOR SPECIAL EXCEPTION PURSUANT TO SEC. 1004.

1002.10 **WECS TOWER:** THE SUPPORT STRUCTURE TO WHICH THE NACELLE AND ROTOR ARE ATTACHED, FREE STANDING OR GUYED STRUCTURE THAT SUPPORTS A WIND TURBINE GENERATOR.

1002.11 **WECS TOWER HEIGHT:** THE DISTANCE FROM THE ROTOR BLADE AT ITS HIGHEST POINT TO THE TOP SURFACE OF THE WECS FOUNDATION.

1002.12 **WIND ENERGY CONVERSION SYSTEM (“WECS”):** ALL NECESSARY DEVICES THAT TOGETHER CONVERT WIND ENERGY INTO ELECTRICITY AND DELIVER THAT ELECTRICITY TO A UTILITY’S TRANSMISSION LINES, INCLUDING BUT NOT LIMITED TO THE ROTOR, NACELLE, GENERATOR, WECS TOWER, ELECTRICAL COMPONENTS, WECS FOUNDATION, TRANSFORMER, AND ELECTRICAL CABLING FROM THE WECS TOWER TO THE SUBSTATION(S), SWITCHING STATIONS, METEOROLOGICAL TOWERS, COMMUNICATIONS FACILITIES, AND OTHER REQUIRED FACILITIES AND EQUIPMENT, AS RELATED TO THE WECS PROJECT.

### 1003. **APPLICABILITY**

WECS MAY BE SITED AND OPERATED ONLY AS A SPECIAL EXCEPTION IN THE A-1 AGRICULTURE DISTRICT IN UNINCORPORATED AREAS OF BLACKFORD COUNTY.

#### 1003.1. PROHIBITION.

NO ENTITY SHALL CONSTRUCT OR OPERATE A WIND ENERGY CONVERSION SYSTEM (WECS) WITHOUT HAVING FULLY COMPLIED WITH THE PROVISIONS OF THIS ARTICLE.

### 1004. **APPLICATION REQUIREMENTS**

1004.1. PRIOR TO THE CONSTRUCTION OF A WECS, THE APPLICANT SHALL OBTAIN APPROVAL FOR THE FOLLOWING:

A. AN APPLICATION FOR A SPECIAL EXCEPTION FROM THE BZA TO PERMIT A WECS IN THE A-1 AGRICULTURE DISTRICT,

B. A REQUEST FOR VARIANCE FOR ANY VARIANCES ANTICIPATED ON THE WECS PROJECT, AND

C. AN IMPROVEMENT LOCATION PERMIT FROM THE EXECUTIVE DIRECTOR OF BLACKFORD COUNTY AREA PLANNING AND ZONING (EXECUTIVE DIRECTOR), AS DESCRIBED BELOW AND IN SEC. 402 OF THIS ORDINANCE.

1004.2. THE APPLICATION FOR A SPECIAL EXCEPTION.

A. THE APPLICATION SHALL BE FILED WITH THE BZA AND INCLUDE A WECS PROJECT SUMMARY, INCLUDING:

I. A GENERAL DESCRIPTION OF THE PROJECT, INCLUDING ITS APPROXIMATE NAME PLATE GENERATING CAPACITY; THE POTENTIAL EQUIPMENT MANUFACTURER(S), TYPE(S) OF WECS(S), NUMBER OF WECS(S), AND NAME PLATE GENERATING CAPACITY OF EACH WECS; THE MAXIMUM HEIGHT OF THE WECS TOWER(S) AND MAXIMUM DIAMETER OF THE WECS(S) ROTOR(S); THE GENERAL LOCATION OF THE PROJECT; AND (2) A DESCRIPTION OF THE APPLICANT, OWNER, AND OPERATOR, INCLUDING THEIR RESPECTIVE BUSINESS STRUCTURES.

II. THE NAME(S), ADDRESS(ES), AND PHONE NUMBER(S) OF THE APPLICANT(S), OWNER AND OPERATOR, AND ALL PROPERTY OWNER(S) WITH WECS ON THEIR PROPERTIES, IF KNOWN. WRITTEN CONSENT TO THE FILING OF THE APPLICATION BY ALL SUCH PROPERTY OWNERS SHALL BE FILED WITH THE APPLICATION.

III. A TOPOGRAPHIC MAP OF THE PROJECT SITE AND THE SURROUNDING AREA WHICH SHALL ENCOMPASS AN AREA AT LEAST A QUARTER (1/4) MILE RADIUS FROM THE PROPOSED PROJECT SITE.

IV. A SITE PLAN AT AN APPROPRIATE SCALE SHOWING (STANDARD SHEET OF THIRTY-SIX (36) INCHES BY TWENTY-FOUR (24) INCHES AND INDIVIDUAL TOWER SITE NOT GREATER THAN ONE (1) INCH EQUALS TWENTY (20 FEET): THE PROPOSED LOCATION OF THE WIND ENERGY FACILITY (INCLUDING PLANNED LOCATIONS OF EACH WECS TOWER, GUY LINES AND ANCHOR BASES (IF ANY); WECS ACCESS ROADS; SUBSTATIONS; ELECTRICAL CABLING; AND ANCILLARY EQUIPMENT). IN ADDITION, THE SITE PLAN SHALL SHOW: PRIMARY STRUCTURES WITHIN ONE QUARTER (1/4) OF ONE (1) MILE OF ANY WECS; PROPERTY LINES, INCLUDING IDENTIFICATION OF ADJOINING PROPERTIES; SETBACK LINES; PUBLIC ROADS; LOCATION OF ALL ABOVE-GROUND UTILITY LINES WITHIN A DISTANCE OF TWO (2) TIME THE WECS TOWER HEIGHT OF ANY WECS TOWER; RECOGNIZED HISTORIC OR HERITAGE SITES AS NOTED BY THE DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY OF THE INDIANA DEPARTMENT OF NATURAL RESOURCES; AND ANY WETLANDS BASED UPON A DELINEATION PREPARED IN ACCORDANCE WITH THE APPLICABLE U. S. ARMY CORPS OF ENGINEER REQUIREMENTS AND GUIDELINES.

V. LOCATION OF ALL EXISTING UNDERGROUND UTILITY LINES ASSOCIATED WITH THE WECS SITE.

B. IN DETERMINING WHETHER TO APPROVE THE APPLICATION FOR SPECIAL EXCEPTION, THE BZA SHALL DETERMINE WHETHER THE APPLICATION SATISFIES ALL OF THE FOLLOWING CRITERIA AND SHALL MAKE WRITTEN FINDINGS WITH RESPECT THERETO.

I. THE WECS COMPLIES WITH ALL REQUIREMENTS OF THIS ARTICLE 10, SUBJECT TO ANY VARIANCES GRANTED BY THE BZA.

II. THE WECS WILL NOT UNREASONABLY INTERFERE WITH THE ORDERLY LAND USE AND DEVELOPMENT PLANS OF BLACKFORD COUNTY.

III. THE WECS WILL BENEFIT THE PUBLIC BEYOND ANY BURDENS.

IV. THE WECS WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH AND SAFETY.

V. THE WECS WILL NOT BE HAZARDOUS OR HARMFUL TO THE ENVIRONMENT OF THE AREA WHERE IT IS LOCATED OR THE COUNTY.

C. THE SPECIAL EXCEPTION GRANTED BY THE BZA FOR A WECS PROJECT SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR, AFTER WHICH THE CONDITIONAL USE SHALL TERMINATE AND BE OF NO FURTHER FORCE OR EFFECT IF CONSTRUCTION IN EARNEST OF THE APPROVED WECS HAS NOT COMMENCED. THE APPLICANT SHALL BE GRANTED A ONE (1) YEAR EXTENSION TO TWO (2) YEARS FROM THE DATE OF THE BZA APPROVAL IF THE APPLICANT PRESENTS ITS REQUEST FOR AN EXTENSION TO THE BZA AND PROVIDES A REPORT TO THE BZA WHICH SHOWS THE PROGRESS MADE ON THE WECS PROJECT.

D. THE INITIAL FEE FOR THE APPLICATION FOR A SPECIAL EXCEPTION SHALL BE TWENTY THOUSAND DOLLARS (\$20,000.00) AND SHALL BE PAYABLE AT THE TIME OF SUBMISSION OF THE APPLICATION. ADDITIONAL FEES MAY BE CHARGED TO OFFSET COSTS ASSOCIATED WITH THE REVIEW, ANALYSIS AND REPORTING BY COUNTY AGENCIES AND/OR PROFESSIONAL CONSULTANTS RETAINED BY THE COUNTY TO EVALUATE THE APPLICATION. TOTAL FEES FOR THE APPLICATION FOR SPECIAL EXCEPTION SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00). ANY ADDITIONAL APPLICATION FEES SHALL BE DUE AND PAYABLE WITHIN THIRTY (30) DAYS FOLLOWING THE IDENTIFICATION AND COMMUNICATION OF SUCH FEES BY THE COUNTY TO THE APPLICANT. NO IMPROVEMENT LOCATION PERMITS SHALL BE ISSUED UNLESS AND UNTIL SUCH FEES ARE PAID IN FULL AND FAILURE TO PAY SUCH FEES WILL BE GROUNDS TO DENY THE APPLICATION.

#### 1004.3. THE APPLICATION FOR VARIANCE FROM DEVELOPMENT STANDARDS.

A. CONTEMPORANEOUSLY WITH THE APPLICATION FOR A SPECIAL EXCEPTION, THE APPLICANT SHALL SUBMIT AN APPLICATION FOR VARIANCE FOR ANY VARIANCES FROM DEVELOPMENT STANDARDS UNDER ARTICLE 10 SOUGHT AS PART OF THE WECS PROJECT. A SINGLE APPLICATION FOR VARIANCE MAY BE SUBMITTED FOR ALL VARIANCES SOUGHT.

B. IN DETERMINING WHETHER TO APPROVE THE APPLICATION FOR VARIANCE, THE BZA SHALL DETERMINE WHETHER THE APPLICATION SATISFIES EACH OF THE FIVE (5) CRITERIA SET FORTH IN SEC. 503 OF THE ZONING ORDINANCE AND MAKE WRITTEN FINDINGS THEREOF.

C. THE FEE FOR ANY VARIANCES IS INCLUDED IN THE APPLICATION FEE.

#### 1004.4. THE APPLICATION FOR IMPROVEMENT LOCATION PERMIT.

A. THE APPLICANT SHALL APPLY TO THE EXECUTIVE DIRECTOR FOR AN IMPROVEMENT LOCATION PERMIT, AS DESCRIBED IN SEC. 403.1 OF THE ZONING ORDINANCE. IN ADDITION TO THE INFORMATION REQUIRED ON THE IMPROVEMENT

LOCATION PERMIT APPLICATION, THE APPLICANT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE EXECUTIVE DIRECTOR PRIOR TO THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT:

I. LOCATION OF ALL ABOVE-GROUND UTILITY LINES WITHIN A RADIUS EQUAL TO TWO (2) TIMES THE HEIGHT OF THE PROPOSED WECS.

II. LOCATION OF ALL UNDERGROUND UTILITY LINES ASSOCIATED WITH THE WECS SITE.

III. DIMENSIONAL REPRESENTATION OF THE STRUCTURAL COMPONENTS OF THE TOWER CONSTRUCTION INCLUDING THE BASE AND FOOTINGS.

IV. SCHEMATIC OF ELECTRICAL SYSTEMS ASSOCIATED WITH THE WECS INCLUDING ALL EXISTING AND PROPOSED ELECTRICAL CONNECTIONS.

V. MANUFACTURER'S SPECIFICATIONS AND INSTALLATION AND OPERATION INSTRUCTIONS OR SPECIFIC WECS DESIGN INFORMATION.

VI. CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER THAT THE TOWER DESIGN IS SUFFICIENT TO WITHSTAND WIND LOAD REQUIREMENTS FOR STRUCTURE AS DEFINED BY THE INTERNATIONAL CODE COUNCIL.

VII. ALL TURBINES SHALL BE NEW EQUIPMENT COMMERCIALY AVAILABLE.

VIII. NECESSARY RECORDED ACCESS EASEMENTS AND NECESSARY RECORDED UTILITY EASEMENTS, COPIES OF WHICH SHALL BE SUBMITTED TO THE EXECUTIVE DIRECTOR.

IX. A TRANSPORTATION PLAN SHOWING HOW VEHICLES WOULD ACCESS THE SITE AND DESCRIBING THE IMPACTS OF THE PROPOSED ENERGY PROJECT ON THE LOCAL AND REGIONAL ROAD SYSTEM DURING CONSTRUCTION AND OPERATION.

X. A REVEGETATION PLAN FOR RESTORING AREAS TEMPORARILY DISTURBED DURING CONSTRUCTION.

XI. A FIRE PROTECTION PLAN FOR CONSTRUCTION AND OPERATION OF THE FACILITY.

XII. ANY OTHER ITEM REASONABLY REQUESTED BY THE EXECUTIVE DIRECTOR.

B. A DRAINAGE PLAN FOR CONSTRUCTION AND OPERATION MUST BE DEVELOPED BY A PROFESSIONAL SURVEYOR, PROFESSIONAL ENGINEER OR REGISTERED LANDSCAPE ARCHITECT AND APPROVED BY THE BLACKFORD COUNTY DRAINAGE BOARD.

C. AN EROSION CONTROL PLAN MUST BE DEVELOPED BY A PROFESSIONAL SURVEYOR, PROFESSIONAL ENGINEER OR REGISTERED LANDSCAPE ARCHITECT IN CONSULTATION WITH THE BLACKFORD COUNTY SOIL AND WATER CONSERVATION DISTRICT.

D. EACH WECS TOWER SHALL REQUIRE AN IMPROVEMENT LOCATION PERMIT. THE FEE FOR EACH IMPROVEMENT LOCATION PERMIT SHALL BE ONE THOUSAND SEVEN HUNDRED DOLLARS (\$1,700.00) PER MEGAWATT (MW) CAPACITY, WHICH WILL BE PRORATED FOR FRACTIONAL MW CAPACITY.

## **1005. DESIGN AND INSTALLATION**

### **1005.1. DESIGN SAFETY CERTIFICATION.**

A. THE WECS SHALL CONFORM TO APPLICABLE INDUSTRY STANDARDS. APPLICANT SHALL SUBMIT CERTIFICATE(S) OF DESIGN COMPLIANCE THAT WIND TURBINE MANUFACTURERS HAVE OBTAINED FROM RECOGNIZED NATIONAL OR INTERNATIONAL THIRD-PARTY TESTING ORGANIZATIONS.

