
TITLE 1 — ZONING

SECTION 1.0 ZONING: GENERAL PROVISIONS

1.1 SHORT TITLE

This Code, consisting of Titles 1 thru 10, shall be known and may be cited as the “Henry County, Indiana, Development Code.”

1.2 AUTHORITY

This Code is adopted by the County pursuant to its authority under the Indiana Code and other state and federal statutes as applicable.

1.3 PURPOSE

The purpose of this Code is to regulate the use and development of land within Henry County and under the jurisdiction of the Henry County Planning Commission. It is designed to promote the public health, safety and general welfare and more specifically to:

- A. Support the goals, objectives and policies of the Henry County Comprehensive Plan and other plans adopted by Henry County;
- B. Provide for the efficient development of natural resources, agriculture, business and industry;
- C. Provide for the conservation of property values and natural resources;
- D. Provide for the growth of communities commensurate with the Comprehensive Plan and promote efficient and economical use of property in such areas as are under the jurisdiction of the Planning Commission;
- E. Identify the approximate boundaries of Zoning Districts by reference to the Official Zoning Maps. The official Zoning Maps are on file in the Planning Commission Office;
- F. Prohibit uses, buildings or structures incompatible with the stated purpose of such Zoning Districts, respectively;
- G. Fix standards to which the uses, buildings or structures within each Zoning District shall conform, therein restricting and regulating their location, construction, reconstruction or alteration;
- H. Regulate the intensity of the use of each lot by requiring open areas around buildings and structures, to provide adequate light and ventilation;
- I. Limit congestion in the public roads and streets by providing for the off-street parking, loading and unloading of vehicles and by the provision of alternative transportation modes where appropriate;
- J. Preserve and enhance features of environmental or historic significance;

- K. Designate and define the powers and duties of the bodies and/or officials administering and enforcing this Code and the procedures by which the Code is administered; and
- L. Prescribe penalties for the violation of this Code.

1.4 SCOPE OF REGULATIONS

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

1.5 JURISDICTION

Except such agricultural uses and structures as are specified in this Code, the provisions of this Code shall apply to all lands and land uses and structures in the unincorporated areas of Henry County and in incorporated towns and cities that have designated the Planning Commission as their planning agency, including the incorporated towns of Blountsville, Dunreith, Lewisville, Middletown, Mooreland, Mount Summit, Spiceland, Springport, Straughn and Sulphur Springs, and any other incorporated towns that may, in the future, designate the Planning Commission as their planning agency.

To designate the Planning Commission as their planning agency, the city or town council shall pass an ordinance, which shall be in such form as is established by the Henry County Planning Commission.

1.6 EFFECTIVE DATE

This Code was adopted and became effective on March 5, 2004.

1.7 REPEAL OF PRE-EXISTING ORDINANCES, CODES AND ZONING MAPS

Upon this Code taking effect after publication as required by Indiana Law, the previous Ordinances, Codes and Zoning Maps relating to Subdivisions and zoning regulations and all amendments thereto are repealed, provided that such repeal shall not affect the liability of any person for a violation of those Ordinances, Codes and Zoning Maps or amendments thereto or the right of the County to prosecute for such violation.

SECTION 2.0 ZONING: DEFINITIONS

2.1 INTERPRETATION OF TERMS

- A. For the purpose of this Code, certain numbers, abbreviations, terms, words and phrases used herein shall be used, interpreted and defined as set forth in this Section:
- B. Whenever any words and phrases used herein are defined in the state laws regulating the creation and function of various planning agencies, such definitions shall apply to such words and phrases used herein, except where the context requires otherwise.
- C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

1. The word “person” includes a corporation, company, firm, partnership, association, organization, trust, unit of government or any other group that acts as a unit, as well as a natural person.
 2. The masculine includes the feminine.
 3. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
 4. The word “shall” indicates a mandatory requirement, the word “may” indicates a permissive requirement and the word “should” indicates a preferred requirement.
 5. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
 6. The word “lot” includes “plot” or “parcel.”
- D. All other words not defined herein shall be defined according to the most recent edition of Webster’s New Collegiate Dictionary.
- E. Specific definitions set forth in Title 1, Section 2.2 shall apply to all other Titles of this Code.

2.2 SPECIFIC DEFINITIONS

The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Abandoned Vehicle	<ol style="list-style-type: none"> 1. A vehicle located on public property illegally; 2. A vehicle left on public property without being moved for three (3) days; 3. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way; 4. A vehicle left on public property from which the engine, transmission or differential has been removed or that is otherwise partially dismantled or inoperable; 5. A vehicle that has remained on private property without the consent of the Owner or person in control of that property for more than forty-eight (48) hours; 6. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this Title if the impounded vehicle is not claimed or redeemed by the Owner or the Owner’s agent within twenty (20) days after the vehicle’s removal; or 7. A vehicle that is at least three (3) model years old, is mechanically inoperable and is left on private property continuously in a location visible from public property for more than twenty (20) days.
Accessory Apartment	A second dwelling unit either in or added to an existing single-family detached dwelling or in a separate accessory structure on the same lot

	as the main dwelling for use as a complete, independent living facility with provision in the accessory apartment for cooking, eating, sanitation and sleeping. Accessory apartments shall be clearly subordinate to the primary use in both size and location.
Accessory Building	A subordinate building, or a portion of a main building, the use of which is incidental to that of the main building.
Accessory Structure	A structure that is incidental to the principal building and is located on the same lot as the principal building.
Accessory Use	A use that is incidental to that of the primary use, is subordinate in area, extent or purpose, is customarily found in connection with the principal use and is located on the same lot as the principal use.
Adult Use	A use that provides a preponderance of services, trade or material of a sexually explicit nature, including, but not limited to, adult arcades, adult bookstores, adult cabarets, adult theaters and sexual encounter establishments.
Advertising Structure	Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purpose of making anything known, the origin or sale of which is not on the property with such advertising structures (except those on or over county owned property). For the purpose of this Ordinance, any billboard, off-premises sign or poster board as above defined shall be construed as a structure. (See also Sign.)
Advisory Planning Commission	A planning commission serving a single local government jurisdiction, established as defined under Indiana Code IC 36-7-1-2 (1983), as amended, hereinafter referred to as "Planning Commission."
Agricultural Building	A structure utilized for the conduct of farming operations, but not including a dwelling.
Airport	Any area that is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas that are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.
Alley	A public thoroughfare that affords only secondary means of access to abutting property.
Animal Unit	A unit of measurement calculated by multiplying the number of animals contained in a CFO/CAFO site by the animal unit factor corresponding to the species, gender, age, etc. of the animals on the site. Animal units are used to determine separation distances for CFO/CAFO sites.
Animal Unit Factor	See Table in Section 12.4
Apartment	See Dwelling.
Applicant	The Owner of land who makes application to the Planning Commission or Board of Zoning Appeals for action by said Commission or Board.

Basement	Any story of a building below the first story in which the surface of the floor above is less than six (6) feet above the adjacent ground elevation at all points.
Bed and Breakfast	An Owner-occupied residential dwelling unit containing guest rooms for rent as a secondary use for periods of less than two (2) weeks. Guest rooms are not intended to be used for cooking or eating; however, meals may or may not be provided.
Billboard	See Sign, Off-Premises Advertising.
Block	A tract of land bound by streets or by a combination of streets and public parks, railroad rights-of-way, waterways, boundary lines of municipalities, or natural or artificial barriers.
Block Face	One (1) side of a road or street between intersections.
Board of Zoning Appeals	The Board of Zoning Appeals of Henry County, Indiana.
Boarding House	A building not available to transients in which meals and lodging are regularly provided for at least four (4) but not more than twelve (12) persons.
Buffer, Landscaping	Any trees, shrubs, walls, fences, berms or related landscaping features required under this Ordinance or the Subdivision regulations to be placed either on private property and privately maintained or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes and/or for creating sound and/or visual privacy barriers.
Building	A structure having a roof supported by columns or walls, for the shelter, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without openings through such walls, each portion of such building shall be considered a separate building.
Building Area	The horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high and architectural features that project no more than two (2) feet.
Building Front	The side(s) of a building that parallels and is visible from the right-of-way of any or all of the Roads or Streets as hereinafter defined.
Building Line	The line that establishes the minimum permitted distance on a lot between the front line of a building and the road or street right-of-way line.
Building Permit	A permit required to be obtained before beginning construction, alteration, repair or demolition of any building or structure.
Building, Detached	A building that has no structural connection with another building.
Building, Principal	A building in which the main or principal use of the lot on which said building is situated is conducted. Standards recognized by the Indiana Department of Fire and Building Services shall be used to determine whether a given structure constitutes one (1) or more buildings in cases where ambiguities exist.

Business	The engaging in purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices or recreational and amusement enterprises for profit.
Camp, Private	An area of land used or designed to be used to accommodate groups or organized camping parties; may include cabins, tents, food service and recreational facilities.
Campground	Any site, lot, field or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.
Camping Trailer	A folding structure built on a chassis with wheels and designed to move on the highway.
Cemetery	Land used or intended to be used for the burial of the dead; includes any columbarium, crematory, mausoleum or mortuary operated in conjunction with and on the same tract as the cemetery.
Center Line	The mid-point in the width of a public right-of-way. This shall be determined by recorded Subdivision plats or by the historic center line for all unplatted rights-of-way. In the event that acquisition of additional right-of-way has taken place on one side of a right-of-way, the original center line prior to such acquisition shall be considered the center line for the purposes of this Zoning Ordinance.
CFO/CAFO Applicant	A person, persons, legal entity, or legal entities who apply to the Henry County Planning Commission for a Commission Approved Use for CFO/CAFO site/s.
Clean Record	A record with the Indiana Department of Environmental Management that is without any violations during the previous five (5) year period.
Clinic	An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians, dentists, podiatrists, chiropractors, psychiatrists, psychologists or similar medical professionals are provided.
Cluster Housing	Developments in which dwelling units are clustered in a specific area on the site in order to permit aggregation of the remaining land into common recreational or open spaces.
Commission Approved Uses	Uses that are permitted in any Zoning District only after a majority vote of the Planning Commission as provided in the Planning Commission's Rules of Procedure. All Commission Approved Uses that are permitted in the underlying Zoning Districts (upon obtaining Commission Approved Use authorization) shall be permitted in the Corridor Overlay District.
Concentrated Animal Feeding Operation (CAFO)	Refer to definition found at 327 IAC 5-4-3.
Condominium	Real estate lawfully subjected to Indiana Code IC 32-1-6 (the Horizontal Property Law) by the recording of condominium instruments and in which

	undivided interests in the common areas and facilities are vested in the condominium unit Owners.
Confined Feeding Operation (CFO)	Refer to definition found at 327 IAC 16-2-5.
Construction Trailer	A manufactured mobile unit without cooking or bathroom facilities, not designed for dwelling purposes and used as a temporary office during construction.
County Jurisdictional Area	The unincorporated territory of Henry County, the incorporated area of the Towns of Blountsville, Dunreith, Lewisville, Middletown, Mooreland, Mount Summit, Spiceland, Springport, Straughn and Sulphur Springs, Indiana, and any other incorporated areas that may, in the future, designate the Planning Commission as their planning agency.
Corner Lot	See Lot, Corner.
Corridor Overlay District	A special Zoning District along a portion of the arterial highway system designated by the County Commissioners and recorded on the Official Zoning Maps in which the regulations of Section 16 apply in addition to the regulations of the underlying Zoning Districts.
Corridor Overlay District, Boundaries	Boundaries of the Corridor Overlay District are established at six hundred sixty (660) feet on each side of the designated highway(s) as measured perpendicularly from the centerline of the rights-of-way.
Corridor Overlay District, Permitted Uses	All uses permitted in the underlying Zoning Districts shall be permitted in the Corridor Overlay District.
Corridor Overlay District, Roads and Streets	The roads and streets within the Corridor Overlay District as shown on the Official Zoning Maps.
Country Club	An establishment operated for social or recreational purposes that is open only to members and not to the general public.
County	Henry County, Indiana.
County Attorney	Usually that attorney regularly retained to advise or represent the County in legal matters. In special circumstances the term may refer also to other attorneys retained by the County for supplemental legal services.
County Commissioners	The Board of County Commissioners of Henry County, Indiana.
Day Care Center	A facility, or use of a building or portion thereof, for daytime, non-residential care of at least seven (7) individuals but not more than twenty (20) individuals. This term includes nursery schools, preschools, supervised centers for children or adults and similar uses, but excludes public and private primary or secondary educational facilities.
Density	The number of dwelling units permitted per gross acre of land.
Density, Gross	The numerical value obtained by dividing the total number of dwelling units in a Development by the gross area (in acres) of the tract of land within a Development.