B. FOLLOWING THE GRANTING OF THE SPECIAL EXCEPTION BY THE BZA, A PROFESSIONAL ENGINEER SHALL CERTIFY, AS PART OF THE IMPROVEMENT LOCATION PERMIT APPLICATION THAT THE FOUNDATION AND TOWER DESIGN OF THE WECS IS WITHIN ACCEPTED PROFESSIONAL STANDARDS, GIVEN LOCAL SOIL AND CLIMATE CONDITIONS.

### **1005.2. CONTROLS AND BRAKES.**

THE WECS SHALL BE EQUIPPED WITH A REDUNDANT BRAKING SYSTEM. THIS INCLUDES BOTH AERODYNAMIC OVER SPEED CONTROLS (INCLUDING VARIABLE PITCH, TIP, AND OTHER SIMILAR SYSTEMS) AND MECHANICAL BRAKES. MECHANICAL BRAKES SHALL BE OPERATED IN A FAIL-SAFE MODE. STALL REGULATION SHALL NOT BE CONSIDERED A SUFFICIENT BRAKING SYSTEM FOR OVER SPEED PROTECTION.

### **1005.3. ELECTRICAL COMPONENTS.**

A. ALL ELECTRICAL COMPONENTS OF THE WECS SHALL CONFORM TO APPLICABLE LOCAL, STATE, AND NATIONAL CODES, AND RELEVANT NATIONAL AND INTERNATIONAL STANDARDS.

B. ALL WECS ELECTRICAL COLLECTION CABLES BETWEEN EACH WECS SHALL BE LOCATED UNDERGROUND UNLESS THEY ARE LOCATED ON PUBLIC OR UTILITY RIGHTS-OF-WAY OR WITH PRIOR COUNTY APPROVAL. ALL TRANSMISSION LINES THAT ARE BURIED SHOULD BE AT A DEPTH CONSISTENT WITH OR GREATER THAN LOCAL UTILITY AND TELECOMMUNICATION UNDERGROUND LINES STANDARDS OR AS NEGOTIATED WITH THE LANDOWNER OR THE LANDOWNER'S DESIGNEE UNTIL THE SAME REACH THE PROPERTY LINE OR A SUBSTATION ADJACENT TO THE PROPERTY LINE.

### **1005.4. COLOR.**

A. TOWERS AND BLADES SHALL BE PAINTED WHITE OR GRAY OR ANOTHER NONREFLECTIVE, UNOBTRUSIVE COLOR.

B. THE APPLICANT FOR THE WECS SHALL COMPLY WITH ALL APPLICABLE FEDERAL AVIATION ADMINISTRATION (FAA) REQUIREMENTS.

### **1005.5. WARNINGS.**

A. A REASONABLY VISIBLE WARNING SIGN CONCERNING VOLTAGE MUST BE PLACED AT THE BASE OF ALL PAD-MOUNTED TRANSFORMERS AND SUBSTATIONS.

B. VISIBLE, REFLECTIVE, COLORED OBJECTS, SUCH AS FLAGS, REFLECTORS, OR TAPE SHALL BE PLACED ON THE ANCHOR POINTS OF GUY WIRES AND ALONG THE GUY WIRES UP TO A HEIGHT OF NOT LESS THAN FIFTEEN (15) FEET FROM THE GROUND.

1005.6. CLIMB PREVENTION. ALL WECS TOWER DESIGNS MUST INCLUDE FEATURES TO DETER CLIMBING OR BE PROTECTED BY ANTI-CLIMBING DEVICES SUCH AS:

A. FENCES WITH LOCKING PORTALS AT LEAST SIX FEET HIGH;

B. ANTI-CLIMBING DEVICES FIFTEEN (15) FEET VERTICALLY FROM THE BASE OF THE WECS TOWER; AND

C. LOCKED WECS TOWER DOORS.

1005.7. BLADE CLEARANCE.

THE MINIMUM DISTANCE BETWEEN THE GROUND AND ANY PROTRUDING BLADE(S) UTILIZED ON A WECS SHALL BE FIFTEEN (15) FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES. THE MINIMUM DISTANCE SHALL BE INCREASED AS NECESSARY TO PROVIDE FOR VEHICLE CLEARANCE IN LOCATIONS WHERE OVER-SIZED VEHICLES MIGHT TRAVEL.

1005.8. NOISE AND VIBRATION.

A. AT NO POINT WITHIN TWO HUNDRED (200) FEET OF A PRIMARY RESIDENCE MAY THE SOUND PRESSURE LEVELS FROM A WIND TURBINE EXCEED THE FOLLOWING SOUND LEVELS.

OCTAVE BANDS IN HERTZ (HZ) PER ANSI	MAXIMUM PERMITTED SOUND LEVEL (IN DECIBELS) MEASURED 200 FEET FROM ANY PRIMARY RESIDENCE STRUCTURE
63	75
125	70
250	65
500	59
1000	53
2000	48
4000	44
8000	41

SOUND LEVELS SHALL BE MEASURED WITH AN OCTAVE BAND ANALYZER OR SOUND LEVEL METER AND ASSOCIATED FILTER MANUFACTURED IN COMPLIANCE WITH STANDARDS PRESCRIBED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI).

B. A FORMAL NOISE STUDY OR NOISE ANALYSIS SHALL NOT BE REQUIRED WITH THE APPLICATION FOR A SPECIAL EXCEPTION. NOTWITHSTANDING THE FOREGOING, THE EXECUTIVE DIRECTOR MAY REQUIRE A NOISE ANALYSIS FROM THE OWNER OR OPERATOR AT ITS EXPENSE FOLLOWING THE RECEIPT OF NOISE RELATED COMPLAINTS. IN THE EVENT THE EXECUTIVE DIRECTOR REQUEST SUCH A FORMAL NOISE STUDY OR NOISE ANALYSIS, THE OWNER OR OPERATOR SHALL PRODUCE THE SAME IN ACCORDANCE WITH THE STANDARDS SET FORTH ABOVE WITHIN SIXTY (60) DAYS.

1005.9. UTILITY INTERCONNECTION.

THE WECS SHALL BE INTERCONNECTED TO A PUBLIC ELECTRICAL UTILITY SYSTEM AND SHALL MEET THE REQUIREMENTS FOR INTERCONNECTION AND OPERATE AS SET FORTH IN THE ELECTRICAL UTILITY'S THEN-CURRENT SERVICE REGULATIONS APPLICABLE TO WECS.

1005.10. WASTE MANAGEMENT.

ALL SOLID WASTE WHETHER GENERATED FROM SUPPLIES, EQUIPMENT, PARTS, PACKAGING, OR OPERATION OR MAINTENANCE OF THE FACILITY, INCLUDING OLD PARTS AND EQUIPMENT, SHALL BE REMOVED FROM THE SITE IN A TIMELY MANNER CONSISTENT WITH INDUSTRY STANDARDS. ALL HAZARDOUS WASTE GENERATED BY THE OPERATION AND MAINTENANCE OF THE FACILITY, INCLUDING BUT NOT LIMITED TO LUBRICATING MATERIALS, SHALL BE HANDLED IN A MANNER CONSISTENT WITH ALL LOCAL, STATE AND FEDERAL RULES AND REGULATIONS.

1005.11. LIGHTING.

A. EXCEPT WITH RESPECT TO LIGHTING REQUIRED BY THE FAA ALL LIGHTING SHALL BE SHIELDED SO THAT NO GLARE EXTENDS BEYOND THE BOUNDARIES OF THE PROPERTY ON WHICH THE WECS IS SITED.

B. ANY WECS THEREOF DECLARED TO BE UNSAFE BY THE EXECUTIVE DIRECTOR BY REASON OF INADEQUATE MAINTENANCE, DILAPIDATION, OBSOLESCENCE, FIRE HAZARD, DISASTER, DAMAGE OR ABANDONMENT IS HEREBY DECLARED TO BE A PUBLIC NUISANCE AND SHALL BE ABATED BY REPAIR, REHABILITATION, DEMOLITION OR REMOVAL IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE COUNTY ORDINANCES GOVERNING THE REMOVAL OF NUISANCES. ANY VIOLATION OF THE TERMS OF THIS ARTICLE MAY BE ENFORCED BY THE COUNTY OR THE AREA PLAN COMMISSION UNDER ALL APPLICABLE LOCAL ORDINANCES AND STATE STATUTES.

1005.12. COMPLIANCE WITH ADDITIONAL REGULATIONS: NOTHING IN THIS SECTION IS INTENDED TO PREEMPT OTHER APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS.

**1006. SETBACKS**

1006.1. NO WECS SHALL BE CONSTRUCTED IN ANY SETBACK, DEDICATED PUBLIC EASEMENT OR DEDICATED PUBLIC RIGHT-OF-WAY WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE COUNTY COMMISSIONERS.

1006.2. INSTALLATION OF ANY WECS MAY NOT BE NEARER THAN THREE HUNDRED FIFTY (350) FEET OR ONE AND ONE-TENTH (1.1) TIMES THE HEIGHT OF THE WECS TOWER HEIGHT, WHICHEVER IS GREATER, TO ANY PROPERTY LINES, DEDICATED ROADWAY, RAILROAD RIGHT-OF-WAY OR OVERHEAD ELECTRICAL TRANSMISSION OR DISTRIBUTION LINES. DISTANCE SHALL BE MEASURED FROM THE CENTER OF THE FOUNDATION AT THE BASE OF THE TOWER. NEW STRUCTURES BUILT ADJACENT TO WIND POWER FACILITIES SHALL MAINTAIN THESE SAME MINIMUM SETBACK REQUIREMENTS.

1006.3. INDIVIDUAL TURBINES SHALL BE SET BACK ONE THOUSAND (1,000) FEET OR MORE FROM ANY EXISTING OR OCCUPIED RESIDENCE AND SHALL BE SETBACK FROM A PROPERTY LINE ONE AND ONE-TENTH (1.1) TIMES THE HEIGHT OF THE TURBINE WITH THE BLADE TIP AT ITS HIGHEST POINT. DISTANCE SHALL BE MEASURED AT THE TIME OF APPLICATION FOR IMPROVEMENT LOCATION PERMIT FROM THE CENTER OF THE FOUNDATION AT THE BASE OF THE TOWER. IN THE CASE OF A WECS PROJECT, CROSSING OVER A PROPERTY LINE, NO SETBACKS ARE REQUIRED ON THE CONTIGUOUS PORTIONS OF THAT WECS. SETBACKS STILL APPLY TO RIGHT OF WAYS AND EXISTING RESIDENCE, CHURCH OR SCHOOL IN THIS CASE.

1006.4. THE SETBACK DISTANCE FOR THE WECS WILL BE FIFTEEN HUNDRED (1500) FEET FROM ANY MUNICIPALITY. DISTANCE SHALL BE MEASURED FROM THE CENTER OF THE FOUNDATION AT THE BASE OF THE WECS TO THE CLOSEST CORPORATE LIMIT BOUNDARY LINE.

**1007. USE OF ROADS/SERVICES** AN APPLICANT, OWNER OR OPERATOR PROPOSING TO USE ANY BLACKFORD COUNTY ROAD(S), FOR THE PURPOSE OF TRANSPORTING WECS OR SUBSTATION PARTS AND/OR EQUIPMENT FOR CONSTRUCTION, OPERATION, MAINTENANCE OR DECOMMISSIONING OF THE WECS(S) OR SUBSTATION(S), SHALL PRIOR TO CONSTRUCTION OR DECOMMISSIONING:

1007.1. IDENTIFY ALL SUCH PUBLIC ROADS AND SERVICES;

A. ROADS.

I. ANY PROPOSED ROUTES THAT WILL BE USED FOR CONSTRUCTION AND MAINTENANCE PURPOSES SHALL BE IDENTIFIED. IF THE ROUTE INCLUDES A PUBLIC ROAD, IT MUST BE APPROVED BY THE BLACKFORD COUNTY COMMISSIONERS. THE COMMISSIONERS SHALL ORDER A PRE-CONSTRUCTION BASELINE SURVEY TO DETERMINE EXISTING ROAD CONDITIONS FOR ASSESSING POTENTIAL FUTURE DAMAGE.

II. ANY ROAD DAMAGE CAUSED BY THE CONSTRUCTION OF THE WECS PROJECT EQUIPMENT, THE INSTALLATION OF SAME, OR THE REMOVAL OF SAME, MUST BE REPAIRED TO THE SATISFACTION OF THE BLACKFORD COUNTY COMMISSIONERS. THE COMMISSIONERS MAY CHOOSE TO REQUIRE EITHER REMEDIATION OF ROAD REPAIR UPON COMPLETION OF THE PROJECT OR ARE AUTHORIZED TO COLLECT FEES FOR OVERSIZED LOAD PERMITS. FURTHER, A CORPORATE SURETY BOND IN AN



AMOUNT TO BE FIXED BY A PROFESSIONAL ENGINEER MAY BE REQUIRED BY THE COMMISSIONERS TO ENSURE THE COUNTY THAT FUTURE REPAIRS ARE COMPLETED TO THE SATISFACTION OF THE COMMISSIONERS. THE COST OF BONDING IS TO BE PAID BY THE APPLICANT, OWNER OR OPERATOR.

III. NEWLY CONSTRUCTED WECS ACCESS ROADS MAY NOT IMPEDE THE FLOW OF WATER.

B. DUST CONTROL. REASONABLE DUST CONTROL MEASURES WILL BE REQUIRED BY THE COUNTY DURING CONSTRUCTION OF THE WECS.

C. SEWER AND WATER. ANY FACILITY SHALL COMPLY WITH EXISTING SEPTIC AND WELL REGULATION AS REQUIRED BY THE BLACKFORD COUNTY HEALTH DEPARTMENT AND THE STATE OF INDIANA DEPARTMENT OF PUBLIC HEALTH.

D. DRAINAGE REPAIR. ALL DAMAGES TO WATERWAYS, DRAINAGE DITCHES, FIELD TILES, OR ANY OTHER INFRASTRUCTURES CAUSED BY THE CONSTRUCTION OR MAINTENANCE OF THE WECS, MUST BE COMPLETELY REPAIRED TO NEAR ORIGINAL CONDITION, SO AS NOT TO IMPEDE THE NATURAL FLOW OF WATER. ALL REPAIRS MUST BE COMPLETED WITHIN A REASONABLE AMOUNT OF TIME.