Density, Net	The numerical value obtained by dividing the total number of dwelling units in a Development by the area (in acres) of the actual tract of land upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area, the result being the number of dwelling units per net residential acre of land.
Density, Section	For the purposes of CFO/CAFO site evaluation, the number of non-farm dwellings (see Dwelling, Farm) located within a one-half (1/2) mile radius from proposed CFO/CAFO site, excluding any dwelling on the same parcel (as identified by tax parcel number) as the proposed CFO/CAFO.
Development Plan(s)	A specific plan for the residential, commercial, industrial or other development of property, setting forth certain information and data required by the Planning Commission.
Development Requirement	A requirement for development of real property in a Zoning District for which a Development Plan is required.
Disabled Vehicle	See Abandoned Vehicle.
Displacement	The maximum amount of motion in any direction as determined by any three-component (simultaneous) measuring system approved by the Planning Commission. "Three-component measuring system" means instrumentation that can measure earth-borne vibrations in a horizontal as well as vertical plane.
Double Frontage Lot	See Lot, Double Frontage.
Drives, Private	Vehicular roads, streets and driveways, paved or unpaved, that are wholly within private property except where they intersect with public roads and streets within public rights-of-way.
Drive-Through Establishment	A facility that, by its physical design, either wholly or in part, allows people to receive goods or services while remaining in their vehicles.
Dwelling	<p>A building or part of a building that is used primarily as a place of abode, including a modular or mobile home as defined herein, but not including a hotel, motel, lodging house, boarding house or tourist home.</p> <ol style="list-style-type: none"> 1. Single-Family <p style="margin-left: 40px;">A detached building designed for or occupied by one (1) family exclusively.</p> 2. Two-Family <p style="margin-left: 40px;">A detached building designed for or occupied by two (2) families. A duplex dwelling has one family unit above the other and a double dwelling has one family unit beside the other.</p> 3. Multi-Family <p style="margin-left: 40px;">A building designed for or occupied by three (3) or more families.</p>

Dwelling Parcel	A tract of land that is not a "Lot" as defined herein but is intended for dwelling use.
Dwelling Unit	A dwelling or part of a dwelling used by one (1) family as a place of abode, physically separated from any other dwelling units that may be in the same structure and containing independent cooking and sleeping facilities.
Dwelling, Farm	A single-family dwelling, located upon a farm and occupied or used by the Owner, farm tenant or other persons employed thereon.
Easement	A recorded authorization grant made by a property Owner for use by another of any designated part of his property for a clearly specified purpose.
Excavation Unit	The sub-areas into which the entire tract being used for mineral extraction is subdivided for operational purposes.
Existing CFO/CAFO	A completed CFO/CAFO site permitted by the Indiana Department of Environmental Management as of the effective date of Henry County Ordinance No. 2014-03-(11-12).
Family	One (1) or more persons living as a single housekeeping unit, but not including a group occupying a hotel, motel, club, nursing home or educational dormitory.
Farm	An area of five (5) acres or more used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery or the production of livestock and poultry, except as defined under "Farm, Confinement Feeding," or the processing of farm products produced on the farm by the resident Owner or tenant, but not including commercial or custom slaughtering.
Farm, Confinement Feeding	Any operation involving the production of livestock or fowl or related operations, indoors or outdoors, wherein three hundred (300) or more cattle, six hundred (600) or more swine or sheep, thirty thousand (30,000) or more fowl are kept within buildings or in structures or in paved or unpaved feed lots, wherein five (5) square feet or less of feed lot area is provided per fowl, or eight (8) square feet or less per hog weighing two hundred twenty-five (225) pounds or less, or fifteen (15) square feet or less per lamb or ewe, or fifty (50) square feet or less per feeder steer, or one hundred (100) square feet or less per dairy cow, provided that this definition shall not apply to operations involved with the products of confinement feeding operations.
Fast Food Restaurant	An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service or prepared quickly. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers. Establishment may include a drive-through service facility as an accessory use.
Fifth Wheel Coach	Structure designed to be mounted in a truck bed and pulled on the highway, built on a chassis eight (8) feet or less wide and forty (40) feet or less long.

Filling or Service Station	Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication or washing of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as engine replacement, body and fender repair or spray painting.
Flag Lot	See Lot, Flag.
Flood Protection Grade	The elevation of the Regulatory Flood plus two (2) feet at any given location in the Special Flood Hazard Area.
Flood, Regional	Large floods that have previously occurred or that may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.
Flood, Regulatory	The flood having a one (1) percent probability of being equaled or exceeded in any given year as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The Regulatory Flood elevation at any location is as defined in Section 5.0 of this Code. The "Regulatory Flood" is also known by the term "Base Flood."
Floodplain	The channel proper and the areas adjoining any wetland, lake or watercourse that has been or hereafter may be covered by the Regulatory Flood. The Floodplain includes both the floodway and the floodway fringe districts.
Floodway	That portion of the Floodplain including the channel that is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.
Floodway Fringe	That portion of the Floodplain, excluding the floodway, where development may be allowed under certain restrictions.
Floodway, Regulatory	See Floodway.
Foot Candle	A unit of illumination equal to the illumination at all points that are one (1) foot from a uniform point source of one (1) candle.
Foundation	The supporting member of a wall or structure.
Foundation, Permanent	A structural system for transposing loads from a structure to the earth at a depth below the established frost line, without exceeding the safe bearing capacity of the supporting soil.
Free Burning	A rate of combustion described by a substance that burns actively and easily supports combustion.
Front Line	With respect to a building, the line of the face of the building nearest the front lot line.
Front Lot Line	1. For an interior or through lot, the line marking the boundary between the lot and the abutting road or street; or

	2. For a corner lot, the line marking the boundary between the lot and the shorter of the two (2) abutting street segments.
Front Yard	See Yard, Front.
Front-Like Facade	An exterior portion of a structure that is not the front, but gives the appearance of being the front by the materials used in construction, architectural style and detail.
Garage or Yard Sale	A private or public sale of six (6) or more items of personal property, the sale of which is conducted within a residence, garage or other accessory building, or immediately outside of such building, and which is conducted by the Owner or occupier of such structure.
Garage, Private	A detached accessory building or a portion of a main building, including carports, on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling.
Garage, Public	Any building except those defined herein as a private garage used for the storage or care of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
Ground Floor Area	The area of a building in square feet as measured on a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways and furnace and laundry areas.
Group Home	A residential facility, licensed by the Indiana Developmental Disabilities Residential Facilities Council, that provides residential services for not more than eight (8) developmentally disabled or mentally ill persons, none of whom has a history of violent or anti-social behavior.
Hardship	A perceived difficulty with regard to one's ability to improve land as a result of the application of the development means of variance. In and of themselves, self-imposed situation standards of this Ordinance, that may or may not be subject to relief by and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. The purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement, any improvement initiated in violation of the standards of this Ordinance, or any result of land division requiring variance from the development standards of this Ordinance to render that site buildable.
Height	With respect to a building, the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip or gambrel roof.
Heavy Industrial Use	See Industrial Use, Heavy.
Home Occupation	An accessory use of a dwelling unit for gainful employment involving the manufacture, provision of and/or sale of goods or services.
Homestead	For the purposes of CFO/CAFO site evaluation, at least ten percent (10%) of a residence held as a joint tenant, tenant in common,

	shareholder, partner, member, beneficiary, or other legally recognized equity interest holder. Ownership by a person's spouse, child, and/or parent(s) may also qualify as a homestead.
Hotel or Motel	A building or group of buildings in which lodging is provided and offered to the public for compensation and that is open to transient guests.
Improvement Location Permit	A document issued under Title 1, Section 14 of this Code, prerequisite to the issuance of a Building Permit, and indicating that the proposed use, erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition of any building or structure or use of the land complies with the sections of this Ordinance.
IDEM	The acronym for the Indiana Department for Environmental Management.
Industrial Use, Extractive	Any mining, quarrying, excavating, storing, separating, cleaning or marketing of any mineral natural resource.
Industrial Use, Heavy	Any manufacturing, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes in which operations, other than transportation, may be performed in either open or closed areas.
Industrial Use, Light	Any manufacturing, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.
Institution	A building or premises occupied by a nonprofit corporation or a nonprofit establishment for public use.
Intense Burning	A rate of combustion described by a substance that burns with a high rate of activity and is consumed rapidly.
Interior Parking	Those parking spaces located in the interior of a parking lot that create definable parking aisles away from the periphery or edge of the lot.
Junk Yard	Any open area, lot or part thereof used for the storage, selling, exchanging, packing, keeping or abandonment of junk, including scrap metal or vehicles or machinery or parts thereof, including automobile wrecking.
Kennel	Any lot or premises or portion thereof on which more than four (4) dogs, cats or other household domestic animals, or any combination totaling more than four (4), more than four (4) months of age are kept, or on which more than two (2) such animals are boarded for compensation or kept for sale.
Kennel, Boarding	A place primarily for keeping four (4) or more dogs, cats or other small animals that are ordinarily kept as pets and are at least four (4) months old. The use may include grooming, breeding, training or selling of animals.
Light Industrial Use	See Industrial Use, Light.

Livestock	Farm animals kept for use, profit, or pleasure. Livestock includes but is not limited to the following: cattle, buffalo, horses, ponies, miniature horses, mules, donkeys, camels, swine, ostriches, emus, goats, sheep, llamas, alpacas, mink or other fur-bearing animals, and rabbits (for the purpose of commercial sale of their meat or pelts).
Loading Berth	An off-street, off-alley area designed or used to load goods onto or unload goods from vehicles.
Lodging House	A building with more than two (2) but not more than ten (10) guest rooms, where lodging with or without meals is provided for compensation.
Lot	<ol style="list-style-type: none">1. A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a road or street.2. A tract, plot or portion of a Subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building Development.
Lot Area	The horizontally projected area of a lot, computed exclusive of any portion of a road or street.
Lot Coverage	The total ground area of a lot, usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.
Lot Frontage	The width of a lot measured at the front lot line where such lot abuts a road or street, measured between side lot lines parallel with the road or street.
Lot of Record	A lot that is a part of a Subdivision, the map of which has been recorded in the office of the County Recorder of Henry County, Indiana.
Lot Width	The distance parallel to the front of a building erected or to be erected, measured between side lot lines at the front lot line.
Lot, Corner	A lot situated at the intersection of two (2) roads or streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
Lot, Depth of	The mean horizontal distance between the front line and the rear line of a lot.
Lot, Double Frontage	A lot other than a corner or through lot that abuts two (2) roads or streets.
Lot, Flag	A lot with access provided to the bulk of the lot by means of a narrow corridor.
Lot, Interior	A lot other than a corner lot.
Lot, Through	A lot having frontage on two (2) parallel or approximately parallel roads or streets.
Lot Line,	For an interior lot or corner lot, the lot line that is opposite the front lot

Rear	line and farthest from it; except for a triangular or other irregularly shaped lot, where it is the line at least ten (10) feet long, parallel to and farthest from the front lot line and wholly within the lot.
Lot Lines, Side	Any lines other than front or rear lines that separate two lots.
Maneuvering Aisle	A maneuvering space in a parking area that serves two (2) or more parking spaces, such as the area between two (2) rows of parking spaces and or the driveway leading to those spaces.
Maneuvering Space	An open space in a parking area that is immediately adjacent to a parking space and is used for and/or is necessary for turning, backing or driving forward a motor vehicle into said parking space.
Manufactured Home	A single-family dwelling unit designed and built in a factory and installed as a permanent residence, that bears a seal certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards Act (1974 U.S.C. 5401 et seq.).
Manure	Any animal feces or urine, any biological material such as bedding which has been in contact with animal feces or urine, and any storm water, groundwater, or process water that has been comingled with animal feces or urine.
Manure Application	The method of applying manure by injection or land application. Surface application on an established crop refers to a green established crop.
Mineral Extraction	Mining or quarrying and removal of earth materials.
Mobile Home	Any housing unit defined or titled by the State of Indiana as a "Mobile Home" and/or any portable structure eight (8) feet or more wide, thirty (30) feet or more long, designed primarily for year-round residency and generally transported on its own frame and running gear. Multiple units and expandables shall be included in this definition.
Mobile Home Park	Any lot, parcel or tract of land approved and licensed for the parking of two (2) or more mobile homes.
Modular Home	Any factory assembled home defined by the State of Indiana as a "Modular Home" and/or any factory assembled home not on its own frame or running gear, designed to be transported to a building site by truck or trailer.
Motor Home	A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle, or so altered.
Neighbor Notification	Notices to be sent to neighboring property owners by the Henry County Zoning Administrator to advise neighbors of a proposed rezoning or commission approved land use. For the purposes of CFO/CAFO site evaluation, notices will be sent via Certified U.S. Mail and applicants will be responsible for the cost of mailing. Personal notification by an applicant does not satisfy the notice requirement.
Non-conforming Building or Structure (Legally Established)	Any continuous, lawfully established building or structure erected or structurally altered prior to the time of adoption, revision or amendment of this Ordinance or granted a variance from this Ordinance, but that

	fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the Zoning District in which it is located.
Non-conforming Use	A use of land existing at the time of enactment of this Ordinance that does not conform to the regulations of the Zoning District in which it is situated.
Occupied Space	The total area of earth horizontally covered by the structure, excluding garages, patios, porches and other accessory structures.
Octave Band	All the frequencies from one frequency to a second frequency.
Octave Band Filter	An electrical device that separates the sounds in each octave band and presents them to the sound level meter.
Odor Abatement	For the purposes of CFO/CAFO site evaluation, methods of odor control. Acceptable methods are listed in Section 12.4.
One and Two Family Dwelling Code, Indiana	The nationally recognized model building code adopted by the Indiana Department of Fire Prevention and Building Safety as mandated by Public Law 360, Act of 1971, and that includes those supplements and amendments promulgated by this agency.
Open Burning	The combustion of solid waste in the open or in an open dump without: <ol style="list-style-type: none"> 1. Control of combustion air to maintain adequate temperature for efficient combustion; 2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or 3. Control of the emissions of the combustion products.
Open Dump	The consolidation of solid waste from one (1) or more sources or the disposal of solid waste at a single disposal site: <ol style="list-style-type: none"> 1. Without a solid waste land disposal permit; and 2. Established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.
Open Space	The total horizontal area of a lot, excluding the building area but including the parking areas and recreational areas.
Open Use	The use of a lot without a building or a use for which a building with a floor area no larger than five (5) percent of the lot area is only incidental.
Owner	The Owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the County Assessor's Office. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to Zoning Administrator a copy of a deed or contract of sale showing date, book and page of recording.

Parcel	A contiguous quantity of land in the possession of, owned by or recorded as the property of the same person or persons.
Parking Area	A group of parking spaces, exclusive of any part of a road, street or alley, designated or used for the temporary parking of motor vehicles.
Parking Garage	A garage where parking, but not repairs, is available to the public.
Parking Space	A space on private land, accessible from a road, street or alley, not less than ten (10) feet wide and twenty (20) feet long, exclusive of passageways.
Particulate Matter	Divided liquid or solid material that is discharged and carried along in the air.
Peripheral Parking	Those parking spaces located at the edge or periphery of a parking lot.
Pick-up Coach	Structure designed to be mounted on a truck chassis or cut-down automobile.
Planned Unit Development	A large-scale, unified Development meeting the requirements for zoning approval under the provisions of Section 14 of this Ordinance.
Planning Commission	The Henry County Planning Commission.
Plant Area	The area or territory planned for extraction of sand, gravel or other earth materials and the operational installation, if any, for the excavation, processing and distribution of minerals.
Portable Sign	See Sign, Portable.
Poultry	Domesticated birds that serve as a source of eggs or meat, including but not limited to, chickens, turkeys, ducks, geese, guinea fowl, peafowl, pigeons, and pheasants.
Principal Building	See Building, Principal.
Private Camp	See Camp, Private.
Private Garage	See Garage, Private.
Private Recreational Development	See Recreational Development, Private.
Professional Office	An office used by members of a recognized profession, including, but not limited to, architects, artists, attorneys, dentists, engineers, musicians, physicians, surgeons, pharmacists, realtors, insurance agents or brokers.
Public Improvement	Any drainage ditch, road, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which local government responsibility is established.

Public Use Area	Land owned by the United States, the State of Indiana, or a political subdivision with facilities which attract the public to congregate and remain in the area for significant periods of time.
Recreational Area, Neighborhood	A private recreation area that is owned by a Neighborhood Association or a Developer and is only for the use of the residents of that Subdivision.
Recreational Development, Private	A recreational establishment held in private ownership and either open to members or open to the general public in exchange for an admission fee.
Recreational Vehicle	<p>A portable vehicular structure designed as a temporary dwelling for travel and vacation uses that:</p> <ol style="list-style-type: none"> 1. Is identified on the unit by the manufacturer as a travel trailer; and 2. Is of a size that is street-legal. <p>or</p> <ol style="list-style-type: none"> 1. Is a structure mounted on an automobile or truck; and 2. Is designed to be used for sleeping and human habitation.
Recreational Vehicle Park	Any lot, parcel or tract of land approved for the use and occupancy of two (2) or more recreational vehicles.
Recreational Vehicle Site	An area of land within a Recreational Vehicle Park designed and approved for the placement of one (1) recreational vehicle.
Residential District	Those Zoning Districts, RR, R1, R2 and R3, described under Section 6.1, Intent, of this Code.
Right-of-Way, Permanent	A specific and particularly described strip of land, property or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles or utilities, as recorded in the office of the Henry County Recorder.
Ringelmann Number	The number of the area on the Ringelmann chart that most nearly matches the light obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered as no smoke or Ringelmann No. 0; and "smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period.
Road or Street	A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, that affords the principal means of access

	to abutting property. A road or street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.
Road or Street, Collector	A road or street that primarily collects traffic from local roads and streets and feeds it to the arterial network. Collector roads and streets provide circulation within neighborhood areas. Collectors are divided into Major and Minor Collectors, depending upon their priority in the system and the amount of traffic.
Road or Street, Divided	A road or street or portion thereof that has a median strip dividing the lanes carrying traffic in opposite directions.
Road or Street, Local	A road or street used primarily for access to abutting properties. Certain local roads and streets may be marginal access roads or streets parallel to minor collector roads or streets, therefore providing access from abutting properties.
Road or Street, Major Collector	A road or street intended to move high volume, through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas and similar traffic generators within the County and/or as a route for traffic between communities, as designated by and shown in Appendix B to this Ordinance.
Road or Street, Minor Collector	A road or street intended to collect and distribute moderately high volume traffic in a manner similar to major collectors, except that these roads and streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches and offices; and/or designed to carry traffic from local roads or streets to major collectors as designated and shown in Appendix B to this Ordinance.
Road or Street, Private	A right-of-way that has the characteristics of a road or street, as defined herein, except that it is not dedicated to the public use. A driveway that is located on a lot and that serves only the use on that lot is not considered as a private street.
Sanitary Landfill	The place for disposal of garbage by the trench and cover method or fill and borrow method. In the first case, an excavation will be made and the garbage placed in the excavation and covered with the dirt that was removed. In the second case, the fill may be made in a low area and dirt borrowed from higher ground will be spread over the top of the garbage.
School, Trade or Business	A secretarial or business school or college not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a commercial enterprise teaching instrumental music, dancing, barbering, hair dressing, drafting or industrial or technical arts.
Scrap Metal Yard	A heavy industrial use established either independent of another heavy industrial use or ancillary to and connected with another heavy industrial use. A scrap metal yard is concerned exclusively with new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings and all other metal items of every type; and it acquires such items incidental to its connection with the other heavy industrial use, by

	purchase, consignment or bailment. Such metal items may be stored, graded, processed, melted, cut, dismantled, compressed, cleaned or in any way prepared for reuse by a related, on-site, general industrial use; or such metal items may be made available for sale, shipment and use in other industries or businesses, including open hearth electric furnaces and foundry operations. Such establishments shall not include junk yards or open dumps.
Service Station	See Filling or Service Station.
Setback Line	A line parallel to and equidistant from the relevant lot line (front, back, side) that establishes the minimum depth of yard on a lot, beyond which no building or structure is permitted, as measured from the road or street line or the lot line.
Shelter Belt	Shelterbelts will be established in accordance with the Natural Resources Conservation Service Conservation Practice Standard for Windbreak/Shelterbelt Establishment Code 380.
Side Yard	See Yard, Side.
Sign	Any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is located.
Sign, Off-Premises Advertising	A structural poster panel or painted sign (either freestanding or attached to a building), the purpose of which is to convey information, knowledge or ideas to the public about a subject unrelated to the activities on the premises upon which it is located.
Sign, Portable	A free-standing, on-premises advertising device that is designed to be moved from one location to another and is not permanently affixed to the ground or to a structure or is only affixed by means of tie-down straps or stakes.
Special Exception	A use that is designated as such by this Ordinance as being permitted in the Zoning District concerned if it meets special conditions, following a public hearing and the approval of the Board of Zoning Appeals.
Story	That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this Ordinance, a basement shall not be considered a story.
Structural Change	A substantial change or repair, excluding normal and usual repair, in a supporting member of a building, such as a bearing wall or partition column, beam or girder, or in an exterior wall or the roof.
Structure	Anything constructed or erected that requires location on or in the ground or attachment to something having a location or in the ground.
Subdivision	The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision.

Swimming Pool	An artificial pool of water for recreational use, constructed either in the ground or above ground, that is not removed seasonally for storage.
Technical Review Committee	An advisory group that aids the Planning Commission in the technical review of Subdivision Plats, Site Plans and other documents.
Through Lot	See Lot, Through.
Tourist Home	A building in which not more than five (5) guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.
Travel Trailer	A vehicle identified by the manufacturer as a travel trailer, built on a chassis eight (8) feet or less wide and thirty-five (35) feet or less long and designed to move on the highway.
Truck Turnaround	For the purposes of CFO/CAFO site evaluation, a cul-de-sac or T-shaped turnaround area provided so as to prevent semi-trailers from backing off of or onto a road. The turnaround shall be a space adequate for a semi-trailer to turn around. The turnaround shall be covered in an all-weather surface.
Use of Attachment with Application	For the purposes of CFO/CAFO site evaluation, an attachment used in the process of manure application to cover exposed areas of the equipment and control the spray of manure.
Use Variance	The approval of a use other than those prescribed by this Zoning Ordinance. Changes of allowed uses are not permitted by this Ordinance except by Zoning Map amendment.
Variance	A specific approval for development or redevelopment that deviates from the development standards prescribed by this Ordinance, including, but not limited to, height, bulk or yard areas, but not including a change in use. Such approvals are granted by the Board of Zoning Appeals in the manner prescribed in Section 18 of this Ordinance.
Violation, IDEM or EPA	An enforcement action resulting in an Agreed Order or a Commissioner's Order within the preceding five (5) years from the Indiana Department of Environmental Management, a Consent Agreement or Final Order within the preceding five (5) years from the United States Environmental Protection Agency, or a finding from a court of law that a person or legal entity has caused a substantial endangerment to human health or the environment. A legal entity shall be deemed to have incurred a violation if an owner, member, shareholder, or interest holder of at least ten percent (10%) of the entity has incurred a violation personally.
Vision Clearance on Corner Lots	A triangular space on the road or street corner of a corner lot, free from obstruction to vision between the heights of three (3) and twelve (12) feet above established grade, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the road or street corner along each property line.
Water Conservation	Methods that significantly reduce the amount of water used in the CFO/CAFO, such as wet/dry feeders or other feeding and watering systems.

Wireless Communication	Any Communications Facilities or Towers, poles, Antennas or other structures intended for use in connection with transmission or reception of radio, television, telecommunication or any other Spectrum-based transmission/reception
Yard	A space on the same lot with a principal building that is open and unobstructed by structures except as otherwise authorized by this Ordinance.
Yard, Front	A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts and other similar structures, the depth of which is the least distance between the nearest centerline and the front line of the building.
Yard, Rear	A yard that extends across the full width of a lot and is bound on the rear by the rear lot line and the depth of which is the least distance between the rear lot line and the rear of the principal building.
Yard, Side	A yard between the principal building and the adjacent side lot line that extends from the front yard, or the road or street right-of-way where there is no front yard, to the rear yard and the width of which is the least distance between the side lot line and the adjacent side of the building.
Zero Lot Line	The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.
Zoning District	A section of Henry County for which uniform regulations governing the use, height, area, size and intensity of buildings and land and open spaces about buildings are hereby established.
Zoning Administrator	The official appointed and/or designated by the Planning Commission to be responsible for the administration of the Development Codes set forth in Section 14.4 of this Code.
Zoning Maps	The official maps showing the designated Zoning Districts in Henry County, kept in the Planning Commission office.