## **1008. OPERATION**

### 1008.1. MAINTENANCE / INSPECTION.

A. THE OWNER OR OPERATOR OF THE WECS MUST SUBMIT, ON AN ANNUAL BASIS, A SUMMARY OF THE OPERATION AND MAINTENANCE REPORTS TO THE EXECUTIVE DIRECTOR. IN ADDITION TO THE ABOVE ANNUAL SUMMARY, THE OWNER OR OPERATOR MUST FURNISH SUCH OPERATION AND MAINTENANCE REPORTS AS THE EXECUTIVE DIRECTOR REASONABLY REQUESTS.

B. ANY PHYSICAL MODIFICATION TO THE WECS THAT ALTERS THE MECHANICAL LOAD, MECHANICAL LOAD PATH, OR MAJOR ELECTRICAL COMPONENTS SHALL REQUIRE RE-CERTIFICATION. LIKE-KIND REPLACEMENTS SHALL NOT REQUIRE RECERTIFICATION. PRIOR TO MAKING ANY PHYSICAL MODIFICATION (OTHER THAN A LIKE-KIND REPLACEMENT), THE OWNER OR OPERATOR SHALL CONFER WITH THE EXECUTIVE DIRECTOR TO DETERMINE WHETHER THE PHYSICAL MODIFICATION REQUIRES RE-CERTIFICATION.

C. THE EXECUTIVE DIRECTOR, ALONG WITH LICENSED THIRD-PARTY PROFESSIONALS RETAINED BY THE COUNTY FOR THE SPECIFIC PURPOSE OF CONDUCTING INSPECTIONS OF THE WECS SHALL HAVE THE RIGHT, AT ANY REASONABLE TIME AND WITH SUFFICIENT PRIOR NOTICE, TO ACCOMPANY THE OWNER OR OPERATOR, OR ITS AGENT, ON THE PREMISES WHERE A WECS HAS BEEN CONSTRUCTED, TO INSPECT ALL PARTS OF SAID WECS INSTALLATION AND TO REQUIRE THAT REPAIRS OR ALTERATIONS BE MADE. THE OWNER OR OPERATOR OF A WECS MAY RETAIN A LICENSED THIRD PARTY PROFESSIONAL ENGINEER FAMILIAR WITH WECS SYSTEMS TO PREPARE AND SUBMIT TO THE EXECUTIVE DIRECTOR A WRITTEN REPORT WHICH ADDRESSES THE REPAIRS OR ALTERATIONS REQUESTED, AND WHICH SUGGESTS ALTERNATE METHODS FOR ADDRESSING THE CONCERNS OR PROVIDES EVIDENCE THAT SAID REPAIRS OR ALTERATIONS ARE UNNECESSARY, WITHIN THIRTY (30) DAYS AFTER

RECEIVING NOTICE FROM THE EXECUTIVE DIRECTOR THAT REPAIRS OR ALTERATIONS ARE REQUESTED, OR WITHIN A LONGER PERIOD OF TIME MUTUALLY ACCEPTABLE TO BOTH PARTIES. THE EXECUTIVE DIRECTOR WILL CONSIDER ANY SUCH WRITTEN REPORT AND DETERMINE WHETHER THE REPAIRS OR ALTERATIONS SHOULD BE MADE AS ORIGINALLY REQUESTED OR AS SUGGESTED IN THE WRITTEN REPORT. IN THE EVENT OF A DISPUTE BETWEEN THE EXECUTIVE DIRECTOR AND THE OWNER OR OPERATOR, OR A THIRD-PARTY PROFESSIONAL ENGINEER RETAINED BY THEM, AS TO THE REPAIRS OR ALTERATIONS WHICH ARE REQUIRED, THE DECISION OF THE EXECUTIVE DIRECTOR SHALL BE FINAL.

D. INSPECTIONS, AT A FEE TO BE DETERMINED FROM TIME TO TIME BY THE COMMISSION AND PAID BY THE APPLICANT, MAY BE MADE BY THE EXECUTIVE DIRECTOR, OR BY A QUALIFIED INSPECTOR FOR EQUIPMENT OF THIS TYPE SELECTED BY THE EXECUTIVE DIRECTOR, NO MORE THAN ONCE ANNUALLY TO CERTIFY THE SAFETY AND MAINTENANCE OF THE WECS AND ACCESSORY STRUCTURES.

1008.2. INTERFERENCE. IF, AFTER CONSTRUCTION OF THE WECS, THE OWNER OR OPERATOR RECEIVES A WRITTEN COMPLAINT RELATED TO INTERFERENCE WITH LOCAL BROADCAST RESIDENTIAL TELEVISION, TELECOMMUNICATION, COMMUNICATION OR MICROWAVE TRANSMISSIONS, THE OWNER OR OPERATOR SHALL TAKE REASONABLE STEPS TO RESOLVE THE COMPLAINT.

1008.3. COORDINATION WITH LOCAL FIRE DEPARTMENT.

A. THE APPLICANT, OWNER OR OPERATOR SHALL SUBMIT TO THE LOCAL FIRE DEPARTMENT(S) A COPY OF THE SITE PLAN.

B. UPON REQUEST BY THE LOCAL FIRE DEPARTMENT(S), THE OWNER OR OPERATOR SHALL COOPERATE WITH THE LOCAL FIRE DEPARTMENT(S) TO DEVELOP THE FIRE DEPARTMENTS' EMERGENCY RESPONSE PLAN.

C. NOTHING IN THIS SECTION SHALL ALLEVIATE THE NEED TO COMPLY WITH ALL OTHER APPLICABLE FIRE LAWS AND REGULATIONS.

1008.4. MATERIALS HANDLING, STORAGE AND DISPOSAL.

A. ALL SOLID WASTES RELATED TO THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE WECS SHALL BE REMOVED FROM THE SITE PROMPTLY AND DISPOSED OF IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL LAWS.

B. ALL HAZARDOUS MATERIALS OR WASTE RELATED TO THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE WECS SHALL BE HANDLED, STORED, TRANSPORTED AND DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS.

### **1009. LIABILITY INSURANCE**

THE OWNER OR OPERATOR OF THE WECS(S) SHALL MAINTAIN A CURRENT GENERAL LIABILITY POLICY COVERING BODILY INJURY AND PROPERTY DAMAGE AND NAME BLACKFORD COUNTY AS AN ADDITIONAL INSURED WITH LIMITS OF AT LEAST TWO MILLION DOLLARS (\$2,000,000) PER OCCURRENCE AND FIVE MILLION DOLLARS

(\$5,000,000) IN THE AGGREGATE WITH A DEDUCTIBLE OF NO MORE THAN FIVE THOUSAND DOLLARS (\$5,000).

#### **1010. DECOMMISSIONING PLAN**

PRIOR TO RECEIVING SITING APPROVAL UNDER THIS SECTION, THE COUNTY AND THE APPLICANT, OWNER, AND/OR OPERATOR MUST FORMULATE A DECOMMISSIONING PLAN TO ENSURE THAT THE WECS PROJECT IS PROPERLY DECOMMISSIONED. THE DECOMMISSIONING PLAN SHALL INCLUDE:

A. ASSURANCE THAT THE FACILITIES ARE PROPERLY DECOMMISSIONED UPON THE END OF THE PROJECT LIFE OR FACILITY ABANDONMENT. APPLICANT'S OBLIGATIONS WITH RESPECT TO DECOMMISSIONING SHALL INCLUDE REMOVAL OF ALL PHYSICAL MATERIAL PERTAINING TO THE PROJECT IMPROVEMENTS TO A DEPTH OF FORTY-EIGHT INCHES (48") BENEATH THE SOIL SURFACE, AND RESTORATION OF THE AREA OCCUPIED BY THE PROJECT IMPROVEMENTS TO AS NEAR AS PRACTICABLE TO THE SAME CONDITION THAT EXISTED IMMEDIATELY BEFORE CONSTRUCTION OF SUCH IMPROVEMENTS. PRIOR TO ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT, THE APPLICANT SHALL PROVIDE A CONTRACTOR COST ESTIMATE FOR DEMOLITION AND REMOVAL OF THE WECS FACILITY AND WILL PROVIDE FINANCIAL ASSURANCE IN AN AMOUNT AT LEAST EQUAL TO SAID DEMOLITION AND REMOVAL CONTRACTOR COST ESTIMATE, THROUGH THE USE OF A BOND, LETTER OF CREDIT OR OTHER SECURITY ACCEPTABLE TO THE COUNTY, FOR THE COST OF DECOMMISSIONING EACH TOWER TO BE CONSTRUCTED UNDER THAT IMPROVEMENT LOCATION PERMIT, WHICH SECURITY SHALL BE RELEASED WHEN SUCH TOWER IS PROPERLY DECOMMISSIONED AS DETERMINED BY THE EXECUTIVE DIRECTOR. IN THE EVENT OF ABANDONMENT BY THE OWNER OR OPERATOR, THE APPLICANT WILL PROVIDE AN AFFIDAVIT TO THE EXECUTIVE DIRECTOR REPRESENTING THAT ALL EASEMENTS FOR WIND TURBINES SHALL CONTAIN TERMS THAT PROVIDE FINANCIAL ASSURANCE, INCLUDING ACCESS TO THE SALVAGE VALUE OF THE EQUIPMENT, FOR THE PROPERTY OWNERS TO ENSURE THAT FACILITIES ARE PROPERLY DECOMMISSIONED WITHIN TWELVE (12) MONTHS OF EXPIRATION OR EARLIER TERMINATION OF THE PROJECT.

B. THE APPLICANT'S, OWNER'S, OR OPERATOR'S FAILURE TO MATERIALLY COMPLY WITH ANY OF THE ABOVE PROVISIONS SHALL CONSTITUTE A DEFAULT UNDER THIS ARTICLE.

C. PRIOR TO IMPLEMENTATION OF THE EXISTING COUNTY PROCEDURES FOR THE RESOLUTION OF SUCH DEFAULT(S), THE COUNTY COMMISSIONERS OR THE BZA SHALL FIRST PROVIDE WRITTEN NOTICE TO THE OWNER AND OPERATOR, SETTING FORTH THE ALLEGED DEFAULT(S). SUCH WRITTEN NOTICE SHALL PROVIDE THE OWNER AND OPERATOR A REASONABLE TIME PERIOD, NOT TO EXCEED SIXTY (60) DAYS, FOR GOOD FAITH NEGOTIATIONS TO RESOLVE THE ALLEGED DEFAULT(S).

D. IF THE COUNTY DETERMINES IN ITS DISCRETION, THAT THE PARTIES CANNOT RESOLVE THE ALLEGED DEFAULT(S) WITHIN THE GOOD FAITH NEGOTIATION PERIOD, THE LOCAL ORDINANCE OR STATE STATUTE PROVISIONS RELATING TO PUBLIC NUISANCES OR VIOLATION OF LOCAL ORDINANCES SHALL GOVERN.

**1011.WAIVERS** REQUIREMENTS OF THIS ARTICLE MAY BY WAIVED BY THE COUNTY COMMISSIONERS UPON APPLICATION BY THE OWNER OR OPERATOR AND AFTER PUBLIC HEARINGS BEFORE, AND WITH THE RECOMMENDATION OF, THE BZA.

**ARTICLE 11 - COMMERCIAL SOLAR ENERGY CONVERSION SYSTEMS (CSECS)**

**1101. PURPOSE**

THIS ARTICLE 11 IS ADOPTED FOR THE FOLLOWING PURPOSES:

- A. TO ASSURE THAT ANY DEVELOPMENT AND PRODUCTION OF SOLAR-GENERATED ELECTRICITY IN BLACKFORD COUNTY IS SAFE AND EFFECTIVE;
- B. TO FACILITATE ECONOMIC OPPORTUNITIES FOR LOCAL RESIDENTS;
- C. TO PROVIDE A REGULATORY SCHEME FOR THE CONSTRUCTION AND OPERATION OF COMMERCIAL SOLAR ENERGY SYSTEMS IN THE COUNTY, SUBJECT TO REASONABLE RESTRICTIONS, THIS WILL PRESERVE THE PUBLIC HEALTH AND SAFETY.

**1102. DEFINITIONS APPLICABLE TO ARTICLE 11**

1102.01 **APPLICANT:** MEANS THE ENTITY OR PERSON WHO SUBMITS TO THE EXECUTIVE DIRECTOR OF PLANNING AND ZONING, PURSUANT TO SEC. 1104, AN APPLICATION FOR THE SITING OF ANY CSECS OR SUBSTATION.

1102.02 **AREA PLAN COMMISSION (APC):** REFERS TO THE BLACKFORD COUNTY AREA PLAN COMMISSION

1102.03 **BOARD OF ZONING APPEALS (BZA):** REFERS TO THE BLACKFORD COUNTY BOARD OF ZONING APPEALS

1102.04 **COLLECTOR:** ANY POWER LINE THAT CARRIES ELECTRICAL POWER FROM ONE OR MORE SOLAR PANELS OR TRANSFORMERS OR CONVERTERS ASSOCIATED WITH THE SOLAR PANELS TO THE POINT OF INTERCONNECTION WITH THE ELECTRICAL POWER GRID, IN THE CASE OF INTERCONNECTION WITH THE HIGH VOLTAGE TRANSMISSION SYSTEMS THE POINT OF INTERCONNECTION SHALL BE THE SUBSTATION SERVING THE PROJECT.

1102.05 **COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM (CSECS):** THE GENERATING EQUIPMENT AND ALL ANCILLARY EQUIPMENT USED IN THE PRODUCTION OF ELECTRICAL ENERGY FROM SOLAR RESOURCES.

1102.06 **CSECS PROJECT:** MEANS THE COLLECTION OF SCECS' AND SUBSTATIONS AS SPECIFIED IN THE APPLICATION FOR SPECIAL EXCEPTION PURSUANT TO SEC 1104

**1102.07 ECONOMIC DEVELOPMENT AGREEMENT:** AN AGREEMENT BETWEEN THE APPLICANT, OWNER AND/OR OPERATOR AND THE COUNTY SETTING FORTH THE APPLICANT, OWNER AND/OR OPERATOR'S FINANCIAL COMMITMENT TO SUPPORT ECONOMIC DEVELOPMENT AND/OR PROVIDE OTHER FINANCIAL ASSISTANCE IN THE COUNTY.