SECTION 3.0 ZONING: ZONING DISTRICTS

3.1 ESTABLISHMENT

In order to carry out the purposes and provisions of this Ordinance, the County is hereby divided into thirteen (13) Zoning Districts known as:

**Table 1
Zoning Districts**

Symbol	Description	Comprehensive Plan Density Classification			
		High	Medium	Low	Very Low
A1	Agricultural Districts				X
FP	Flood Plain Districts (With FW and FF Subdistricts)				X
RR	Rural Residential Districts				X
R1	Single-Family Residential Districts			X	
R2	Two- (2-) Family Residential Districts		X		
R3	Multi-Family Residential Districts	X			
RMH	Residential Mobile Home Districts	X	X		
LB	Local Business Districts	X	X		
GB	General Business Districts	X	X		
HB1	Highway Business Districts	X	X		
HB2	Intensive Highway Business Districts	X	X		
I1	Light Industrial Districts	X			
I2	Heavy Industrial Districts	X			

Refer to Section 3.3 for cross-references to formerly established Zoning Districts.

3.2 PURPOSE OF ZONING DISTRICTS

For the interpretation of this Ordinance, the Zoning Districts have been formulated to realize the general purposes set forth in the General Provisions of this Ordinance. In addition, the specific purpose of each Zoning District shall be as follows:

A1 Agricultural Districts are established to preserve and protect the decreasing supply of agricultural land by limiting indiscriminate infiltration of urban development into rural areas. The maximum density is one (1) dwelling unit per twenty (20) acres.

FP Flood Plain Districts and FW or FF Floodway or Flood Fringe Subdistricts are established to guide development in the flood prone areas of waterways as to avoid or limit damage resulting from high water. Uses permitted in these Zoning Districts are generally open space, agricultural and recreational.

RR Rural Residential Districts are established to permit some degree of development in the rural areas of the County where public facilities are unavailable and to provide for more intense development where public facilities are available. Placing a maximum density of one (1) dwelling per twenty (20) acres for dwellings with individual sewage systems will help to avoid problems while allowing individual housing preference to be satisfied.

R1 Single Family Residential Districts are established to permit one- (1-) family dwellings in urbanizing areas of the County that may expect to be served by centralized sewer and water facilities in the immediate future. Density shall not exceed two and one-half (2.5) dwelling units per gross acre with sewer services and one (1) dwelling unit per gross acre without sewer services.

R2 Residential Districts are established to permit medium density residential development of one- (1-) and two- (2) family dwelling units. Density shall not exceed four (4) dwelling units per gross acre and one (1) dwelling unit per gross acre without sewer service.

R3 Residential Districts are established to permit two- (2-) family and multiple family dwellings in communities. Centralized water and sewer facilities are required for higher density development. Density shall not exceed six (6) dwelling units per gross acre.

RMH Residential Mobile Home Districts are established to encourage the development of well-planned mobile home parks. Such Zoning Districts should abut upon a major collector road or street. Mobile home parks shall comply with all state regulations, as well as those general standards specified in this Ordinance.

LB Local Business Districts are established to provide areas for convenient business uses that tend to meet the daily shopping needs of the residents of an immediate neighborhood. These Zoning Districts should be carefully and strategically located.

GB General Business Districts are established to provide areas that are appropriate for all kinds of businesses and services, particularly large space users such as department stores, specialty stores and the like. Shopping centers are good examples of uses in the GB District. It is necessary that GB Districts be located along a major collector.

HB1 Highway Business Districts are established for highway-oriented businesses requiring large tracts of land but generally considered to be low traffic generators.

HB2 Intensive Highway Business Districts are established to provide for highway-oriented intensive uses or high traffic generators.

I1 Light Industrial Districts are established to encourage the development of industries and wholesale business establishments that are clean, quiet and free of hazardous or objectionable elements, that operate entirely within enclosed structures and generate little industrial traffic. These Zoning Districts are further proposed to act as transitional districts between Heavy Industrial Districts and Business Districts.

I2 Heavy Industrial Districts are established to provide for major manufacturing, processing, warehousing and research and testing operations. These activities require extensive community facilities and reasonably good access to major collectors and interstate highways. They may also have extensive open storage and service areas and may generate heavy industrial-type traffic (trucks, semis, etc.), but shall be prohibited if they create nuisances beyond the limitations of this Ordinance.

3.3 OFFICIAL ZONING MAPS

A. Division of Zoning Districts

The County is hereby divided into the thirteen (13) Zoning Districts aforesaid, and the boundaries of such Zoning Districts are shown upon the Official Zoning Maps, consisting of Township and Town maps, all of which are sections of the same map, covering the entire territory of the County, on file in the office of the Zoning Administrator, and that are hereby

made a part of this Code. Such Zoning Maps and all the notations, references and other information shown thereon shall be as much a part of this Code as if the matters and information set forth by such maps were all fully described herein.

B. Cross-References

For purposes of identification of Zoning Districts, the following cross-references to Zoning District designations shown on Official Zoning Maps and/or recorded in the Planning Commission’s current files shall apply. The Zoning Districts listed first were Zoning Districts prior to 1978 and have been replaced by the Zoning Districts as follows:

Old Designation		New Designation
A-A1 Areas	are now	A1 Districts.
A-R2 Areas	are now	RR Districts.
N-R3 Areas	are now	R1 Districts.
N-R4 Areas	are now	R1 Districts.
N-R5 Areas	are now	R2 Districts.
N-B6 Areas	are now	LB Districts.
N-B7 Areas	are now	GB Districts.
N-B8 Areas	are now	GB Districts.
N-I9 Areas	are now	I1 Districts.
N-I10 Areas	are now	I1 Districts.
N-I11 Areas	are now	I2 Districts.
E-R12 Areas	are now	R2 Districts.
E-R13 Areas	are now	R2 Districts.
E-B14 Areas	are now	GB Districts.
E-I15 Areas	are now	I1 Districts.
X-16 Areas	are now	A1 Districts.

C. Identification of Official Zoning Maps

The Official Zoning Maps shall be identified by certification and bear the seal of the County under the following words:

“This is to certify that this is the Official Zoning Map referred to in Section 3.0 of Title 1 of the Development Code of Henry County, State of Indiana.”,

together with the date of adoption of this Title. Certification shall be by the signatures of the President of the County Commissioners and the President of the Planning Commission and attested by the County Surveyor and County Auditor. The title “Official Zoning Maps” in large letters may be placed in appropriate open space around the map or in the title block.

D. Maintenance of Official Zoning Maps

If, in accordance with the provisions of this Title, changes are made in Zoning District boundaries or other matters portrayed on the Official Zoning Maps, such changes shall be entered on the Official Zoning Maps promptly after the amendment has been approved by the County Commissioners with an entry on the Official Zoning Maps as follows:

“On _____ [date], by official action of the Board of Commissioners of Henry County, Indiana, the following changes were made on the Official Zoning Maps:
_____.”

The entry shall be initialed by the President of the County Commissioners and the President of the Planning Commission and attested by the County Surveyor and the County Auditor. No changes of any nature shall be made on the Official Zoning Maps or matters shown thereon

except in conformity with the procedures set forth in this Title. Any unauthorized change of any kind by a person or persons shall be considered a violation of this Title and punishable as provided under Section 14.10, Enforcement.

E. Location of Official Zoning Maps

Regardless of the existence of purported copies of the Official Zoning Maps that from time to time may be published, the Official Zoning Maps shall be located in the office of the Zoning Administrator of Henry County. It shall be the final authority as to the current zoning status of land and water areas in the County and its administrative jurisdictional area.

F. Replacement of Official Zoning Maps

In the event that the Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may by resolution adopt new Official Zoning Maps. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such correction shall have the effect of amending the original Official Zoning Maps or any subsequent amendment thereof. The new Official Zoning Maps shall be authenticated by the signatures of the President of the County Commissioners and the President of the Planning Commission, attested by the County Surveyor and the County Auditor and bear the seal of the County under the following words:

“This is to certify that these Official Zoning Maps supersede and replace the Official Zoning Maps adopted _____ [date] as part of Code Number _____ of Henry County, Indiana.”

Unless the prior Official Zoning Maps have been lost or have been totally destroyed, the prior maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to their adoption or amendment.

G. Revision of Official Zoning Maps

As soon as revised Official Zoning Maps showing Zoning District designations of A1, FP, FW, FF, RR, R1, R2, R3, RMH, LB, GB, HB1, HB2, I1 or I2 are adopted, the revised Official Zoning Maps shall apply to the areas illustrated thereon. In any case where the zoning classification assigned to real property by the Official Zoning Maps under this Code places greater restrictions on the use of that property than existed under the zoning classification assigned pursuant to the previous Ordinance, the property in question, notwithstanding the Official Zoning Maps, shall be placed automatically in the new zoning classification that corresponds to the previous classification, as set forth in Section 3.3 hereof.

3.4 ZONING DISTRICT BOUNDARIES

- A. The boundaries of each Zoning District as established on the Official Zoning Maps are intended to follow property lines, lot lines, county and state highways, roads, streets, railroad rights-of-way, streams and other natural landmarks. Distances shall be scaled directly from the Official Zoning Maps. Should questions arise as to the exact location of Zoning District boundaries, the Zoning Administrator shall interpret said Official Zoning Maps according to the reasonable intent of this Code.
- B. Territory under the control of this Code that may hereafter be annexed to or disannexed from a town or city shall remain as zoned unless changed by amendment of this Code.
- C. When a right-of-way is vacated, the Zoning Districts adjoining each side are respectively extended to the center of the area so vacated.

- D. Minimum front, side and rear setbacks for former E-R12 and E-R13 Zoning Districts will differ from R2 setbacks.

SECTION 4.0 ZONING: REGULATIONS FOR A1 DISTRICTS

The following regulations shall apply in all A1 Districts in addition to all other requirements of this Code.

4.1 INTENT

A1 Agricultural Districts are established to preserve and protect the decreasing supply of agricultural land by limiting indiscriminate infiltration of urban development into rural areas. The maximum density is one (1) dwelling unit per twenty (20) acres.

4.2 PERMITTED USES, ACCESSORY USES AND COMMISSION APPROVED USES

The following table identifies those uses that are permitted uses (P), permitted accessory uses (PA) or Commission Approved Uses (CA) in the A1 Districts, provided that they comply with the Property Development Standards set forth in Section 4.3 and Section 11.0.

**Table 2
A1 Districts: Permitted Uses, Accessory Uses and Commission Approved Uses**

Use	A1
Accessory Structure	PA
Advertising Structure	P
Agriculture, Animal Raising	P
Agriculture, Confinement Feeding	CA
Agriculture, Farm	P
Agriculture, Farm Management	P
Agriculture, Feed and Fertilizer	P
Agriculture, Feed Lot	P
Agriculture, Grain	P
Agriculture, Grain Storage	P
Agriculture, Livestock	P
Agriculture, Nurseries, Truck Gardening, Farm Crops	P
Airport	CA
Anhydrous Ammonia or Similar Liquefied Fertilizer, Storage and Distribution	CA
Assembly Hall for Use by Non-Profit Organization	CA
Auction Sale, Enclosed	CA
Auction Sale, Open	P
Bait Sale, Live	CA

**Table 2
A1 Districts: Permitted Uses, Accessory Uses and Commission Approved Uses
(continued)**

Use	A1
Bed and Breakfast or Tourist Home	CA
Bottled Gas, Storage and Distribution	CA
Camp, Private	CA
Cemetery	CA
Church	CA

Country Club	CA
Dwelling, Conventional Home	P
Dwelling, Farm	P
Dwelling, Farm Worker, Seasonal Housing, Tenant	P
Dwelling, Mobile Home ¹	P
Dwelling, One-Family	P
Home for the Disabled, Residential	P
Manufacturing, Storage or Use of Explosives	CA
Golf Course	CA
Greenhouse, Commercial	P
Home Occupation	PA
Hunting or Fishing Lodge, Seasonal	CA
Kennel or Animal Hospital	CA
Lake, Artificial or Natural	P
Landfill, Refuse Disposal, Dump	CA
Municipal or Governmental Building	P
Nursery or Greenhouse	P
Park, Playground or Recreational Facility, Public	P
Police or Fire Station	P
Produce Sales Stand, Roadside	P
Railroad Right-of-Way and Necessary Uses	P
Recreational Development, Private	CA
Recreational Enterprise, Outdoor Commercial	CA
Riding Stable	CA
School, Public	P
Slaughterhouse	CA
Swimming Pool	PA
Theater, Outdoor	CA
Utility	CA
Wholesale Produce Terminal	CA
Wireless Communication	P

¹ Subject to the Requirements of Section 10.4

4.3 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and structures in the A1 Districts:

**Table 3
A1 Districts: Property Development Standards**

A. Maximum Gross Density	
1. With septic system	1 unit/20 acres (1)
2. With community sewage disposal system	1 unit/20 acres (1)
B. Minimum Lot Width	
1. With septic system	150 feet (2)
2. With community sewage disposal system	150 feet (2)
C. Maximum Building Height (agricultural structures not included)	
1. In stories	2.5
2. In feet	35
D. Minimum Building Size - square feet of ground area	
1. One-family, one story	900
2. One-family, two story	720*
E. Minimum Front Yard Setback	
1. Lots abutting a Principal or Major Collector Highway	85 feet
2. Lots abutting a Minor Collector or Local Road or Street	60 feet
F. Minimum Side Yard Setback (two required)	
50 feet (3)	
G. Minimum Rear Yard Setback	
50 feet (4)	
H. Other Requirements	
<ol style="list-style-type: none"> 1. The minimum lot size for residential uses shall be one and one-half (1.5) acres unless otherwise required by the Henry County Health Department for proper sewerage. 2. The minimum lot width for residential uses shall be one hundred fifty (150) feet. 3. The minimum side yard setback for residential uses shall be thirty-five (35) feet. 4. The minimum rear yard setback for residential uses shall be forty (40) feet. 5. See Section 11.0 for Parking, Signage and Landscaping Requirements. 	