**1102.08 FINANCIAL ASSURANCE:** MEANS REASONABLE ASSURANCE FROM A CREDITWORTHY PARTY, EXAMPLES OF WHICH INCLUDE A SURETY BOND, TRUST INSTRUMENT, CAS ESCROW OR IRREVOCABLE LETTER OF CREDIT OR COMBINATIONS THEREOF.

**1102.09 NOXIOUS WEEDS:** IN THIS ARTICLE, REFERS TO THE CURRENT LIST OF NOXIOUS WEEDS, PER THE DEPARTMENT OF NATURAL RESOURCES

**1102.10 OPERATOR:** MEANS THE ENTITY RESPONSIBLE FOR THE DAY-TO-DAY OPERATION AND MAINTENANCE OF THE CSECS, INCLUDING ANY THIRD-PARTY CONTRACTORS

**1102.11 OWNER** THE TERM 'OWNER' WHEN USED IN CONNECTION WITH OR IN RESPECT OF A PROJECT SHALL MEAN ANY PERSON OR ENTITY AND HIS, HER OR IT'S ASSIGNS AND SUCCESSORS IN INTEREST WHICH HAS ANY OWNERSHIP INTEREST IN ANY OR ALL OF THE NECESSARY DEVICES TO CONVERT WIND ENERGY OR SOLAR ENERGY INTO ELECTRICITY. THE TERM 'OWNER' DOES NOT INCLUDE ANY PERSON OR ENTITY WHOSE OWNERSHIP INTEREST IN THE CSECS IS LIMITED TO AN INTEREST IN REAL PROPERTY WHICH IS USED IN A CSECS

**1102.12 PRIMARY STRUCTURE:** MEANS, FOR EACH PROPERTY, THE STRUCTURE THAT ONE (1) OR MORE PERSONS OCCUPY THE MAJORITY OF THE TIME ON THAT PROPERTY FOR EITHER BUSINESS OR PERSONAL REASONS. PRIMARY STRUCTURE INCLUDES STRUCTURES SUCH AS RESIDENCES, COMMERCIAL BUILDINGS, HOSPITALS AND DAY CARE FACILITIES. PRIMARY STRUCTURE EXCLUDES STRUCTURES SUCH AS HUNTING SHEDS, STORAGE SHEDS, POOL HOUSES, UNATTACHED GARAGES AND BARN

**1102.13 PROFESSIONAL SURVEYOR, PROFESSIONAL ENGINEER, REGISTERED LANDSCAPE ARCHITECT:** MEANS A QUALIFIED INDIVIDUAL WHO IS LICENSED OR REGISTERED AS A SURVEYOR, ENGINEER OR LANDSCAPE ARCHITECT IN ANY STATE IN THE UNITED STATES

**1102.14 SUBSTATION:** MEANS THE APPARATUS THAT CONNECTS THE ELECTRICAL COLLECTION SYSTEM OF THE CSECS AND INCREASES THE VOLTAGE FOR CONNECTION WITH THE UTILITY'S TRANSMISSION LINE

**1102.14 SWITCHING STATION:** SHALL BE AN APPARATUS/STRUCTURE IN THE SYSTEM SIMILAR TO A SUBSTATION BUT NOT NECESSARILY INCREASING VOLTAGE INTO THE GRID.

### **1103. APPLICABILITY**

CSECS MAY BE SITED AND OPERATED ONLY AS A SPECIAL EXCEPTION IN THE A-1 AGRICULTURE DISTRICT IN UNINCORPORATED AREAS OF BLACKFORD COUNTY OR IN AN I-1 OR I-2 INDUSTRIAL DISTRICT IN UNINCORPORATED AREAS.

#### **1103.1. PROHIBITION**

NO ENTITY SHALL CONSTRUCT OR OPERATE A COMMERCIAL SOLAR ENERGY CONVERSION SYSTEMS (CSECS) WITHOUT HAVING FULLY COMPLIED WITH ALL PROVISIONS OF THIS ORDINANCE.

### **1104. APPLICATION REQUIREMENTS**

#### **1104.1. PRIOR TO THE CONSTRUCTION OF A CSECS, THE APPLICANT SHALL OBTAIN APPROVAL FOR THE FOLLOWING:**

- A. AN APPLICATION FOR A SPECIAL EXCEPTION FROM THE EXECUTIVE DIRECTOR TO PERMIT A CSECS IN THE A-1 AGRICULTURE DISTRICT OR THE I-1 OR I-2 INDUSTRIAL DISTRICT IN UNINCORPORATED AREAS.
- B. A REQUEST FOR VARIANCE FOR ANY VARIANCES ANTICIPATED ON THE CSECS PROJECT, AND
- C. AN IMPROVEMENT LOCATION PERMIT FROM THE EXECUTIVE DIRECTOR OF BLACKFORD COUNTY AREA PLANNING AND ZONING (EXECUTIVE DIRECTOR), AS DESCRIBED BELOW AND IN SEC. 402 OF THIS ORDINANCE.

#### **1104.2. THE APPLICATION FOR A SPECIAL EXCEPTION**

- A. THE APPLICATION SHALL BE FILED WITH THE EXECUTIVE DIRECTOR OF BLACKFORD COUNTY PLANNING AND ZONING AND INCLUDE A CSECS PROJECT SUMMARY, INCLUDING:
  - I. A GENERAL DESCRIPTION OF THE PROJECT, INCLUDING ITS APPROXIMATE NAME PLATE GENERATING CAPACITY; THE POTENTIAL EQUIPMENT MANUFACTURER(S), TYPE(S) OF CSECS (S), NUMBER OF CSECS (S), AND GENERATING CAPACITY OF EACH CSECS; THE GENERAL LOCATION OF THE PROJECT; AND (2) A DESCRIPTION OF THE APPLICANT, OWNER, AND OPERATOR, INCLUDING THEIR RESPECTIVE BUSINESS STRUCTURES.
  - II. THE NAME(S), ADDRESS(ES), AND PHONE NUMBER(S) OF THE APPLICANT(S), OWNER AND OPERATOR, AND ALL PROPERTY OWNER(S) WITH CSECS ON THEIR PROPERTIES, IF KNOWN. WRITTEN CONSENT TO

THE FILING OF THE APPLICATION BY ALL SUCH PROPERTY OWNERS SHALL BE FILED WITH THE APPLICATION.

- III. A TOPOGRAPHIC MAP OF THE PROJECT SITE AND THE SURROUNDING AREA WHICH SHALL ENCOMPASS AN AREA AT LEAST A QUARTER (1/4) MILE RADIUS FROM THE PROPOSED PROJECT SITE.
- IV. DEVELOPER MUST PROVIDE PLANS FOR THE PROJECT TO THE AREA PLANNING AND ZONING OFFICE AT THE TIME OF APPLICATION FOR SPECIAL EXCEPTION HEARING. THOSE PLANS SHOULD INCLUDE A SITE PLAN. THE SITE PLAN SHOULD BE TO SCALE AND MUST INCLUDE SETBACKS AND PLAN FOR FENCING AND LANDSCAPING. IT MUST INCLUDE INFORMATION ON THE EQUIPMENT USED FOR THE PROJECT. IT MUST INCLUDE INFORMATION ON COLLECTION AND DISTRIBUTION OF ENERGY. EQUIPMENT MUST BE NEW AND MUST BE APPROVED FOR USE IN THE UNITED STATES. APPROVAL FROM STATE SHOULD BE INCLUDED. APPROVAL FROM THE COUNTY SURVEYOR/DRAINAGE BOARD MUST BE INCLUDED. IF DEVELOPER IS LEASING THE LAND, DEVELOPER MUST PROVIDE THE LEASE AGREEMENT (CAN REDACT DOLLAR AMOUNTS) BETWEEN THEMSELVES AND PROPERTY OWNER AND THE LEASE MUST BE FOR THE EXPECTED LIFE OF THE CSECS. IT MUST ADDRESS THE DECOMMISSIONING PLAN AND THE INSURANCE ON THE PROPERTY. THE CSECS MUST MEET ALL PREVIOUSLY SET CRITERIA FOR ANY SPECIAL EXCEPTION, AS PER ARTICLE 5, SECTION 504 OF THE BLACKFORD COUNTY ZONING ORDINANCE.
- V. LOCATION OF ALL UNDERGROUND UTILITY LINES ASSOCIATED WITH THE CSECS SITE.

B. IN DETERMINING WHETHER TO APPROVE THE APPLICATION FOR SPECIAL EXCEPTION, THE BZA SHALL DETERMINE WHETHER THE APPLICATION SATISFIES ALL OF THE FOLLOWING CRITERIA AND SHALL MAKE WRITTEN FINDINGS WITH RESPECT THERETO.

- I THE CSECS COMPLIES WITH ALL REQUIREMENTS OF THIS ARTICLE 11, SUBJECT TO ANY VARIANCES GRANTED BY THE BZA.
- II. THE CSECS WILL NOT UNREASONABLY INTERFERE WITH THE ORDERLY LAND USE AND DEVELOPMENT PLANS OF BLACKFORD COUNTY.
- III. THE CSECS WILL BENEFIT THE PUBLIC BEYOND ANY BURDENS.
- IV. THE CSECS WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH AND SAFETY
- V. THE CSECS WILL NOT BE HAZARDOUS OR HARMFUL TO THE ENVIRONMENT OF THE AREA WHERE IT IS LOCATED OR THE COUNTY.



- C. THE SPECIAL EXCEPTION GRANTED BY THE BZA FOR A CSECS PROJECT SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR, AFTER WHICH THE CONDITIONAL USE SHALL TERMINATE AND BE OF NO FURTHER FORCE OR EFFECT IF CONSTRUCTION IN EARNEST OF THE APPROVED CSECS HAS NOT COMMENCED. THE APPLICANT SHALL BE GRANTED A ONE (1) YEAR EXTENSION TO TWO (2) YEARS FROM THE DATE OF THE BZA APPROVAL IF THE APPLICANT PRESENTS ITS REQUEST FOR AN EXTENSION TO THE BZA AND PROVIDES A REPORT TO THE BZA WHICH SHOWS THE PROGRESS MADE ON THE CSECS PROJECT.
  
- D. THE INITIAL FEE FOR THE APPLICATION FOR A SPECIAL EXCEPTION SHALL BE ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) AND SHALL BE PAYABLE AT THE TIME OF SUBMISSION OF THE APPLICATION. ADDITIONAL FEES MAY BE CHARGED TO OFFSET COSTS ASSOCIATED WITH THE REVIEW, ANALYSIS AND REPORTING BY COUNTY AGENCIES AND/OR PROFESSIONAL CONSULTANTS RETAINED BY THE COUNTY TO EVALUATE THE APPLICATION. ANY ADDITIONAL APPLICATION FEES SHALL BE DUE AND PAYABLE WITHIN THIRTY (30) DAYS FOLLOWING THE IDENTIFICATION AND COMMUNICATION OF SUCH FEES BY THE COUNTY TO THE APPLICANT. NO IMPROVEMENT LOCATION PERMITS SHALL BE ISSUED UNLESS AND UNTIL SUCH FEES ARE PAID IN FULL AND FAILURE TO PAY SUCH FEES WILL BE GROUNDS TO DENY THE APPLICATION.

**1104.3. THE APPLICATION FOR VARIANCE FROM DEVELOPMENT STANDARDS**

- A. CONTEMPORANEOUSLY WITH THE APPLICATION FOR A SPECIAL EXCEPTION, THE APPLICANT SHALL SUBMIT AN APPLICATION FOR VARIANCE FOR ANY VARIANCES FROM DEVELOPMENT STANDARDS UNDER ARTICLE 11 SOUGHT AS PART OF THE CSECS PROJECT. A SINGLE APPLICATION FOR VARIANCE MAY BE SUBMITTED FOR ALL VARIANCES SOUGHT.
  
- B. IN DETERMINING WHETHER TO APPROVE THE APPLICATION FOR VARIANCE, THE BZA SHALL DETERMINE WHETHER THE APPLICATION SATISFIES EACH OF THE FIVE (5) CRITERIA SET FORTH IN SEC. 503 OF THE ZONING ORDINANCE AND MAKE WRITTEN FINDINGS THEREOF.
  
- C. THE FEE FOR ANY VARIANCES IS INCLUDED IN THE APPLICATION FEE.

**1104.4. THE APPLICATION FOR IMPROVEMENT LOCATION PERMIT**

- A. THE APPLICANT SHALL APPLY TO THE EXECUTIVE DIRECTOR FOR AN IMPROVEMENT LOCATION PERMIT, AS DESCRIBED IN SEC. 403.1 OF THE ZONING ORDINANCE. IN ADDITION TO THE INFORMATION REQUIRED ON THE IMPROVEMENT LOCATION PERMIT APPLICATION, THE APPLICANT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE EXECUTIVE DIRECTOR PRIOR TO THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT:

- I. LOCATION OF ALL ABOVE-GROUND UTILITY LINES WITHIN THE CSECS.
  - II. DIMENSIONAL REPRESENTATION OF THE STRUCTURAL COMPONENTS OF THE CSECS CONSTRUCTION INCLUDING THE BASE AND FOOTINGS.
  - III. SCHEMATIC OF ELECTRICAL SYSTEMS ASSOCIATED WITH THE CSECS INCLUDING ALL EXISTING AND PROPOSED ELECTRICAL CONNECTIONS.
  - IV. MANUFACTURER'S SPECIFICATIONS AND INSTALLATION AND OPERATION INSTRUCTIONS OR SPECIFIC CSECS DESIGN INFORMATION.
  - V. NECESSARY RECORDED ACCESS EASEMENTS AND NECESSARY RECORDED UTILITY EASEMENTS, COPIES OF WHICH SHALL BE SUBMITTED TO THE EXECUTIVE DIRECTOR.
  - VI. A TRANSPORTATION PLAN SHOWING HOW VEHICLES WOULD ACCESS THE SITE AND DESCRIBING THE IMPACTS OF THE PROPOSED ENERGY PROJECT ON THE LOCAL AND REGIONAL ROAD SYSTEM DURING CONSTRUCTION AND OPERATION.
  - VII. A REVEGETATION PLAN FOR RESTORING AREAS TEMPORARILY DISTURBED DURING CONSTRUCTION.
  - VIII. A FIRE PROTECTION PLAN FOR CONSTRUCTION AND OPERATION OF THE FACILITY.
  - IX. ANY OTHER ITEM REASONABLY REQUESTED BY THE EXECUTIVE DIRECTOR.
- B. A DRAINAGE PLAN FOR CONSTRUCTION AND OPERATION MUST BE DEVELOPED BY A PROFESSIONAL SURVEYOR, PROFESSIONAL ENGINEER OR REGISTERED LANDSCAPE ARCHITECT AND APPROVED BY THE BLACKFORD COUNTY DRAINAGE BOARD.
  - C. AN EROSION CONTROL PLAN MUST BE DEVELOPED BY A PROFESSIONAL SURVEYOR, PROFESSIONAL ENGINEER, OR REGISTERED LANDSCAPE ARCHITECT IN CONSULTATION WITH THE BLACKFORD COUNTY SOIL AND WATER CONSERVATION DISTRICT.
  - D. EACH CSECS SHALL REQUIRE AN IMPROVEMENT LOCATION PERMIT. THE FEE FOR THE IMPROVEMENT LOCATION PERMIT FOR A SOLAR FARM OF TEN (10) TO NINETEEN (19) ACRES IS TWO THOUSAND DOLLARS (\$2,000.00) AND THE FEE FOR A SOLAR FARM OF TWENTY (20) ACRES OR MORE IS FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00).

## **1105 DESIGN AND INSTALLATION**

### **1105.1. MINIMUM ACREAGE**

THE MINIMUM ACREAGE FOR A CSECS IS TEN (10) ACRES.

### **1105.2. SETBACKS**

SETBACKS OF FIFTY (50) FEET FROM ANY PROPERTY LINE OR RIGHT OF WAY ARE REQUIRED. SETBACKS FROM THE NEAREST EXISTING RESIDENCE, CHURCH OR SCHOOL MUST BE THREE HUNDRED (300) FEET, MEASURED FROM THE STRUCTURE. IF THE RESIDENCE BELONGS TO THE PROPERTY OWNER OF THE CSECS LAND, THE 300 FEET SETBACK DOES NOT APPLY.

IN THE CASE OF A CSECS PROJECT, CROSSING OVER A PROPERTY LINE, NO SETBACKS ARE REQUIRED ON THE CONTIGUOUS PORTIONS OF THAT CSECS. SETBACKS STILL APPLY TO RIGHT OF WAYS AND EXISTING RESIDENCE, CHURCH OR SCHOOL IN THIS CASE.

### **1105.3. PERIMETER FENCING**

THE CSECS MUST HAVE PERIMETER FENCING AT A HEIGHT OF AT LEAST SIX (6) FEET AND FOLIAGE MUST BE PLANTED OF A TYPE THAT WILL BE SIX (6) TO TEN (10) FEET HIGH WITHIN TWO (2) YEARS OF INITIAL PLANTING, PLANTED AT INTERVALS OF NO LESS THAN TEN (10) FOOT GAPS ALONG FRONTAGE SIDES AND ALONG SIDES WHERE THERE IS A HOUSE WITHIN FIVE HUNDRED (500) FEET OR A PUBLIC ROAD.

### **1105.4. SIGNAGE**

SIGNAGE MUST BE ERECTED AT THE FACILITY ENTRANCE TO INCLUDE THE FACILITY NAME, ADDRESS AND EMERGENCY CONTACT INFORMATION.

### **1105.5. APPROVAL OF THE COUNTY SURVEYOR/DRAINAGE BOARD**

THE DESIGN AND PROPOSED INSTALLATION MUST HAVE THE APPROVAL OF THE COUNTY SURVEYOR/DRAINAGE BOARD.

### **1105.6. AGREEMENT WITH COUNTY COMMISSIONERS**

THE SOLAR COMPANY OPERATING THE CSECS MUST HAVE A CONTRACT WITH THE BOARD OF COMMISSIONERS OF BLACKFORD COUNTY ADDRESSING, DECOMMISSIONING, ROAD USAGE AND REPAIR AND ECONOMIC DEVELOPMENT AGREEMENT.

### **1105.7. UTILITY COMPANY APPROVAL**

NO GRID TIED SYSTEM SHALL BE INSTALLED WITHOUT EVIDENCE THAT THE OWNER HAS BEEN APPROVED BY THE UTILITY COMPANY TO INSTALL THE SYSTEM AND THE ELECTRIC COLLECTION SYSTEM MUST BE LOCATED UNDERGROUND EXCEPT FOR TRANSFORMERS, INVERTERS, SUB STATIONS AND CONTROL.

### **1105.8. LIABILITY INSURANCE**

THE OWNER/OPERATOR OF THE CSECS FACILITY SHALL MAINTAIN A CURRENT GENERAL LIABILITY POLICY COVERING BODILY INJURIES AND PROPERTY DAMAGE AND NAMING THE PROPERTY OWNER AND BLACKFORD COUNTY AS AN ADDITIONAL INSURED WITH

LIMITS OF AT LEAST TWO MILLION DOLLARS (\$2,000,000.00) PER OCCURRENCE AND FIVE MILLION DOLLARS (\$5,000,000.00) IN AGGREGATE WITH A DEDUCTIBLE OF NO MORE THAN FIFTY-THOUSAND DOLLARS (\$50,000.00).

#### **1105.9. UTILITY INTERCONNECTION**

THE CSECS SHALL BE INTERCONNECTED TO A PUBLIC ELECTRICAL UTILITY SYSTEM AND SHALL MEET THE REQUIREMENTS FOR INTERCONNECTION AND OPERATE AS SET FORTH IN THE ELECTRICAL UTILITY'S THEN-CURRENT SERVICE REGULATIONS APPLICABLE TO CSECS.

#### **1105.10. WASTE MANAGEMENT**

ALL SOLID WASTE WHETHER GENERATED FROM SUPPLIES, EQUIPMENT, PARTS, PACKAGING, OR OPERATION OR MAINTENANCE OF THE FACILITY, INCLUDING OLD PARTS AND EQUIPMENT, SHALL BE REMOVED FROM THE SITE IN A TIMELY MANNER CONSISTENT WITH INDUSTRY STANDARDS. ALL HAZARDOUS WASTE GENERATED BY THE OPERATION AND MAINTENANCE OF THE FACILITY SHALL BE HANDLED IN A MANNER CONSISTENT WITH ALL LOCAL, STATE, AND FEDERAL RULES AND REGULATIONS.

#### **1105.11. ABANDONMENT**

A CSECS OR ANY INDIVIDUAL SOLAR PANEL CONSTITUTING A PORTION OF THE PROJECT IS PRESUMED AT THE END OF ITS USEFUL LIFE AND/OR ABANDONED IF THE CSECS OR THE INDIVIDUAL SOLAR PANEL GENERATES NO ELECTRICITY FOR A CONTINUING PERIOD OF TWELVE (12) MONTHS. THIS PRESUMPTION MAY BE REBUTTED BY SUBMITTING TO THE AREA PLAN COMMISSION FOR APPROVAL AND WITHIN NINETY (90) DAYS OF SUBMISSION OBTAINING APPROVAL THEREOF OF A PLAN OUTLINING THE STEPS AND SCHEDULES FOR RETURNING THE CSECS OR INDIVIDUAL SOLAR PANEL TO SERVICE. ANY CSECS OR INDIVIDUAL SOLAR PANEL WHICH PURSUANT TO THE TERMS HEREOF IS EITHER REACHED THE END OF ITS USEFUL LIFE AND/OR ABANDONED PURSUANT TO THE TERMS HEREOF SHALL BE SUBJECT TO REMOVAL PURSUANT TO THE DECOMMISSIONING PLAN.

#### **1105.12 UNSAFE STRUCTURES.**

ANY CSECS OR STRUCTURE THEREOF DECLARED TO BE UNSAFE BY THE EXECUTIVE DIRECTOR OR THE AREA PLAN COMMISSION BY REASON OF INADEQUATE MAINTENANCE, DILAPIDATION, OBSOLESCENCE, FIRE HAZARD, DISASTER, DAMAGE OR ABANDONMENT IS HEREBY DECLARED TO BE A PUBLIC NUISANCE AND SHALL BE ABATED BY REPAIR OR REHABILITATION WITHIN 12 MONTHS OR BE DEEMED ABANDONED AND AT THE END OF ITS USEFUL LIFE AND SUBJECT TO DECOMMISSIONING. NOTHING HEREIN PREVENTS THE EXECUTIVE DIRECTOR OR THE AREA PLAN COMMISSION FROM ISSUING AN IMMEDIATE CEASE USE ORDER AS TO ANY STRUCTURE THAT HE OR SHE DETERMINES IS UNSAFE DURING THE REPAIR OR REHABILITATION PERIOD.

#### **1105.13. NOXIOUS WEEDS**

OPERATOR SHALL ELIMINATE ALL NOXIOUS WEEDS, WITHIN THE CSECS PROJECT SITE OR WITHIN PERIMETER FENCES, UNDER OPERATOR'S CONTROL.

**ARTICLE 12 - UNSAFE BUILDING REGULATIONS**

**SECTION 1: UNSAFE BUILDING LAW.**

**1201 ESTABLISHMENT.** UNDER THE PROVISION OF IC 36-7-9-3 THERE IS ESTABLISHED THE BLACKFORD COUNTY UNSAFE BUILDING LAW.

**1202 DEFINITIONS.** THE DEFINITIONS AS STATED IN IC 36-7-9-2 ARE AMENDED AND THE FOLLOWING DEFINITIONS SHALL APPLY IN THE ENFORCEMENT OF THIS SECTION. WORDS IN THE SINGULAR INCLUDE THE PLURAL AND WORDS IN THE PLURAL INCLUDE THE SINGULAR.

a. *ABANDONED STRUCTURE* MEANS ANY OF THE FOLLOWING:

- (1) COMMERCIAL REAL PROPERTY OR A VACANT STRUCTURE ON COMMERCIAL REAL PROPERTY THAT IS USED OR WAS PREVIOUSLY USED FOR INDUSTRIAL OR COMMERCIAL PURPOSES, AND:
- (2) THAT THE OWNER OF THE PROPERTY OR STRUCTURE HAS DECLARED IN WRITING TO BE ABANDONED; OR
- (3) FOR WHICH THE OWNER OF THE PROPERTY OR STRUCTURE HAS BEEN GIVEN A WRITTEN ORDER BY AN ENFORCEMENT AUTHORITY TO REHABILITATE OR DEMOLISH, AND THE OWNER:
- (4) HAS NOT APPLIED FOR A PERMIT TO REHABILITATE OR DEMOLISH THE PROPERTY OR STRUCTURE; OR
- (5) APPLIED FOR AND WAS GRANTED A PERMIT, BUT REHABILITATION OR DEMOLITION WORK HAS NOT COMMENCED ON THE PROPERTY OR STRUCTURE WITHIN THIRTY (30) DAYS AFTER THE DATE THE PERMIT WAS GRANTED.
- (6) REAL PROPERTY THAT HAS NOT BEEN USED FOR A LEGAL PURPOSE FOR AT LEAST SIX CONSECUTIVE MONTHS AND:
- (7) IN THE JUDGMENT OF AN ENFORCEMENT AUTHORITY, IS IN NEED OF COMPLETION, REHABILITATION, OR REPAIR, AND COMPLETION, REHABILITATION, OR REPAIR WORK HAS NOT TAKEN PLACE ON THE PROPERTY FOR AT LEAST SIX CONSECUTIVE MONTHS;
- (8) ON WHICH AT LEAST ONE INSTALLMENT OF PROPERTY TAXES IS DELINQUENT; OR
- (9) THAT HAS BEEN DECLARED A PUBLIC NUISANCE BY A HEARING AUTHORITY.
- (10) REAL PROPERTY THAT HAS BEEN DECLARED IN WRITING TO BE ABANDONED BY THE OWNER, INCLUDING AN ESTATE OR A TRUST THAT POSSESSES THE PROPERTY.
- (11) VACANT REAL PROPERTY ON WHICH A MUNICIPAL LIEN HAS REMAINED UNPAID FOR AT LEAST ONE YEAR.

(12) REAL ESTATE THAT A COURT HAS DETERMINED TO BE ABANDONED UNDER IC 32-30-10.6.

- b. *AUTHORIZATION OF BUILDING COMMISSIONER.* THE BUILDING COMMISSIONER FOR THE COUNTY IS AUTHORIZED TO ADMINISTER AND PROCEED UNDER THE PROVISIONS OF THIS LAW IN ORDERING THE REPAIR OR REMOVAL OF ANY BUILDINGS FOUND TO BE UNSAFE AS DEFINED BY STATE LAW ADOPTED HEREIN AND THE DEFINITION AS SET FORTH HEREIN.
- c. *BUILDING.* INCLUDES STRUCTURE AND SHALL BE CONSTRUED AS IF FOLLOWED BY THE WORDS “OR PART THEREOF.”
- d. *BUILDING DIRECTOR.* IN ANY INSTANCE WHERE THE WORD "DIRECTOR" IS USED IN THE PROVISIONS OF THE INDIANA CODE AS ADOPTED HEREIN THE SAME SHALL BE CONSTRUED TO APPLY TO THE BLACKFORD COUNTY BUILDING COMMISSIONER.
- e. *CONTINUOUS ENFORCEMENT ORDER.* CONTINUOUS ENFORCEMENT ORDER SHALL HAVE THE MEANING AS SET FORTH IN I.C. 36-7-9-2.
- f. *CONTRACTORS.* IN ANY INSTANCE WHERE THE WORDS "CONTRACTOR" OR "CONTRACTOR LICENSED AND QUALIFIED UNDER LAW" ARE USED IN IC 36-7-9-11, IC 36-7-9-12 OR ANY OTHER SECTIONS OF THE STATUTE, AS ADOPTED HEREIN, REQUIREMENTS ARE MODIFIED IN THAT ANY CONTRACTOR APPROVED BY THE BUILDING DIRECTOR MAY PERFORM ANY WORK THAT IS REQUIRED IN COMPLYING WITH THE ORDERS OF THE BUILDING DIRECTOR.
- g. *DEPARTMENT.* THE BUILDING DEPARTMENT SHALL BE THE “DEPARTMENT” AS SET OUT IN IC 36-7-9-2 AND SHALL HAVE THE POWERS AND DUTIES OF THE “DEPARTMENT” AS SET OUT IN IC 36-7-9-1 THROUGH IC 36-7-9-28 IN ADDITION TO THE POWERS AND DUTIES ENUMERATED IN THIS CODE AND MUNICIPAL ORDINANCES OF THE COUNTY.
- h. *DECISION; APPEAL.* WHENEVER IN THE BUILDING REGULATIONS OF THE COUNTY OR THE UNSAFE BUILDING LAW IT IS PROVIDED THAT ANYTHING MUST BE DONE TO THE APPROVAL OR SUBJECT TO THE DIRECTION OF THE BUILDING DIRECTOR, OR ANY OTHER OFFICER ACTING FOR AND ON BEHALF OF THE BUILDING DIRECTOR, THIS SHALL BE CONSTRUED TO GIVE THE OFFICER THE DISCRETION OF DETERMINING WHETHER THE RULES AND STANDARDS ESTABLISHED BY THIS CHAPTER HAVE BEEN COMPLIED WITH. ANY AGGRIEVED PARTY MAY REQUEST THE UNSAFE BUILDING HEARING AUTHORITY TO REVIEW THE ACTION OF THE BUILDING DIRECTOR.
- i. *DEFINITION OF UNSAFE BUILDING AMENDED.* THE DEFINITION OF AN UNSAFE BUILDING CONTAINED IN IC 36-7-9-4 IS SUPPLEMENTED TO PROVIDE MINIMUM STANDARDS FOR BUILDING CONDITION OR MAINTENANCE IN THE COUNTY BY ADDING THE FOLLOWING DEFINITIONS: ANY BUILDING OR STRUCTURE WHICH HAS ANY OR ALL THE CONDITIONS OR DEFECTS HEREINAFTER DESCRIBED SHALL BE DEEMED TO BE AN UNSAFE BUILDING, PROVIDED THAT SUCH CONDITIONS OR DEFECTS EXIST TO THE EXTENT THAT

LIFE, HEALTH, PROPERTY, OR SAFETY OF THE PUBLIC OR ITS OCCUPANTS ARE ENDANGERED.