* Includes only the ground floor.

SECTION 5.0 ZONING: REGULATIONS FOR FP DISTRICTS

The following regulations shall apply in all FP Districts and FW and FF Subdistricts in addition to all the other requirements of this Code.

5.1 INTENT

FP Flood Plain Districts and FW and FF Floodway or Flood Fringe Subdistricts are established to guide development in the flood prone areas of waterways as to avoid or limit damage resulting from high water. Uses permitted in these Zoning Districts are generally open space, agricultural and recreational.

5.2 DIVISION OF FP DISTRICTS

The Flood Plain Districts shall be designated FP on Official Zoning Maps and include areas not yet established by the Planning Commission as either FW or FF Subdistricts.

- A. Floodway Subdistricts, designated FW on Official Zoning Maps.
- B. Floodway Fringe Subdistricts, designated FF on Official Zoning Maps. The FF Subdistricts designated may be combined with any other Zoning Districts established by this Ordinance, as FF-A1, FF-R3, FF-LB, and so on.

5.3 SPECIAL PROVISIONS FOR FP DISTRICTS

In those portions of the County where the Floodway Fringe and the Floodway have not been separately established, the Planning Commission shall not issue a permit except for those uses listed under Section 5.6 below, unless approved by the Department of Natural Resources.

5.4 PROPERTY DEVELOPMENT STANDARDS IN FLOODPLAIN DISTRICTS

The following property development standards shall apply to all land and structures in the FP Districts:

**Table 4
FP Districts: Property Development Standards**

A. Maximum Density for Residential Uses	
1 unit/20 acres (1)	
B. Minimum Lot Width	
150 feet	
C. Maximum Building Height (agricultural structures not included)	
1. In stories	2.5
2. In feet	35
D. Minimum Building Size - square feet of ground area	
No requirements.	
E. Minimum Front Yard Setback	
1. Lots abutting a Principal or Major Collector Highway	110 feet
2. Lots abutting a Minor Collector or Local Road or Street	85 feet
F. Minimum Side Yard Setback (two required)	
100 feet	
G. Minimum Rear Yard Setback	
100 feet	
H. Other Requirements	
1. The minimum lot size for residential uses shall be one and one-half (1.5) acres	

unless otherwise required by the Henry County Health Department for proper sewerage.

2. See Section 11.0 for Off-Street Parking, Outdoor Advertising, Loading and Fences, Hedges and Wall Requirements.

5.5 PROPERTY DEVELOPMENT STANDARDS IN FLOODWAY FRINGE SUBDISTRICTS

The provisions of Section 5.4 or the Section applicable to the District with which the FF Subdistrict is combined shall apply.

5.6 PERMITTED USES, ACCESSORY USES AND COMMISSION APPROVED USES

The following table identifies those uses that are permitted uses (P), permitted accessory uses (PA) or Commission Approved Uses (CA) in the A1 Districts, provided that they do not involve any structure, obstruction, deposit or excavations, and further that they comply with the Property Development Standards set forth in Sections 5.4 and Section 11.0.

Table 5
FP Districts and FW and FF Subdistricts:
Permitted Uses, Accessory Uses and Commission Approved Uses

Use	FP	FW	FF
Advertising Structure ^{1, 2}	CA	CA	CA
Agriculture, Crops	P	P	P
Agriculture, Orchard	P	P	P
Agriculture, Pasture	P	P	P
Agriculture, Plant Nursery	P	P	P
Athletic Facility	CA	CA	CA
Country Club ¹	CA	CA	CA
Batting or Driving Range	CA	CA	CA
Camp, Public ¹	CA	CA	CA
Forestry	P	P	P
Golf Course ¹	CA	CA	CA
Golf Course, Miniature	CA	CA	CA
Lake, Artificial or Natural	P	P	P
Nature Preserve	P	P	P
Park or Playground	P	P	P
Parking Lot	CA	CA	CA
Railroad Right-of-Way and Necessary Uses ¹	P ¹	P ¹	P ¹
Recreational Development, Private	CA	CA	CA
Recreational Enterprise, Outdoor Commercial	CA	CA	CA
Shooting Range, Outdoor	CA	CA	CA
Sign ^{1, 2}	CA	CA	CA
Vineyard	CA	CA	CA
Wildlife Area	P	P	P

1. Permit required from the Indiana Department of Natural Resources.
2. See Section 11.0 for additional requirements.

5.7 USES PERMITTED IN FLOODWAY FRINGE FF SUBDISTRICTS

Within the FF Floodway Fringe Subdistricts, all facilities, structures and buildings listed as permitted by Commission Approved Use in Section 5.6 or within the Zoning District with which the FF Subdistrict is combined may be permitted, provided that the flood protection grade for all buildings shall be at least two (2) feet above the regulatory flood profile as established or approved by the Indiana Department of Natural Resources.

SECTION 6.0 ZONING: REGULATIONS FOR RR, R1, R2 and R3 DISTRICTS

The following regulations shall apply in all RR, R1, R2 and R3 Districts in addition to all the other requirements of this Code.

6.1 INTENT

- A. RR Rural Residential Districts are established to permit some degree of development in the rural areas of the County where public facilities are unavailable and to provide for more intense development where public facilities are available. Placing a maximum density of one (1) dwelling per twenty (20) acres for dwellings with individual sewage systems will help to avoid problems while allowing individual housing preference to be satisfied.
- B. R1 Single Family Residential Districts are established to permit single family dwellings in urbanizing areas of the County that may expect to be served by centralized sewer and water facilities in the immediate future. Density shall not exceed two and one-half (2.5) units per gross acre with sewer services and one (1) dwelling unit per gross acre without sewer services.
- C. R2 Residential Districts are established to permit medium density residential development of one- (1-) and two - (2) family dwelling units. Density shall not exceed four (4) dwelling units per gross acre and one (1) dwelling unit per gross acre without sewer service.
- D. R3 Residential Districts are established to permit two- (2-) family and multiple family dwellings in communities. Centralized water and sewer facilities are required for higher density development. Density shall not exceed six (6) dwelling units per gross acre.

6.2 PERMITTED USES, ACCESSORY USES AND COMMISSION APPROVED USES

The following table identifies those uses that are permitted uses (P), permitted accessory uses (PA) or Commission Approved Uses (CA) in the RR, R1, R2 and R3 Districts, provided that they comply with the Property Development Standards set forth in Section 6.3 and Section 11.0.

Table 6
RR, R1, R2, R3: Permitted Uses, Accessory Uses and Commission Approved Uses

Uses	RR 5+ Acres	RR <5 Acres	R1	R2	R3
Accessory Structure (See Section 10.1)	PA	PA	PA	PA	PA
Assembly Hall for Use by Nonprofit Organization					CA
Boarding or Lodging House					P
Counselor's Office					CA
Chiropractor's Office					CA
Charitable Institution				CA	CA
Country Club			CA	CA	CA
Dwelling, Farm	P	P	P		
Dwelling, Multi-Family					P
Dwelling, One-Family, Conventional Home	P	P	P	P	P
Dwelling, One-Family, Mobile Home (Subject to the requirements of Section 10.4.)				CA	CA
Dwelling, One-Family, Modular Home	P	P	P	P	P
Dwelling, Two-Family				P	P
Fence (See Section 6.3)	PA	PA	PA	PA	PA
Funeral Home or Mortuary					CA
Golf Course			CA	CA	CA
Group Home (See Note)				CA	P
Home Occupation	PA	PA	PA	PA	PA
Kindergarten or Day Care Center			CA	CA	CA
Library or Museum	CA	CA	CA	CA	CA
Livestock	P	CA			
Local, Regional State, or Federal Agency	P	P	P	P	P
Medical or Dental Office					CA
Municipal or Government Building	CA	CA	CA	CA	CA
Nursing Home, Home for the Aged				P	P
Park or Recreational Facility, Public	CA	CA	CA	CA	CA
Planned Unit Development			CA	CA	CA
Poultry	P	CA			
Police or Fire Station	CA	CA	CA	CA	CA
Railroad Right of Way and Necessary Uses	PA	PA	PA	PA	PA
School	PA	PA	PA	PA	PA
Sign (See Section 6.3)	PA	PA	PA	PA	PA
Swimming Pool	PA	PA	PA	PA	PA
Utility	CA	CA	CA	CA	CA
Wireless Communication	P	CA	CA	CA	CA

Note: Group homes are permitted such staff as are necessary to adequately manage the home, but not to exceed two (2) staff members residing in the home at any time.

6.3 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and structures in the RR, R1, R2 and R3 Districts, as indicated:

Table 7
RR, R1, R2, R3: Property Development Standards

A. Maximum Density¹	RR	R1	R2	R3
With Septic Systems (1 unit/lot)	1 unit/20 acres	65,340 sf	65,340 sf	
With Septic Systems (2 units/lot)			87,120 sf	
With Sewer Systems (1 unit/lot)	1 unit/20 acres	26,136 sf	17,424 sf	8,712 sf
With Sewer Systems (2 units/lot)			26,136 sf	17,424 sf
With Sewer Systems (3 units/lot or more)	Add 8,712 square feet for each additional unit in R3.			
B. Minimum Lot Width				
With Septic Systems	150 ft.	150 ft.	100 ft.	n. a.
With Sewer Systems	150 ft.	100 ft.	80 ft.	80 ft.
For Corner Lots	Increase width by 25 percent.			
C. Maximum Building Height				
In stories	2.5	2.5	2.5	3
In feet	35 ft.	35 ft.	35 ft.	35 ft.
D. Minimum Building Size (sq. ft.)				
One-Family, One Story (ground floor area)	1,250	1,200	900	
One-Family, Two Story (ground floor area)	1,000	900	720	
Two-Family, One Story			1,440	1,440
Two-Family, Two Story			1,440	1,440
Multi-Family, One Story (3 units)				1,800

Table 7
RR, R1, R2, R3: Property Development Standards
(continued)

D. Minimum Building Size (sq. ft.) (continued)				
Multi-Family, Two Story (3 units)				1,800
Multi-Family, Each Additional Unit				500
E. Minimum Front Yard Setback				
Lots abutting a Major Collector Road or Street	85 ft.	75 ft.	65 ft.	55 ft.
Lots abutting a Minor Collector Road or Street	60 ft.	50 ft.	40 ft.	30 ft.
Lots abutting a Local Road or Street	40 ft.	40 ft.	30 ft.	30 ft.
Former E-R12 or E-R13	Avg.	Avg.	Avg.	Avg.
F. Minimum Side Yard Setback (Two Required)				
Each Yard	25 ft.	20 ft.	15 ft.	10 ft.
Former E-R12 or E-R13			5 ft.	
G. Minimum Rear Yard Setback				

Each Lot	35 ft.	30 ft.	25 ft.	20 ft.
Former E-R12 or E-R13			10 ft.	
H. Other Requirements				
<ol style="list-style-type: none"> 1. The minimum lot size in the RR District shall be 1.5 acres, unless otherwise required by the Henry County Health Department for proper sewerage. 2. See Section 11.0 for Off-Street Parking, Outdoor Advertising and Loading Requirements. 				

¹ Septic systems may require larger lots, to be determined by the Henry County Health Department.

6.4 FENCES, HEDGES AND WALLS

This section is intended to provide for the regulation of the height and location of fences, hedges and walls for the purpose of providing for light, air and privacy and safeguarding the public welfare by preventing visual obstructions at road, street and highway intersections.

A. Required Fences and Walls: Swimming Pools

Swimming pools shall be entirely enclosed by buildings or fences or walls not less than five (5) feet nor more than six (6) feet in height. Said fences or walls shall be equipped with self-latching gates or doors, the latching devices being located not less than four (4) feet above the ground. All fencing must be in place and approved by the Zoning Administrator or his duly authorized representative before water is run into the pool. Above-ground pools shall be equipped with latching devices on their ladder-entrances not less than four (4) feet above the ground. All lighting of pool areas shall be so hooded that the light does not shine toward abutting properties.

B. Permitted Fences, Hedges and Walls

The provisions of Section 11.0 shall apply.

SECTION 7.0 ZONING: REGULATIONS FOR RMH DISTRICTS

The following regulations shall apply in all RMH Districts in addition to all the other requirements of this Code.

7.1 INTENT

RMH Residential Mobile Home Districts are established to encourage the development of well-planned mobile home parks. Such districts should abut upon a major collector road or street. Mobile home parks shall comply with all state regulations, as well as those general standards specified in this Ordinance.

7.2 PERMITTED USES, ACCESSORY USES AND COMMISSION APPROVED USES

The following table identifies those uses that are permitted uses (P), permitted accessory uses (PA) or Commission Approved Uses (CA) in the RMH Districts, provided that they comply with the Property Development Standards set forth in Section 7.3 and Section 11.0:

Table 8
RMH: Permitted Uses, Accessory Uses and Commission Approved Uses

Use	RMH
Accessory Buildings	P
Fences ¹	P
Home Occupation	CA
Mobile Home	P
Mobile Home Park	P
Railroad Right-of-Way and Necessary Uses	CA
Sign ²	P
Swimming Pool, Private	CA

1. See Section 11.0 for Off-Street Parking and Fences, Hedges and Walls Requirements applicable to the RMH Districts.
2. See Section 6.11 for Outdoor Advertising Requirements applicable to RMH Districts.

7.3 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and structures in the RMH Districts:

Table 9
RMH: Property Development Standards

A. Minimum Lot Area	
1. Minimum Park Area	5 acres
2. Minimum Area for Mobile Home Space	2,000 square feet
B. Minimum Park Width	
270 feet	
C. Maximum Building Height	
35 feet	
D. Minimum Ground Floor Area	
720 square feet per mobile home	
E. Minimum Front Yard Setback	
1. Lots abutting a Major Collector Road or Street	65 feet
2. Lots abutting a Minor Collector Road or Street	40 feet
3. Lots abutting a Local Road or Street	30 feet
F. Minimum Side Yard Setback (Two Required)	
15 feet each	
G. Minimum Rear Yard Setback	
15 feet	
H. Other Requirements	
1. See Section 11.0 for Off-Street Parking and Fences, Hedges and Walls Requirements applicable to the RMH Districts.	
2. See Section 6.11 for Outdoor Advertising Requirements applicable to RMH Districts.	

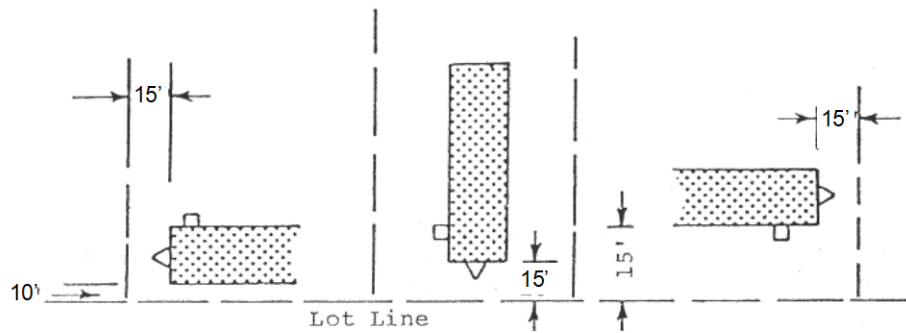
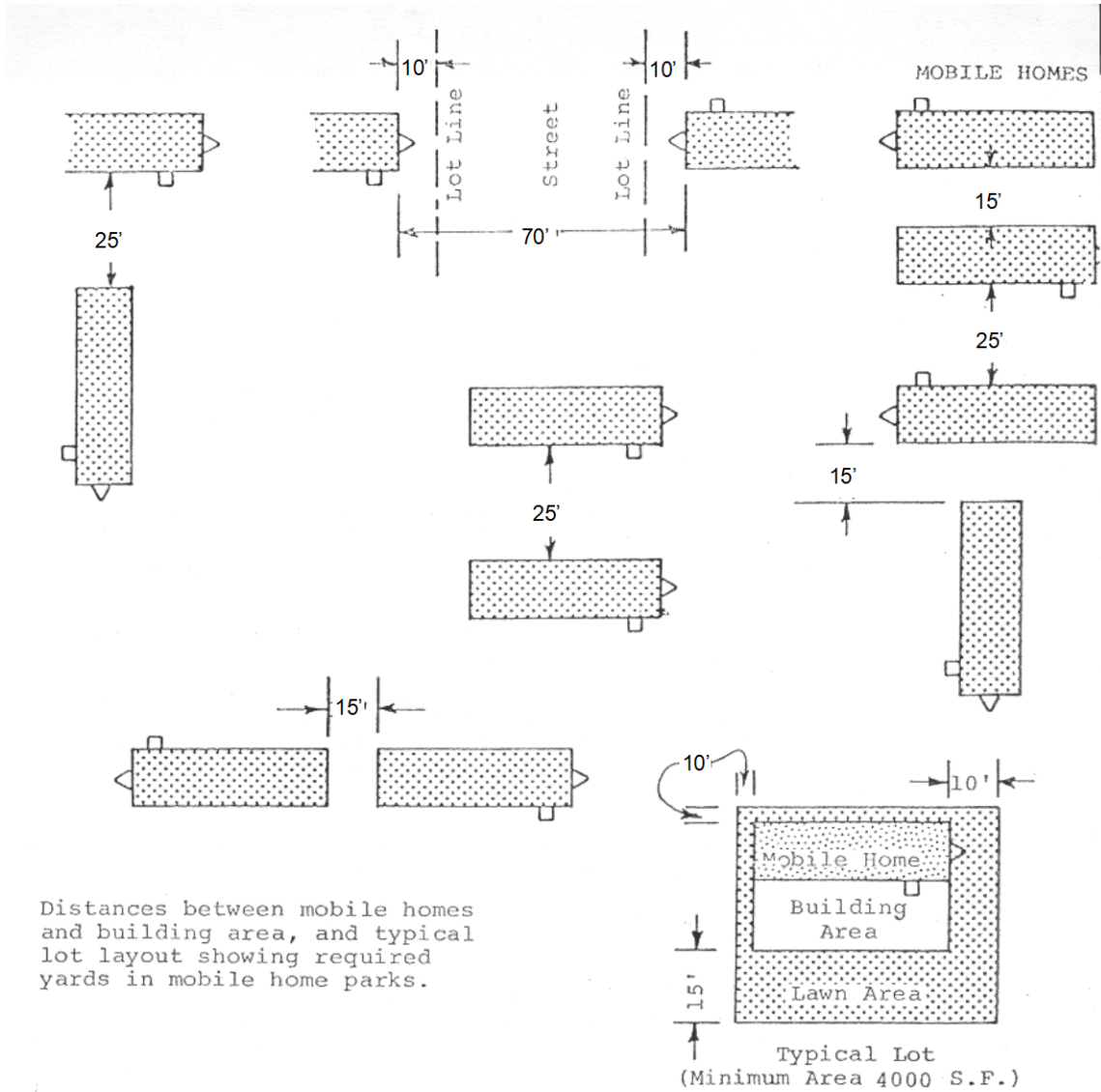
7.4 REQUIREMENTS FOR MOBILE HOME PARKS

The following requirements shall apply to all Mobile Home Parks in addition to the previous requirements:

A. Distances Between Structures

1. The minimum distance between mobile home stands on opposite sides of the road or street shall be seventy (70) feet.
2. The minimum distance between a mobile home stand and a road or street right-of-way, a common parking area, a common walk or other common area shall be ten (10) feet.
3. The minimum distance between a mobile home stand and the park boundary when:
 - a. Adjoining residential land use or residential or collector road or street shall be twenty (20) feet;
 - b. Adjoining land use is other than residential or a collector road or street shall be fifteen (15) feet.
4. Other minimum yard dimensions shall be as shown in Figure 1.

Figure 1
Minimum Yard Dimensions for Mobile Home Parks



B. Roads and Streets

1. Roads or streets shall be provided on the site where necessary to furnish principal trafficways for convenient access to the mobile home stands and other important facilities on the property. Roads and streets shall be privately owned.
2. The road or street system shall provide convenient circulation by means of minor roads and streets and properly located collector roads or streets. Closed ends of dead end roads or streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall be at least forty (40) feet in diameter.
3. Pavements shall be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of road or street, with eleven- (11-) foot minimum moving lanes for collector roads or streets, ten- (10-) foot minimum moving lanes for minor roads or streets, ten- (10-) foot minimum lane for parallel guest parking and four (4) feet additional width for pedestrian use where adjacent sidewalk is not provided.
 - a. All entrance roads and streets and other collector roads or streets with guest parking on both sides shall be a minimum of forty-two (42) feet wide.
 - b. All collector roads or streets with no parking shall be a minimum of twenty-two (22) feet wide.
 - c. All minor or cul-de-sac roads or streets with no parking shall be a minimum of twenty-two (22) feet wide.
4. Roads and streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground water drainage and proper functioning of sanitary and storm sewer systems.
5. Road or street intersections shall be at right angles with a maximum deviation of fifteen (15) degrees. Offsets at intersections and intersections of more than two (2) streets at one (1) point shall be avoided.
6. The road or street improvements shall extend continuously from the existing improved road or street system to provide suitable access to the mobile home stands and other important facilities on the property, to provide adequate connections to existing or future roads or streets at the boundaries of the property and to provide convenient circulation for vehicles.
7. Pavements and surfacings of other than cement concrete shall be protected at the edges by curbs, gutters or other suitable edging where necessary to prevent raveling of the wearing surface and shifting of the pavement base.
8. The road or street base shall be well drained, uniformly graded and compacted.
9. Flexible Pavement
See Title 3.
10. Rigid Pavement
See Title 3.

C. Driveways

1. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection ports for refuse and other material and elsewhere as needed.
2. A driveway serving a single facility or single mobile home lot shall be a minimum of eight (8) feet wide. Where such a driveway is also used as a walk, it shall be a minimum of ten (10) feet wide.

D. Walks

1. Individual walks shall be required to each mobile home stand from a paved driveway or parking space connecting to a paved road or street.
2. Common walks shall be required in locations where pedestrian traffic is concentrated, for instance, at the park entrance and to the park office and other important facilities. Common walks should preferably be through interior areas removed from the vicinity of roads or streets.
3. Width shall generally be at least two (2) feet for walks on individual lots and at least three (3) feet for common walks.
4. The material for walks shall be either a minimum of four (4) inches of cement concrete or one and one-half (1.5) inches of asphalt.

E. Laundry Facilities

Where centralized provisions of washers, dryers or common drying yards are required, they shall be located conveniently to the mobile homes.

F. Recreational Facilities

1. Recreational areas and facilities, such as playgrounds, swimming pools and community buildings, shall be provided to meet the anticipated needs of the clientele the park is designed to serve. Provision of separate adult and tot lot recreation areas is encouraged.
2. Not less than one-quarter (.25) acre per twenty-five (25) units or portion thereof shall be devoted to designated and developed recreational facilities, generally provided in a central location or, in the larger parks, decentralized. The minimum dimension of a recreational area shall be one hundred (100) square feet. Recreational areas include space for community buildings, adult recreation, child play and swimming pools.

G. Screen Planting and Fences*

In addition to the standards in Section 11, the following shall apply:

1. A chain link fence, at least four (4) feet high but not more than six- (6) feet high, shall be placed at the boundary line of the mobile home park.
2. Fences or free standing walls at least four (4) feet high but not more than six (6) feet high shall be installed where necessary for screening purposes, such as around laundry drying yards, refuse collection points and playgrounds.