(1) WHENEVER ANY DOOR, AISLE, PASSAGEWAY, OR OTHER MEANS OF EXIT IS NOT OF SUFFICIENT WIDTH OR SIZE OR IS NOT SO ARRANGED AS TO PROVIDE SAFE AND ADEQUATE MEANS OF EXIT IN CASE OF FIRE OR PANIC.

(2) WHENEVER THE STRESS IN ANY MATERIALS, MEMBER, OR PORTION THEREOF, DUE TO ALL DEAD AND LIVE LOADS, IS MORE THAN ONE AND ONE-HALF TIMES THE WORKING STRESS OR STRESSES ALLOWED FOR NEW BUILDINGS OR SIMILAR STRUCTURE, PURPOSE, OR LOCATION.

(3) WHENEVER ANY PORTION THEREOF HAS BEEN DAMAGED BY FIRE, EARTHQUAKE, WIND, FLOOD, OR BY ANY OTHER CAUSE, TO SUCH AN EXTENT THAT THE STRUCTURAL STRENGTH OR STABILITY THEREOF IS MATERIALLY LESS THAN IT WAS BEFORE THE CATASTROPHE AND IS LESS THAN THE MINIMUM REQUIREMENTS FOR NEW BUILDINGS OF SIMILAR STRUCTURE, PURPOSE, OR LOCATION.

(4) WHENEVER ANY PORTION, MEMBER, OR APPURTENANCE THEREOF IS LIKELY TO FAIL, TO BECOME DETACHED OR DISLODGED, OR TO COLLAPSE AND THEREBY INJURE PERSONS OR DAMAGE PROPERTY.

(5) WHENEVER ANY PORTION OF A BUILDING, OR ANY MEMBER, APPURTENANCE, OR ORNAMENTATION ON THE EXTERIOR THEREOF IS NOT OF SUFFICIENT STRENGTH OR STABILITY OR IS NOT SO ANCHORED, ATTACHED, OR FASTENED INTO PLACE SO AS TO BE CAPABLE OF RESISTING A WIND PRESSURE OF ONE-HALF OF THAT SPECIFIED FOR NEW BUILDINGS OF SIMILAR STRUCTURE, PURPOSE, OR LOCATION WITHOUT EXCEEDING THE WORKING STRESSES PERMITTED FOR SUCH BUILDINGS.

(6) WHENEVER ANY PORTION THEREOF HAS WRACKED, WARPED, BUCKLED, OR SETTLED TO SUCH AN EXTENT THAT WALLS OR OTHER STRUCTURAL PORTIONS HAVE MATERIALLY LESS RESISTANCE TO WINDS OR EARTHQUAKES THAN IS REQUIRED IN THE CASE OF SIMILAR NEW CONSTRUCTION.

(7) WHENEVER THE BUILDING OR STRUCTURE, OR ANY PORTION THEREOF, BECAUSE OF DILAPIDATION, DETERIORATION, OR DECAY; FAULTY CONSTRUCTION; THE REMOVAL, MOVEMENT, OR INSTABILITY OF ANY PORTION OF THE GROUND NECESSARY FOR THE PURPOSE OF SUPPORTING SUCH BUILDING; THE DETERIORATION, DECAY, OR INADEQUACY OF ITS FOUNDATION; OR ANY OTHER CAUSE IS LIKELY TO PARTIALLY OR COMPLETELY COLLAPSE.

(8) WHENEVER, FOR ANY REASON, THE BUILDING OR STRUCTURE, OR ANY PORTION THEREOF, IS MANIFESTLY UNSAFE FOR THE PURPOSE FOR WHICH IT IS BEING USED.

(9) WHENEVER THE EXTERIOR WALLS OR OTHER VERTICAL STRUCTURAL MEMBERS LIST, LEAN, OR BUCKLE TO SUCH AN EXTENT THAT A PLUMB LINE PASSING THROUGH THE CENTER OF GRAVITY DOES NOT FALL INSIDE THE MIDDLE ONE-THIRD OF THE BASE.

(10) WHENEVER THE BUILDING OR STRUCTURE, EXCLUSIVE OF FOUNDATION, SHOWS 33 PERCENT OR MORE DAMAGE OR DETERIORATION

OF ITS SUPPORTING MEMBER OR MEMBERS, OR 50 PERCENT DAMAGE OR DETERIORATION OF ITS NON-SUPPORTING MEMBERS, ENCLOSING OR OUTSIDE WALLS OR COVERING.

(11) WHENEVER THE BUILDING OR STRUCTURE HAS BEEN SO DAMAGED BY FIRE, WIND, EARTHQUAKE, OR FLOOD OR HAS BECOME SO DILAPIDATED OR DETERIORATED AS TO BECOME AN ATTRACTIVE NUISANCE TO CHILDREN; OR FREELY ACCESSIBLE TO PERSONS FOR THE PURPOSE OF COMMITTING UNLAWFUL ACTS.

(12) WHENEVER ANY BUILDING OR STRUCTURE HAS BEEN CONSTRUCTED, EXISTS, OR IS MAINTAINED IN VIOLATION OF ANY SPECIFIC REQUIREMENTS OR PROHIBITION APPLICABLE TO THE BUILDING OR STRUCTURE PROVIDED BY THE BUILDING REGULATIONS OF THE COUNTY, OR OF ANY LAW OR ORDINANCE OF THIS STATE OR COUNTY RELATING TO THE CONDITION, LOCATION, OR STRUCTURE OF BUILDINGS.

(13) WHENEVER ANY BUILDING OR STRUCTURE WHICH, WHETHER OR NOT ERECTED IN ACCORDANCE WITH ALL APPLICABLE LAWS AND ORDINANCE HAS IN ANY NON-SUPPORTING PART, MEMBER, OR PORTION LESS THAN 50 PERCENT OR IN ANY SUPPORTING PART, MEMBER, OR PORTION LESS THAN 66 PERCENT OF THE STRENGTH, FIRE-RESISTANT QUALITIES OR CHARACTERISTICS, OR WEATHER-RESISTANT QUALITIES OR CHARACTERISTICS REQUIRED BY LAW IN THE CASE OF A NEWLY CONSTRUCTED BUILDING OR LIKE AREA, HEIGHT, AND OCCUPANCY IN THE SAME LOCATION.

(14) WHENEVER A BUILDING OR STRUCTURE, USED OR INTENDED TO BE USED FOR DWELLING PURPOSES, BECAUSE OF INADEQUATE MAINTENANCE, DILAPIDATION, DECAY, DAMAGE, FAULTY CONSTRUCTION OR ARRANGEMENTS, INADEQUATE LIGHT, AIR, OR SANITATION FACILITIES, OR OTHERWISE, IS DETERMINED BY THE BUILDING DIRECTOR TO BE UNSANITARY, UNFIT FOR HUMAN HABITATION, OR IN SUCH A CONDITION THAT IS LIKELY TO CAUSE SICKNESS OR DISEASE.

(15) WHENEVER ANY BUILDING OR STRUCTURE, BECAUSE OF OBSOLESCENCE, DILAPIDATED CONDITION, DETERIORATION, DAMAGE, INADEQUATE EXITS, LACK OF FIRE-RESISTANT CONSTRUCTION, FAULTY ELECTRIC WIRING, GAS CONNECTIONS, OR HEATING APPARATUS, OR OTHER CAUSE IS DETERMINED BY THE BUILDING DIRECTOR TO BE A FIRE HAZARD.

(16) WHENEVER ANY PORTION OF A BUILDING OR STRUCTURE REMAINS ON A SITE AFTER THE DEMOLITION OR DESTRUCTION OF THE BUILDING OR STRUCTURE, OR WHENEVER ANY BUILDING OR STRUCTURE IS ABANDONED FOR A PERIOD IN EXCESS OF SIX MONTHS SO AS TO CONSTITUTE SUCH BUILDING OR PORTION THEREOF AN ATTRACTIVE NUISANCE OR HAZARD TO THE PUBLIC.

- j. *ENFORCEMENT AUTHORITY.* THE BLACKFORD COUNTY BUILDING COMMISSIONER SHALL BE THE “ENFORCEMENT AUTHORITY” WITHIN THE MEANING OF IC 36-7-9-2 AND SHALL HAVE THE POWERS AND DUTIES OF THE



“ENFORCEMENT AUTHORITY” AS SET OUT IN IC 36-7-9-1 THROUGH IC 36-7-9-28 IN ADDITION TO THE POWERS AND DUTIES ENUMERATED IN THIS CODE AND THE MUNICIPAL ORDINANCES OF THE COUNTY.

- k. *NUISANCES*. ALL BUILDINGS OR PORTIONS THEREOF WITHIN THIS COUNTY WHICH ARE DETERMINED, AFTER INSPECTION BY THE BUILDING DIRECTOR OR HIS AGENT ACTING IN HIS BEHALF, TO BE UNSAFE AS DEFINED IN THIS SECTION ARE DECLARED TO BE PUBLIC NUISANCES AND SHALL BE ABATED BY REPAIR, REHABILITATION, DEMOLITION, OR REMOVAL IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE UNSAFE BUILDING LAW.
- l. *OWNER* MEANS ANY PERSON WHO, ALONE, JOINTLY, OR SEVERALLY WITH OTHERS, SHALL HAVE TITLE TO ANY BUILDING OR DWELLING UNIT WITH OR WITHOUT ACCOMPANYING ACTUAL POSSESSION THEREOF.
- m. *OWNER'S REPRESENTATIVE* MEANS A PERSON HIRED BY THE OWNER TO REPRESENT AND/OR ADVOCATE ON THE OWNER'S BEHALF.
- n. *PERSON* MEANS ANY ENTITY INCLUDING ANY OF THE FOLLOWING: INDIVIDUAL, FIRM, CORPORATION, ASSOCIATION, PARTNERSHIP, OR LIMITED LIABILITY CORPORATION/COMPANY. REFERENCES IN THE MASCULINE GENDER INCLUDE THE FEMININE AND THE NEUTER, IN THE PRESENT TENSE INCLUDES THE FUTURE, AND THE SINGULAR INCLUDES THE PLURAL.
- o. *PROPERTY* MEANS THE REAL PROPERTY UPON WHICH A VACANT STRUCTURE AND/OR ABANDONED STRUCTURE IS LOCATED.
- p. *PROPERTY MANAGER* MEANS AN INDIVIDUAL OR ENTITY RESPONSIBLE FOR THE DAY-TO-DAY FUNCTIONING OF A PIECE OF REAL ESTATE.
- q. *STANDARDS*. ALL WORK FOR THE RECONSTRUCTION, ALTERATION, REPAIR, OR DEMOLITION OF BUILDINGS AND OTHER STRUCTURES SHALL BE PERFORMED IN A GOOD WORKMANLIKE MANNER ACCORDING TO THE ACCEPTED STANDARDS AND PRACTICES IN THE TRADE. THE PROVISIONS OF THE RULES AND REGULATIONS PERTAINING TO CONSTRUCTION, PLUMBING, ELECTRICAL, MECHANICAL, AND ONE- AND TWO-FAMILY DWELLINGS, PROMULGATED BY THE STATE ADMINISTRATIVE BUILDING COUNCIL, SHALL BE CONSIDERED STANDARD ACCEPTABLE PRACTICE FOR ALL MATTERS COVERED BY THIS SECTION BY THE BUILDING DIRECTOR OF THE COUNTY.
- r. *SUBSTANTIAL PROPERTY INTEREST*. ANY RIGHT IN REAL PROPERTY THAT MAY BE AFFECTED IN A SUBSTANTIAL WAY BY ACTIONS AUTHORIZED BY THIS SECTION INCLUDING A FEE INTEREST, A LIFE ESTATE INTEREST, A FUTURE INTEREST, A PRESENT POSSESSORY INTEREST, OR AN EQUITABLE INTEREST OF A CONTRACT PURCHASER. THE INTEREST REFLECTED BY A DEED, LEASE, LICENSE, MORTGAGE, LAND SALE CONTRACT, OR LIEN IS NOT A "SUBSTANTIAL PROPERTY INTEREST" UNLESS THE DEED, LEASE, LICENSE, MORTGAGE, LAND SALE CONTRACT, LIEN, OR EVIDENCE OF IT IS:
  - i. RECORDED IN THE OFFICE OF THE COUNTY RECORDER; OR
  - ii. THE SUBJECT OF A WRITTEN INFORMATION THAT IS RECEIVED BY THE BUILDING DIRECTOR AND INCLUDES THE NAME AND ADDRESS OF THE HOLDER OF THE INTEREST DESCRIBED.