3. All fences and walls shall be located at least fifteen (15) feet from interior road or street centerlines and at least eighteen (18) inches from the pavement edge of roads, streets, driveways, parking spaces and walks.
4. Fences and walls shall be appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather and use.

* Unless topographic conditions would otherwise serve the same purpose.

H. Community Facilities

Essential community facilities and services for the type of mobile home park under construction, such as schools, recreation areas, police and fire protection, shall be reasonably accessible to the park, and provisions shall be made assuring these facilities and services.

I. Sanitary Facilities

1. The mobile home park shall be provided with a complete sanitary sewer system that shall connect with an existing approved sanitary sewer outlet or shall be provided with a separate treatment plant, to be provided by the Developer in accordance with the minimum requirements of the Indiana State Board of Health and/or the Indiana Stream Pollution Control Board.
2. The plans for the installation of a sanitary sewer system shall be provided by the Developer of a mobile home park and approved by the Indiana State Board of Health. Upon the completion of the sanitary sewer installation, the plans for such system shall be filed with the Planning Commission.

J. Skirting and Site Improvements

All mobile homes shall be skirted and anchored to the ground by approved strapping or manufacturer-installed anchoring devices.

SECTION 8.0 ZONING: REGULATIONS FOR THE LB, GB, HB1 AND HB2 DISTRICTS

The following regulations shall apply in all LB, GB, HB1 and HB2 Districts in addition to all the other requirements of this Code.

8.1 INTENT

- A. LB Local Business Districts are established to provide areas for convenient business uses that tend to meet the daily shopping needs of the residents of an immediate neighborhood. These Districts should be carefully and strategically located.
- B. GB General Business Districts are established to provide areas that are appropriate for all kinds of businesses and services, particularly large space users such as department stores, specialty stores and the like. Shopping centers are good examples of uses in the GB District. It is necessary that GB Districts be located along major collectors.
- C. HB1 Highway Business Districts are established for highway-oriented businesses requiring large tracts of land but generally considered to be low traffic generators.

- D. HB2 Intensive Highway Business Districts are established to provide for highway-oriented intensive uses or high traffic generators.

8.2 PERMITTED USES, ACCESSORY USES AND COMMISSION APPROVED USES

The following table identifies those uses that are permitted uses (P), permitted accessory uses (PA) or Commission Approved Uses (CA) in the LB, GB, HB1 and HB2 Districts, as indicated, provided that they comply with the Property Development Standards set forth in Section 8.3 and Section 11.0.

Table 10
LB, GB, HB1 and HB2: Permitted Uses, Accessory Uses and Commission Approved Uses

Use	LB	GB	HB1	HB2
Accounting, Auditing and Bookkeeping Service	P	P		
Advertising Structure		P	P	P
Agricultural Credit Institution	P	P		
Amusement Enterprise (Billiards, Arcade Games of Skill or Science, Video/Electronic Games)		CA		
Antique and/or Secondhand Store	P	P		
Apartment for Residential Use in Business Building, subject to Section 10.1 E	CA	CA		
Apparel Shop	P	P	CA	CA
Appliance Store, Household	CA	P		
Assembly Hall for Use by Nonprofit Organization	CA	CA		
Attorney's Office	P	P		
Automobile Body Shop and/or Painting		CA	CA	
Automobile Parts Store	P	P		CA
Automobile Rental and/or Leasing Agency		P	CA	P
Automobile Repair Shop	CA	CA		P
Automobile Sales, New and/or Used		P	CA	P
Bait Sales, Live	P	P		
Bakery, Retail, Baking and Selling	CA	P		
Bakery, Retail, Selling Only	CA	P		P
Bank or Financial Institution	CA	P		P
Banking or Savings Service, Drive-In	CA	CA		P
Barber Shop	P	P		
Beauty Shop	P	P		

Table 10
LB, GB, HB1 and HB2: Permitted Uses, Accessory Uses and Commission Approved Uses
(continued)

Use	LB	GB	HB1	HB2
Bicycle Shop	P	P	P	P
Boat Sales, Service, Storage and/or Rental		CA	P	
Bond and/or Mortgage Company	CA	P		
Book and/or Stationery Store	P	P		
Bowling Alley	CA	P		
Bus Passenger Station		P		CA
Business Service and/or Office, Professional	CA	P		
Cafeteria	CA	P		P
Camera and/or Photo Supply Store	P	P		
Candy, Nut and/or Confectionery Shop	P	P		P
Car Wash, Automatic		P		P
China, Glassware and/or Metalware Shop	CA	P		P
Church	P	P		P
Cigar and/or Tobacco Store	P	P		P
Clinic	CA	P		
Clothing Store, Rental	P	P		P
Clothing Store, Family	P	P		
Computer Sales and/or Service Stores	P	P		
Convenience Store with Gasoline Sales	CA	CA		CA
Credit Adjustment and/or Collection Agency, Consumer		P		
Dairy Product Store	CA	P		P
Dance Hall, Studio and/or School		P		
Delicatessen	CA	P		
Department Store		P		
Detective and/or Protective Agency		P		
Diaper Service		P		
Direct Mail and/or Stenographic Service		P		

Table 10
LB, GB, HB1 and HB2: Permitted Uses, Accessory Uses and Commission Approved Uses
(continued)

Use	LB	GB	HB1	HB2
Drapery, Curtain and/or Upholstery Shop	P	P		
Dressmaking Shop	P	P		
Driving School		P		
Drug and/or Proprietary Store	P	P		
Electrical Repair Shop	P	P		
Employment Agency, Private		P		
Exterminating Service	CA	P		
Farm and Garden Supply Store	CA	P	P	
Farm Equipment Sales and/or Service Store		P	P	
Finance Company, Installment Sales	CA	P		
Floor Covering Store	CA	P	P	
Florist Shop	P	P		
Formal Wear Rental Shop	P	P		
Fraternal Organization	CA	P		
Fruit and/or Vegetable Market	P	P		
Funeral Home or Mortuary	P	P		
Furniture Sales, Service and/or Repair Store	CA	P	P	
Furrier and/or Fur Sales Store	P	P		
Garage, Parking	CA	P		P
Garage, Public	CA	P		P
Gasoline Service Station	CA	CA	CA	CA
Gift, Novelty and/or Souvenir Shop	P	P	P	P
Golf Course, Miniature		P	P	
Golf Driving Range		P	P	
Greenhouse, Commercial	CA	P		
Grocery Store	P	P		
Hardware Store	CA	P	P	

Table 10
LB, GB, HB1 and HB2: Permitted Uses, Accessory Uses and Commission Approved Uses
(continued)

Use	LB	GB	HB1	HB2
Health and Fitness Center	CA	P		
Health Foods Store	P	P		
Hobby, Toy and/or Game Store	P	P		
Hospital	CA	P		
Hotel or Motel		P	P	
Ice Cream Parlor or Store	P	P		
Insurance Agent, Broker and/or Service Office	P	P		
Jewelry Store		P	P	
Kennel and/or Animal Hospital	CA	CA	CA	
Laboratory, Medical or Dental	P	P		
Laboratory, Testing, Commercial		P	P	
Laundry and/or Dry Cleaning Center, Coin-Operated	CA	P		
Laundry and/or Dry Cleaning Center, Commercial	P	P		
Liquor Store	CA	CA		CA
Lodge or Private Club		P	P	
Lumber and/or Building Materials Dealer		CA	P	
Lunch Room	CA	P		
Marina		P	CA	
Marine Sales Dealership		P	P	P
Meat and/or Fish Shop	P	P		
Medical or Dental Office	P	P		
Monument Sales Dealership		P	P	
Motorcycle and/or Motor Scooter Sales and/or Service Shop	P	P		
Municipal or Government Building	P	P	CA	P
Museum and/or Art Gallery	CA	P		
Music and/or Recordings Store	P	P		
News Dealer	P	P		

Table 10
LB, GB, HB1 and HB2: Permitted Uses, Accessory Uses and Commission Approved Uses
(continued)

Use	LB	GB	HB1	HB2
News Service Office with Publishing		P		
News Service Office without Publishing		P		
Night Club		P		P
Nursing Home	CA			
Optometrist's Office	P	P		
Paint, Glass and/or Wallpaper Store	P	P		
Park or Recreational Facility, Public	CA	CA	CA	CA
Parking Lot	P	P	P	P
Personal Service Establishment	CA	CA	CA	CA
Pet Shop	P	P		
Pharmacy	P	P		
Photocopying and/or Duplicating Service	P	P		
Photo Store, Drive-In		P	P	
Photographic Studio	CA	P		
Plumbing, Heating and/or Air-Conditioning Dealer	CA	P		
Police or Fire Station	P	P	P	P
Radio and/or Television Shop	P	P		
Radio and/or Television Station or Studio	P	P	P	
Railroad Right-of-Way and Necessary Uses	P	P	P	P
Railway or Bus Station		P		P
Real Estate Service	P	P		
Recreational Development, Private	CA	CA		
Recreational Enterprise, Outdoor Commercial	CA	P		
Recreational Vehicle Park			CA	CA
Recreational Vehicle Sales, Service and/or Rental			P	
Restaurant	P	P		
Restaurant, Carry-Out	CA	P		P
Restaurant, Drive-In	P	P		

Table 10
LB, GB, HB1 and HB2: Permitted Uses, Accessory Uses and Commission Approved Uses
(continued)

Use	LB	GB	HB1	HB2
Savings and Loan Association or Credit Union	CA	P		P
School	P	P		
School, Trade or Business	CA	P		
Shoe Service and Repair Shop	P	P		
Sign (See Section 11.0.)	P	P	P	P
Skating Rink		P	P	
Specialty Food Shop	P	P		
Sporting Goods Store	P	P		
Sports Field or Arena			CA	CA
Stock Broker and/or Dealer		P		
Studio Business	CA	P		P
Supermarket		P		P
Tavern		P		P
Theater, Dinner	P	P		
Theater, Indoor		P	P	
Theater, Outdoor		P	P	
Travel Plaza				CA
Truck Rental and/or Leasing		P	CA	P
Truck Repair		CA	CA	
Truck Sales, New and/or Used		CA	CA	
Truck Service Center		CA	CA	
University, College or Other Institution of Higher Education, Public or Private		P		
Utility	CA	CA	CA	CA
Variety Store	CA	CA		
Vehicle Sales, All, Outdoor			P	P
Vehicle Storage, Disabled		CA		
Wastewater Treatment Facility	CA	CA	CA	CA

Table 10
LB, GB, HB1 and HB2: Permitted Uses, Accessory Uses and Commission Approved Uses
 (continued)

Use	LB	GB	HB1	HB2
Watch, Clock and/or Jewelry Repair Shop	P	P		
Water Supply Station	CA	CA	CA	CA
Welfare and/or Charitable Services Agency	CA	P		
Wireless Communication	P	P	P	P

8.3 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and structures in the LB, GB, HB1 and HB2 Districts, provided that a residential use located in a business district shall comply with the property development standards set forth in Section 6.3 for R3 Districts Uses:

Table 11
LB, GB, HB1 and HB2: Property Development Standards

	LB	GB	HB1	HB2
A. Minimum Lot Area				
	4,356 sf	2,178 sf	43,560 sf	43,560 sf
B. Minimum Lot Width				
	100 ft.	80 ft.	150 ft.	150 ft.
C. Maximum Building Height				
In Stories	3	4	3	3
In Feet	35 ft.	45 ft.	35 ft.	35 ft.
D. Minimum Building Size (sq. ft.)	No Requirements			
E. Minimum Front Yard Setback¹				
Lots abutting a Major Collector Road or Street	65 ft.	55 ft.	85 ft.	75 ft.
Lots abutting a Minor Collector Road or Street	40 ft.	30 ft.	60 ft.	50 ft.
Lots abutting a Local Road or Street	30 ft.	30 ft.	40 ft.	40 ft.
F. Minimum Side Yard Setback (Two Required)				
Each Yard	15 ft.	10 ft.	25 ft.	20 ft.
G. Minimum Rear Yard Setback				
	25 ft.	40 ft.	35 ft.	30 ft.
H. Other Requirements	See Section 11.0 for Off-Street Parking, Outdoor Advertising and Fences, Hedges and Walls Requirements			

- For improved blocks where twenty-five (25) percent or more of the lots in the block frontage are occupied by buildings, the average setback of those buildings determines the dimensions of the front setback for any new building, provided that such structure does not encroach into the right-of-way.

SECTION 9.0 ZONING: REGULATIONS FOR THE I1 AND I2 DISTRICTS

The following regulations shall apply in all I1 and I2 Districts in addition to all the other requirements of this Code.