- s. *UNSAFE BUILDING FUND.* AN UNSAFE BUILDING FUND IS ESTABLISHED. THIS IS IN ACCORDANCE WITH THE PROVISIONS OF IC 36-7-9-14 AND PURSUANT TO THE PROVISIONS CONTAINED THEREIN, ANY BALANCE REMAINING AT THE END OF THE FISCAL YEAR SHALL BE CARRIED OVER IN THE FUND FOR THE FOLLOWING YEAR AND DOES NOT REVERT TO THE GENERAL FUND.
- (t) *UNSAFE BUILDING HEARING AUTHORITY.* THERE SHALL BE CREATED A FIVE-MEMBER "UNSAFE BUILDING HEARING AUTHORITY" TO BE APPOINTED BY THE BLACKFORD COUNTY COUNCIL AND SERVE TWO (2) YEAR TERMS. THIS HEARING AUTHORITY SHALL CONSIST OF THE HISTORIC PRESERVATION OFFICER, A PRIVATE CITIZEN WHO RESIDES WITHIN THE MONTPELIER TOWN LIMITS, A PRIVATE CITIZEN WHO RESIDES WITHIN THE SHAMROCK LAKE TOWN LIMITS, A PRIVATE CITIZEN WHO RESIDES WITHIN THE HARTFORD CITY MUNICIPAL LIMITS, AND A PRIVATE CITIZEN WHO RESIDES IN AN UNINCORPORATED AREA OF BLACKFORD COUNTY. THE UNSAFE BUILDING HEARING AUTHORITY SHALL BE THE HEARING AUTHORITY WITHIN THE MEANING OF IC 36-7-9-2 AND SHALL HAVE THE POWERS AND DUTIES OF THE HEARING AUTHORITY AS SET OUT IN IC 36-7-9-1 THROUGH IC 36-7-9-28 IN ADDITION TO THE POWERS AND DUTIES ENUMERATED IN THIS CODE AND THE ORDINANCES OF THE COUNTY.
- (u) *VACANT REAL PROPERTY* MEANS REAL PROPERTY THAT IS NOT BEING OCCUPIED BY AN OWNER, TENANT OR OTHER AUTHORIZED BY THE OWNER.
- (v) *VACANT STRUCTURE* MEANS A STRUCTURE OR BUILDING THAT IS NOT BEING OCCUPIED BY AN OWNER, TENANT, OR OTHERS AUTHORIZED BY THE OWNER.
- (w) *VIOLATION; PENALTY.* NO PERSON, FIRM, OR CORPORATION, WHETHER AS OWNER, LESSEE, SUB-LESSEE, OR OCCUPANT, SHALL ERECT, CONSTRUCT, ENLARGE, ALTER, REPAIR, MOVE, IMPROVE, REMOVE, DEMOLISH, EQUIP, USE, OCCUPY, OR MAINTAIN ANY BUILDING OR PREMISES, OR CAUSE OR PERMIT THE SAME TO BE DONE CONTRARY TO OR IN VIOLATION OF THE PROVISIONS OF THIS SECTION OR ANY ORDER BY THE BUILDING DIRECTOR. ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION, OR THE PROVISIONS OF THE INDIANA CODE AS ADOPTED HEREIN SHALL COMMIT A SEPARATE VIOLATION FOR EACH DAY THAT SUCH VIOLATION CONTINUES AND SHALL BE SUBJECT TO A PENALTY OF NOT MORE THAN \$2,500.00 FOR EACH VIOLATION, SUBJECT TO EXECUTION AS BY LAW PROVIDED.

**1203 ADOPTION OF STATE LAW.** I.C. 36-7-9-1, 36-7-9-3 THROUGH 36-7-9-10, 36-7-9-11, AND 36-7-9-12 AS MODIFIED HEREIN, AND 36-7-9-13 THROUGH 36-7-9-28 ARE ADOPTED BY REFERENCE AS THE BLACKFORD COUNTY UNSAFE BUILDING LAW TOGETHER WITH ANY AND ALL AMENDMENTS THERETO THAT ARE MADE FOLLOWING THIS DATE. ALL PROCEEDINGS IN THE COUNTY FOR INSPECTION, REPAIR, AND REMOVAL OF UNSAFE BUILDINGS SHALL BE GOVERNED BY THIS LAW AND THE PROVISIONS OF THIS SECTION.

**1204 INSPECTIONS.** ALL BUILDINGS, STRUCTURES, AND ANY PARTS THERETO ARE SUBJECT TO PERIODIC INSPECTIONS BY THE BUILDING COMMISSIONER IRRESPECTIVE OF WHETHER A BUILDING PERMIT HAS BEEN, OR IS REQUIRED TO BE, OBTAINED. THE BUILDING COMMISSIONER MAY AT ANY REASONABLE TIME GO IN, UPON, AROUND OR ABOUT THE PREMISES WHERE ANY BUILDING, STRUCTURE, OR ANY PART THERETO IS SUBJECT TO THE PROVISIONS OF THIS ORDINANCE OR TO THE RULES OF THE FIRE PREVENTION AND BUILDING SAFETY COMMISSION IS LOCATED FOR THE PURPOSE OF INSPECTION AND INVESTIGATION OF SUCH STRUCTURE. SUCH INSPECTION AND INVESTIGATION MAY BE MADE BEFORE AND/OR AFTER CONSTRUCTION ON THE PROJECT IS COMPLETED FOR THE PURPOSE OF DETERMINING WHETHER THE STRUCTURE MEETS BUILDING STANDARDS AND PROCEDURES AND ASCERTAINING WHETHER THE CONSTRUCTION AND PROCEDURES HAVE BEEN ACCOMPLISHED IN A MANNER CONSISTENT WITH THE UNSAFE BUILDING ORDINANCE AND THE RULES OF THE FIRE PREVENTION AND BUILDING SAFETY COMMISSION.

**1205 VACANT STRUCTURES.**

1. IN BLACKFORD COUNTY, INCLUDING ALL INCORPORATED AND UNINCORPORATED AREAS THERE EXISTS A LARGE NUMBER OF UNOCCUPIED STRUCTURES THAT ARE NOT MAINTAINED AND THAT CONSTITUTE A HAZARD TO PUBLIC HEALTH, SAFETY AND WELFARE.
2. VACANT STRUCTURES OFTEN BECOME DILAPIDATED BECAUSE THE STRUCTURES ARE NOT MAINTAINED AND REPAIRED BY THE OWNERS OR PERSONS IN CONTROL OF THE STRUCTURES.
3. VACANT STRUCTURES ATTRACT CHILDREN, BECOME HARBORAGE FOR VERMIN, SERVE AS TEMPORARY ABODES FOR VAGRANTS AND CRIMINALS, AND ARE LIKELY TO BE DAMAGED BY VANDALS OR SET ABLAZE BY ARSONISTS.
4. UNKEPT GROUNDS SURROUNDING VACANT STRUCTURES INVITE DUMPING OF GARBAGE, TRASH, AND OTHER DEBRIS.
5. MANY VACANT STRUCTURES ARE SITUATED ON NARROW CITY LOTS AND IN CLOSE PROXIMITY TO NEIGHBORING STRUCTURES, THEREBY INCREASING THE RISK OF CONFLAGRATION AND SPREAD OF INSECT AND RODENT INFESTATION.
6. VACANT, DETERIORATED STRUCTURES CONTRIBUTE TO BLIGHT, CAUSE A DECREASE IN PROPERTY VALUES, AND DISCOURAGE NEIGHBORS FROM MAKING IMPROVEMENTS TO PROPERTIES.
7. STRUCTURES THAT REMAIN BOARDED UP FOR AN EXTENDED PERIOD OF TIME ALSO EXERT A BLIGHTING INFLUENCE AND CONTRIBUTE TO THE DECLINE OF THE NEIGHBORHOOD BY DECREASING PROPERTY VALUES, DISCOURAGING PERSONS FROM MOVING INTO THE NEIGHBORHOOD, AND ENCOURAGING PERSONS TO MOVE OUT OF THE NEIGHBORHOOD.
8. VACANT STRUCTURES OFTEN CONTINUE TO DETERIORATE TO THE POINT THAT DEMOLITION OF THE STRUCTURE IS REQUIRED, THEREBY DECREASING AVAILABLE HOUSING IN A COMMUNITY AND FURTHER CONTRIBUTING TO THE DECLINE OF THE NEIGHBORHOOD.

9. THE BLIGHTING INFLUENCE OF VACANT, DETERIORATED STRUCTURES ADVERSELY AFFECTS THE TAX REVENUES OF LOCAL GOVERNMENT.
10. THE COUNTY FINDS THAT VACANT, DETERIORATED STRUCTURES CREATE A SERIOUS AND SUBSTANTIAL PROBLEM IN URBAN AREAS AND ARE PUBLIC NUISANCES.
11. IN RECOGNITION OF THE PROBLEMS CREATED IN THE COMMUNITY BY VACANT STRUCTURES THE COUNTY FINDS THAT VIGOROUS AND DISCIPLINED ACTION SHOULD BE TAKEN TO ENSURE PROPER MAINTENANCE AND REPAIR STANDARDS SET FORTH IN ARTICLE XII AND ALL REMEDIES AND PENALTIES ASSOCIATED WITH VIOLATIONS THEREOF, SHALL AND DO APPLY TO VACANT STRUCTURES.

**1206 ABATEMENT OF VACANT AND/OR ABANDONED STRUCTURES.**

1. ADOPTION OF STATE LAW. I.C. 36-7-36-1 AS MODIFIED HEREIN, AND 36-7-36-2 THROUGH 36-7-36-10 ARE ADOPTED BY REFERENCE AND INCORPORATED HEREIN TOGETHER WITH ANY AND ALL AMENDMENTS HERETO THAT ARE MADE FOLLOWING THIS DATE. ALL PROCEEDINGS AS TO VACANT AND/OR ABANDONED BUILDINGS SHALL BE GOVERNED BY THIS LAW AND THE PROVISIONS OF THIS SECTION.

**SECTION 2: VACANT AND ABANDONED COMMERCIAL STRUCTURES.**

**1207 CONTINUING MAINTENANCE MANDATORY AND VOLUNTARY REGISTRATION.**

- (1) UPON LOCATING A COMMERCIAL BUILDING THAT IS DEEMED TO BE A VACANT AND ABANDONED STRUCTURE, THE ENFORCEMENT AUTHORITY MAY ISSUE TO THE BUILDING OWNER AN ORDER TO REGISTER AND/OR FOR CONTINUING MAINTENANCE PURSUANT TO THE UNSAFE BUILDING ACT, I.C. 36-79, AS IT MAY BE AMENDED FROM TIME TO TIME, OR PURSUANT TO SIMILAR AUTHORITY GRANTED BY STATE STATUTE, THIS CODE OR OTHER STATUTES, ORDINANCES, AND REGULATIONS.
- (2) THE ENFORCEMENT AUTHORITY MAY ORDER THE OWNER OF A STRUCTURE THAT IS A VACANT AND ABANDONED STRUCTURE TO REGISTER THE STRUCTURE WITH THE ENFORCEMENT AUTHORITY.
- (3) THE OWNER OF A STRUCTURE THAT IS A VACANT STRUCTURE, BUT NOT AN ABANDONED STRUCTURE, MAY VOLUNTARILY REGISTER THE STRUCTURE WITH THE ENFORCEMENT AUTHORITY, SO AS TO NOTIFY COUNTY OFFICIALS OF THE PROPERTY MANAGER AND EXCHANGE OTHER INFORMATION PERTINENT TO THE CONDITION OF THE STRUCTURE.
- (4) THE OWNER OF A PROPERTY THAT HAS BEEN DEEMED TO BE A VACANT AND ABANDONED STRUCTURE MAY, WITHIN 30 DAYS FROM RECEIVING NOTICE OF SUCH A DETERMINATION, CHALLENGE THE DETERMINATION IN WRITING WITH THE UNSAFE BUILDING HEARING AUTHORITY.
- (5) IN DETERMINING THAT A STRUCTURE IS A VACANT STRUCTURE, THE ENFORCEMENT AUTHORITY MAY RELY UPON THE LACK OF WATER, ELECTRIC OR WASTEWATER UTILITY SERVICE. ANY MAINTENANCE ORDER ISSUED BY THE ENFORCEMENT AUTHORITY MAY BE CHALLENGED OR ENFORCED BY THE UNSAFE BUILDING HEARING AUTHORITY.

- (6) THE OWNER OF A PROPERTY THAT HAS BEEN DETERMINED TO BE A VACANT AND ABANDONED STRUCTURE IS REQUIRED TO BOARD AND SECURE THE PROPERTY IN ACCORDANCE WITH SECTION (B)(2) BELOW [THIS SUBSECTION (B) WITHIN 30 DAYS OF RECEIVING NOTICE FROM THE ENFORCEMENT AUTHORITY THAT THE PROPERTY HAS BEEN DETERMINED TO BE A VACANT AND ABANDONED STRUCTURE, UNLESS THE OWNER CHALLENGES THE DETERMINATION IN ACCORDANCE WITH SUBSECTION (B)(4) ABOVE. IN THE EVENT OF A CHALLENGE THAT IS DENIED BY THE UNSAFE BUILDING HEARING AUTHORITY, THE OWNER SHALL BOARD AND SECURE THE PROPERTY WITHIN TEN DAYS OF THE DENIAL.
  - (A) IF THE OWNER FAILS TO SECURE AND BOARD THE PROPERTY WITHIN THE TIME PROVIDED ABOVE, THE ENFORCEMENT AUTHORITY MAY CAUSE THE PROPERTY TO BE BOARDED AND SECURED WITH THE OWNER BEING INVOICED FOR THE COSTS INCURRED BY THE ENFORCEMENT AUTHORITY, INCLUDING ADMINISTRATIVE COSTS INCURRED BY THE ENFORCEMENT AUTHORITY.
  - (B) IF THE OWNER FAILS TO PAY THE INVOICE DESCRIBED ABOVE WITHIN THE TIME PROVIDED, THE ENFORCEMENT AUTHORITY MAY OBTAIN A LIEN AGAINST THE PROPERTY IN THE AMOUNT OF THE UNPAID INVOICE. THE LIEN SHALL BE INCLUDED ON THE PROPERTY TAX INVOICE FOR THE PROPERTY AND COLLECTED IN THE SAME MANNER AS PROPERTY TAXES ARE COLLECTED. THE LIEN WILL BE RELEASED UPON PAYMENT OF THE FULL AMOUNT OF THE INVOICE BY FILING A RELEASE WITH THE BLACKFORD COUNTY RECORDER'S OFFICE.

**1208 REGISTRATION OF BUILDINGS AND STRUCTURES.** THE OWNER OF A STRUCTURE THAT IS A VACANT AND ABANDONED STRUCTURE SHALL REGISTER THE STRUCTURE WITH THE ENFORCEMENT AUTHORITY UPON RECEIPT OF AN ORDER FOR REGISTRATION. THE REGISTRATION SHALL BE RENEWED ANNUALLY FOR EACH YEAR THAT THE STRUCTURE IS A VACANT AND ABANDONED STRUCTURE. REGISTRATION SHALL BE ON A FORM PROVIDED BY THE ENFORCEMENT AUTHORITY, SHALL BE VERIFIED UNDER PENALTIES OF PERJURY, AND SHALL INCLUDE THE FOLLOWING:

- (1) STREET ADDRESS OF THE AFFECTED PROPERTY;
- (2) THE NAME(S), MAILING ADDRESS(ES) AND TELEPHONE(S) OF THE OWNER(S) OR ENTITIES WHICH HOLD ANY OWNERSHIP INTEREST, LAND CONTRACT, MORTGAGE, OR OTHER LIEN INTEREST IN THE PROPERTY, AND ALL BENEFICIARIES OF ANY LAND TRUST WHICH OWNS THE PROPERTY.
- (3) COPY OF THE MOST RECENTLY EXECUTED DEED USED TO TRANSFER TITLE TO THE PROPERTY AND THE MOST RECENTLY PREPARED INDIANA SALES DISCLOSURE FORM, IF AVAILABLE TO THE OWNER.
- (4) PROPERTY MANAGER'S INFORMATION, IF APPLICABLE, INCLUDING THE NAME, MAILING ADDRESS, LOCATION ADDRESS, IF DIFFERENT FROM MAILING ADDRESS, AND TELEPHONE.
- (5) NAME OF ANY INSURANCE COMPANY PROVIDING INSURANCE COVERAGE FOR THE VACANT AND ABANDONED STRUCTURE, INCLUDING THE REPRESENTING AGENT'S NAME, ADDRESS AND TELEPHONE NUMBER.

- (6) IF THE VACANT AND ABANDONED STRUCTURE IS NOT IN COMPLIANCE WITH THE MAINTENANCE STANDARDS OF THIS CHAPTER AT THE TIME OF REGISTRATION, THE REGISTRATION SHALL INCLUDE A WRITTEN PLAN TO BRING THE PROPERTY INTO COMPLIANCE WITH THE MAINTENANCE STANDARD OF THIS CHAPTER.
- (A) THE SCHEDULE SHALL NOT EXCEED TEN DAYS UNLESS IT IS DEMONSTRATED TO THE ENFORCEMENT AUTHORITY THAT ADDITIONAL TIME IS NECESSARY TO AVOID UNDUE HARDSHIP TO THE OWNER DUE TO THE QUANTITY OF WORK REQUIRED.
- (B) THE OWNER'S REQUEST FOR ADDITIONAL TIME SHALL BE SUPPORTED BY RELEVANT DOCUMENTATION, INCLUDING, BUT NOT LIMITED TO, BIDS, QUOTES FOR THE WORK, AND THE OWNER'S FINANCIAL STATEMENT, BASED UPON A FINANCIAL DISCLOSURE STATEMENT.
- (C) THE OWNER'S SCHEDULE AND PLAN DOES NOT RELIEVE THE OWNER OF ANY ORDER ISSUED PURSUANT TO THE UNSAFE BUILDING ORDINANCE, OR COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS ORDINANCE OR MINIMUM STANDARDS FOR NON-RESIDENTIAL PROPERTIES ORDINANCE.
- (D) THE ENFORCEMENT AUTHORITY'S RECEIPT OF THE PLAN DOES NOT CONSTITUTE APPROVAL OF THE OWNER'S PLAN OR OF ANY VIOLATION OF PROPERTY MAINTENANCE ORDINANCES.
- (7) THE OWNER IS RESPONSIBLE FOR PROVIDING AN UPDATED REGISTRATION FORM TO THE ENFORCEMENT AUTHORITY WITHIN TEN BUSINESS DAYS OF ANY CHANGE IN OWNERSHIP OR ANY INFORMATION CONTAINED ON THE REGISTRATION FORM.
- (8) FAILURE OF THE OWNER TO PROVIDE UPDATED INFORMATION WITHIN TEN BUSINESS DAYS OF ANY CHANGE IN THE REGISTRATION IS A VIOLATION OF THIS CHAPTER).

**1209 STANDARDS FOR MAINTENANCE.**

- (1) THE OWNER OR PROPERTY MANAGER OF THE VACANT AND ABANDONED STRUCTURE SHALL ENSURE THAT THE PROPERTY IS REGULARLY INSPECTED AND SECURED AGAINST UNLAWFUL ENTRY, THAT THE PROPERTY IS CLEANED, AND VEGETATION IS MOWED. RECORDS OF INSPECTIONS SHALL BE PROVIDED TO THE ENFORCEMENT AUTHORITY UPON REQUEST.
- (2) DOOR AND WINDOW OPENINGS OF ALL VACANT STRUCTURES OR ABANDONED STRUCTURES SHALL BE SECURED AGAINST UNLAWFUL ENTRY BY THE USE OF LOCKS DESIGNED FOR SUCH USE, OR THE USE OF BOARDING. IF BOARDING IS USED TO SECURE THE STRUCTURE, THE FOLLOWING STANDARD SHALL BE MET:
- (A) WINDOWS SHALL BE FRAMED BY STANDARD TWO-INCH BY FOUR-INCH LUMBER SECURED WITH PLYWOOD TO THE FRAME USING SIX SEVEN-INCH LAG BOLTS INTO KING STUDS IN ALL COMERS AND IN THE CENTER OF THE VERTICAL BOARDS. PLYWOOD SHALL BE A MINIMUM OF FOUR-PLY RATED FOR EXTERIOR EXPOSURE, NO LESS THAN ONE-HALF INCH IN THICKNESS AND ATTACHED WITH TAMPER PROOF SCREWS, NO LESS THAN

THREE INCHES IN LENGTH AND SPACED NO MORE THAN EIGHT INCHES ON-CENTER.

(B) DOORS MAY BE SECURED AGAINST UNLAWFUL ENTRY USING LOCKS DESIGNED TO PREVENT UNLAWFUL ENTRY OR BY FRAMING NOMINAL TWO-INCH BY FOUR-INCH LUMBER SECURED WITH PLYWOOD TO THE FRAME USING SIX SEVEN-INCH LAG BOLTS INTO KING STUDS IN ALL CORNERS AND IN THE CENTER OF THE VERTICAL BOARDS. PLYWOOD SHALL BE A MINIMUM OF FOUR-PLY RATED FOR EXTERIOR EXPOSURE, NO LESS THAN ONE-HALF INCH IN THICKNESS AND ATTACHED WITH TAMPER PROOF SCREWS, NO LESS THAN THREE INCHES IN LENGTH AND SPACED NO MORE THAN EIGHT INCHES ON-CENTER.

(C) THE ENFORCEMENT AUTHORITY MAY APPROVE ALTERNATIVE METHODS TO SECURE WINDOWS OR DOORS, UPON THE OWNER PRESENTING THE FOLLOWING INFORMATION

1. TYPE OF MATERIAL TO BE USED;
2. THICKNESS OF MATERIAL;
3. METHOD THAT WILL BE USED TO ATTACH THE MATERIAL TO THE BUILDING OR STRUCTURE.

(3) BOARDING OF A VACANT STRUCTURE AND ABANDONED STRUCTURE IS TO BE CONSIDERED TEMPORARY AND NOT A LONG-TERM METHOD OF SECURING THE BUILDING OR STRUCTURE. AFTER ONE YEAR OF BOARDING AS THE METHOD OF SECURING AGAINST UNLAWFUL ENTRY, THE OWNER OF A VACANT STRUCTURE AND ABANDONED STRUCTURE SHALL UTILIZE LOCKS, INSTALL APPROPRIATE WINDOWS AND/OR DOORS, OR PROVIDE AN ALTERNATIVE METHOD OF SECURITY APPROVED BY THE ENFORCEMENT AUTHORITY.

(4) BOARDING USED TO SECURE DOORS AND/OR WINDOWS FOR MORE THAN 30 DAYS SHALL BE SURFACE COATED WITH AN EXTERIOR GRADE PAINT MATCHING THE EXTERIOR OF THE STRUCTURE TO REDUCE THE BLIGHTING EFFECT OF THE STRUCTURE THE FAILURE TO COMPLY WITH THE MAINTENANCE STANDARDS SHALL BE CONSIDERED A VIOLATION OF THIS CHAPTER.

**1210 REGISTRATION FEE.**

(1) THE OWNER OF ANY VACANT AND ABANDONED STRUCTURE SHALL PAY THE REGISTRATION FEES SET FORTH BELOW TO THE BLACKFORD COUNTY THROUGH THE ENFORCEMENT AUTHORITY. THE REGISTRATION SHALL BE RENEWED ANNUALLY UNTIL SUCH TIME THAT THE STRUCTURE IS NO LONGER DECLARED TO BE A VACANT AND ABANDONED STRUCTURE.

(2) OWNERS WHO VOLUNTARILY REGISTER A VACANT STRUCTURE, BUT NOT ABANDONED AS DEFINED IN THIS CHAPTER, ARE NOT REQUIRED TO PAY A REGISTRATION FEE.

(3) REGISTRATION FEES FOR A VACANT AND ABANDONED STRUCTURE SHALL BE AS FOLLOWS:

(A) THERE SHALL BE NO INITIAL REGISTRATION FEE IF THE OWNER OF A VACANT AND ABANDONED STRUCTURE VOLUNTARILY REGISTERS THE PROPERTY ON OR BEFORE MAY 10, 2024.

(B) AFTER MAY 10, 2024, THE OWNER OF A VACANT AND ABANDONED STRUCTURE ORDERED TO REGISTER BY THE ENFORCEMENT AUTHORITY THAT REGISTERS WITHIN THE TIME PROVIDED IN THE ORDER SHALL PAY A \$100.00 REGISTRATION FEE. THE REGISTRATION FEE SHALL INCREASE TO \$300.00 IF THE OWNER DOES NOT REGISTER WITHIN THE TIME PROVIDED IN THE ORDER. THE REGISTRATION FEE SHALL INCREASE TO \$500.00 IF THE OWNER DOES NOT REGISTER WITHIN 60 DAYS AFTER THE EXPIRATION OF THE TIME PROVIDED IN THE ORDER. IF THE OWNER DOES NOT REGISTER WITHIN 120 DAYS AFTER THE EXPIRATION OF THE TIME PROVIDED IN THE ORDER, THE MATTER SHALL BE REFERRED TO THE UNSAFE BUILDING HEARING AUTHORITY.

(4) RENEWAL FEES FOR A VACANT AND ABANDONED STRUCTURE SHALL BE AS FOLLOWS:

(A) THE OWNER OF A PREVIOUSLY REGISTERED VACANT AND ABANDONED STRUCTURE THAT VOLUNTARILY RENEWS A REGISTRATION BEFORE MAY 10TH OF EACH YEAR THAT A RENEWAL REGISTRATION IS REQUIRED WILL NOT INCUR A REGISTRATION FEE. IN THE EVENT THE OWNER FAILS TO RENEW A REGISTRATION BY MAY 10TH OF EACH YEAR, THE RENEWAL FEE SHALL BE AS FOLLOWS:

I. \$100.00 IF RENEWED BETWEEN MAY 11TH AND JUNE 9TH;

II. \$300.00 IF RENEWED BETWEEN JUNE 10TH AND JULY 9TH; AND

III. \$500.00 IF RENEWED BETWEEN JULY 10TH AND SEPTEMBER 7TH.

IF THE REGISTRATION IS NOT RENEWED BY SEPTEMBER 7TH, THE MATTER SHALL BE REFERRED TO THE UNSAFE BUILDING HEARING AUTHORITY.

(5) IF THE COUNTY IS FORCED TO INITIATE LEGAL ACTION TO ENFORCE THE REGISTRATION REQUIREMENT OF THIS CHAPTER, THE REGISTRATION FEE SHALL BE \$1,000.00.

(6) THE REGISTRATION FEE SET FORTH HEREIN SHALL BE IN ADDITION TO ANY PENALTY ASSESSED PURSUANT TO SUBSECTION (H) FOR A VIOLATION OF THIS CHAPTER.

#### **1211 PROPERTY MANAGER.**

(1) THE OWNER OF A VACANT AND ABANDONED STRUCTURE SHALL IDENTIFY A PROPERTY MANAGER AS PART OF THE REGISTRATION REQUIRED BY THIS CHAPTER.

(2) IF THE PROPERTY MANAGER IS AN INDIVIDUAL, HE/SHE SHALL RESIDE IN THE STATE OF INDIANA.

(3) IF THE PROPERTY MANAGER IS A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR OTHER ORGANIZATION, IT SHALL HAVE A PRINCIPAL OFFICE LOCATED IN THE STATE OF INDIANA.

(4) THE PROPERTY MANAGER SHALL BE READILY AVAILABLE TO BE CONTACTED BY THE COUNTY AND PROMPTLY RESPOND TO EMERGENCY CONDITIONS THAT EXIST WITH RESPECT TO THE VACANT AND ABANDONED STRUCTURE.



- (5) THE FAILURE TO MAKE THE PROPERTY MANAGER AVAILABLE AS REQUIRED IS A SEPARATE VIOLATION OF THIS CHAPTER.

**1212 EXEMPTIONS.**

- (1) THE UNSAFE BUILDING HEARING AUTHORITY MAY GRANT AN EXCEPTION FOR PROPERTIES TO REGISTER IF:
- (A) THE PROPERTY IS THE SUBJECT OF AN OPEN PROBATE ESTATE; OR
  - (B) THE PROPERTY HAS SUFFERED EXTENSIVE FIRE OR CATASTROPHIC DAMAGE WITHIN THE PAST 90 DAYS.
- (2) ANY EXEMPTION GRANTED UNDER THIS SECTION SHALL BE FOR A SPECIFIC PERIOD OF TIME, NOT TO EXCEED SIX MONTHS.
- (3) EXEMPTION FROM THE REGISTRATION REQUIREMENT SHALL NOT CONSTITUTE APPROVAL OF ANY VIOLATION OF THIS CHAPTER, OR ANY OTHER APPLICABLE ORDINANCE OR LAW.

**1213 PENALTY.** AN OWNER OF PROPERTY THAT VIOLATES ANY PROVISION OF THIS CHAPTER IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$5,000.00 IN ADDITION TO ALL OTHER LEGAL REMEDIES AVAILABLE TO THE COUNTY.