9.1 INTENT

- A. I1 Light Industrial Districts are established to encourage the development of industries and wholesale business establishments that are clean, quiet and free of hazardous or objectionable elements, which operate entirely within enclosed structures and generate little industrial traffic. These Districts are further proposed to act as transitional Zoning Districts between Heavy Industrial Districts and Business Districts.
- B. I2 Heavy Industrial Districts are established to provide for major manufacturing, processing, warehousing and research and testing operations. These activities require extensive community facilities and reasonably good access to major collectors and interstate highways. They may also have extensive open storage and service areas and may generate heavy industrial-type traffic (trucks, semis, etc.), but shall be prohibited if they create nuisances beyond the limitations of this Ordinance.

9.2 PERMITTED USES, ACCESSORY USES AND COMMISSION APPROVED USES

The following table identifies those uses that are permitted uses (P), permitted accessory uses (PA) or Commission Approved Uses (CA) in the I1 and I2 Districts, provided that they comply with the Property Development Standards set forth in Section 9.3 and Section 11.0.

Table 12
I1 and I2: Permitted Uses, Accessory Uses and Commission Approved Uses

Use	I1	I2
Advertising Structure	P	P
Anhydrous Ammonia or Similar Liquefied Fertilizer, Storage and Distribution	CA	CA
Auction Sales Yard (Excluding Livestock)	CA	
Automatic Carwash	P	P
Automobile Body Shop and/or Painting	P	P
Automobile Parts Store	P	P
Automobile Repair Shop	P	P
Bottled Gas, Storage and Distribution	CA	CA
Concrete Batching Plant		CA
Concrete Block, Pipe, Beam, Slab or Panel Plant		CA
Concrete or Cement Mixing Plant		CA
Contractor Office and/or Storage Yard, General	P	P
Explosives Manufacturing, Storage and/or Use	CA	CA
Flea Market	P	
Garage, Public	P	P
Greenhouse, Commercial	P	
Heating and/or Electrical Power Generating Plant		CA
Industrial Park	P	P

Table 12
I1 and I2: Permitted Uses, Accessory Uses and Commission Approved Uses
(continued)

Use	I1	I2
Industry, Extractive		CA
Industry, Heavy		P
Industry, Light	P	P
Laboratory, Testing and/or Research, excluding the raising of animals for research and excluding the testing of fissionable materials	P	P
Landfill, Refuse Disposal or Dump	CA	CA
Laundry and/or Dry Cleaning, Coin-Operated	P	
Material Dealer	P	P
Material Storage, Open		P
Municipal or Government Building	P	P
Parking Lot, Public or Employee	P	P
Penal and/or Correctional Institution	CA	CA
Petroleum Tank Farm, Commercial	CA	P
Planned Unit Development (See Section 14.0.)	CA	
Plumbing, Heating and/or Air-Conditioning Dealer	P	
Police or Fire Station	P	P
Print Shop	P	P
Produce, Wholesale Terminal	CA	P
Race Track	CA	CA
Railroad Right-of-Way and Necessary Uses	P	P
Restaurant	P	
Salvage and/or Junk Yard		CA
Sign (See Section 11.0.)	P	P
Truck Freight Terminal	CA	CA
Truck Service Center	P	P
University, College or Other Institution of Higher Education, Public or Private	P	
Warehouse, Warehousing or Storage Facility	P	P
Wastewater Treatment Facility	CA	CA
Wholesale Supplier and/or Distributor	P	P
Wireless Communication	P	P

9.3 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and structures in the I1 and I2 Districts, as indicated:

**Table 13
I1 and I2: Property Development Standards**

A. Minimum Lot Area	I1	I2
	8,712 sf	17,424 sf
B. Minimum Lot Width		
	100 ft.	200 ft.
C. Maximum Building Height		
	75 ft.	150 ft.
D. Minimum Building Size (sq. ft.)	No Requirements	
E. Minimum Front Yard Setback		
Lots abutting a Major Collector Road or Street	90 ft.	90 ft.
Lots abutting a Minor Collector Road or Street	70 ft.	70 ft.
Lots abutting a Local Road or Street	50 ft.	50 ft.
F. Minimum Side Yard Setback (Two Required)		
Each Yard	20 ft. ¹	20 ft. ¹
G. Minimum Rear Yard Setback		
	20 ft. ²	20 ft. ²
H. Other Requirements	See Section 11.0 for Off-Street Parking, Outdoor Advertising, Loading and Landscaping Requirements.	

1. When the Industrial District adjoins a Residential District within the same block, the minimum side yard setback is forty (40) feet.
2. When the Industrial District adjoins a Residential District within the same block, the minimum rear yard setback is forty (40) feet.

9.4 PERFORMANCE STANDARDS FOR INDUSTRIAL USES

The following performance standards shall apply to all I1 and I2 industrial uses, in addition to the previous requirements:

A. Smoke

1. No light industrial use may emit more than ten (10) smoke units per hour per stack or smoke in excess of Ringelmann No. Two (2). However, once during any twenty-four- (24-) hour period, for soot blowing, process purging and fire cleaning, each stack may

emit an additional ten (10) smoke units, and during that time it may emit smoke up to and including Ringelmann No. Three (3).

2. No heavy industrial use may emit more than thirty (30) smoke units per hour per stack or smoke in excess of Ringelmann No. Two (2). However, once during any six- (6-) hour period, for soot blowing, process purging and fire cleaning, each stack may emit an additional ten (10) smoke units, and during that time it may emit smoke up to and including Ringelmann No. Three (3).

B. Odor

No light or heavy industrial use may emit malodorous gas or matter across the lot lines in such quantity as to be readily detectable at any point.

C. Toxic Materials

For a light or heavy industrial use, the emission of toxic and noxious materials may not produce any concentration at a residential or business district boundary line exceeding the following percentage of the threshold limit values for toxic materials in industry, as set forth in "Threshold Limit Values" for the current year, as adopted at the annual meeting of the American Conference of Government Industrial Hygienists:

Light Industrial Use – three (3) percent

Heavy Industrial Use – ten (10) percent

D. Heat and Glare

No light or heavy industrial use may cause heat at the lot line so intense as to be a public nuisance or hazard. No such use may cause illumination at or beyond any residential district boundary in excess of one-tenth (0.1) foot-candle.

E. Vibration

1. No light industrial use may cause continuous earthborne vibrations at the lot line higher than the limits set forth in Column I of Table 14. Nor may it cause continuous earthborne vibrations at any residential district boundary higher than the limits set forth in Column II of Table 14.
2. No heavy industrial use or extractive industrial use may cause continuous earthborne vibrations at any LB, GB, HB1, HB2 or I1 District boundary higher than Column III of Table 14. Nor may it cause continuous earthborne vibrations at any residential district boundary higher than the limits set forth in Column IV of Table 14.

**Table 14
Industrial Vibration Limits**

		Frequency (in cycles per second)			
		I	II	III	IV
More than	But not more than	Displacement (inches)	Displacement (inches)	Displacement (inches)	Displacement (inches)
0	10	.0008	.0004	.0020	.0004
10	20	.0005	.0002	.0010	.0002
20	30	.0002	.0001	.0006	.0001
30	40	.0002	.0001	.0004	.0001
40	50	.0001	.0001	.0003	.0001
50		.0001	.0001	.0002	.0001

Discrete pulses that do not exceed one hundred (100) impulses per minute may not produce higher than twice the displacement specified in Table 14.

F. Noise

1. No light, heavy or extractive industrial use may cause sound pressure levels at any residential or business district boundary (except for background noises produced by sources not under the control of this Ordinance, such as the operation of motor vehicles or other transportation facilities) higher than the decibel limits set forth in Table 15:

**Table 15
Industrial Noise Limits**

Octave Band Frequency (Cycles per Second)		I	II
		Maximum Permitted Sound Level (decibels) Along Residential District Boundaries	Maximum Permitted Sound Level (decibels) Along Residential District Boundaries
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800		32	39

The prescribed limits of Column I apply between 8:00 a.m. and 6:00 p.m. At other times, the allowable levels in each octave band are reduced by six (6) decibels.

2. Sound levels shall be measured with a sound-level meter and associated octave band analyzer, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive noises are subject to the performance standards prescribed by this Section if they cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.

G. Fire Hazards

1. Solid substances ranging from free or active burning to intense burning may be stored, used or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
2. The storage, utilization or manufacture of flammable liquids or materials that produce flammable vapors or gases shall be permitted in accordance with the Rules and Regulations of the Indiana State Fire Marshal. A certificate of compliance, issued by the Indiana State Fire Marshal's Office, stating that the plans and specifications for a light or heavy industrial use comply with the Rules and Regulations of the Indiana State Fire Marshal's Office shall accompany the Application for an Improvement Location Permit.

H. Detonation Materials

No activity involving the storage, use or manufacture of materials that decompose by detonation may be carried on except in accordance with the Rules and Regulations of the Indiana State Fire Marshal. These materials include primary explosives such as lead azide, lead styphnate, fulminates and tetracene; high explosives such as TNT, RDX, HMX, PETN and Picric acid; propellants and their components, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.

I. Particulate Matter

1. The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of one (1) pound per hour per acre for a light industrial use or three (3) pounds per hour per acre for a heavy or extractive industrial use, of which no more than ten (10) percent by weight may be particles larger than forty-four (44) microns (three hundred twenty-five (325) mesh). The net rate of emission shall be computed by:
 - a. Determining the maximum emission in pounds per hour from each source of emission within the boundaries of the lot and dividing this figure by the number of acres of lot area, thus obtaining the gross hourly emission rate per acre for each source;
 - b. Deducting from that gross rate the appropriate correction factors for height of the emission and stack velocity as respectively specified in Subsections 2 and 3, Tables 16 and 17, thus obtaining the net hourly emission rate per acre for each source; and
 - c. Adding the individual rates of emission so computed to obtain the total net hourly emission rate per hour from all sources within the boundaries of the lot.
2. The allowance for height of emission is as follows (interpolate for intermediate values):

**Table 16
Particulate Matter Emission Height Allowance**

Height of Emissions Above Grade Use (feet)	Correction for Light Industrial Use (pounds per hour per acre)	Correction for Heavy Industrial Use (pounds per hour per acre)
50	0.01	0.02
100	0.06	0.12
150	0.10	0.20
200	0.16	0.32
300	0.30	0.60
400	0.50	1.00
500 and above	0.50	.050

3. The allowance for velocity of emission is as follows (interpolate for intermediate values):

**Table 17
Particulate Matter Emission Velocity Allowance**

Exit Velocity Up (feet per second)	Correction for Light Industrial Use (pounds per hour per acre)	Correction for Heavy or Extractational Industrial Use (pounds per hour per acre)
0	0	0
20	0.03	0.06
40	0.09	0.18
60	0.16	0.32
80	0.24	0.48
100 and above	0.50	1.00

4. Dust and or other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards and roads or streets shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing or other means.

J. Exceptions

Sections 9.4 A through 9.4 I inclusive do not apply to:

1. Site preparation or construction, maintenance, repair, alteration or improvement of buildings, structures, equipment or other improvements on or within the lot lines;
2. The operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
3. Conditions beyond the control of the user, such as fire, explosion, accident, failure or breakdown;
4. Safety or emergency warning signals or alarms necessary for the protection of life, limb or property; or
5. Processes for which there is no known means of control, provided research has been documented and is being conducted to discover methods of control leading to the installation of protective equipment.

K. Heavy and Extractive Industrial Uses Near Residential Districts

The performance standards prescribed by Sections 9.4 A to 9.4 I, inclusive, for light industrial uses apply also to heavy or extractational industrial uses that are located within five hundred (500) feet of a residential district boundary.

L. Industrial Restrictions

Any industrial operation or activity must, in addition to the above, conform to the provisions of the Indiana Air Pollution Control Law (Chapter 1777, Acts of 1961, as amended) and the regulations promulgated thereunder and any applicable acts of the Federal Government. Where the requirements of this Ordinance are more restrictive, they shall take precedence.

9.5 MINERAL EXTRACTION REQUIREMENTS

The following requirements, standards and application procedures shall apply to extractive industrial uses in the County:

A. Commission Approved Uses

The following uses may be permitted when the Planning Commission has determined that the requirements of this Section and Section 12 have been met:

The plant area will be used primarily for the excavation of sand, gravel, rock and other earth materials and the processing, storage, stockpiling, distribution and sale thereof, also concrete batching plants, mixing plants for either Portland cement or asphaltic concrete and concrete block, pipe, beam, slab or panel plants.

The plant area shall mean the territory planned for extraction of sand, gravel or other earth materials and the operational installation, if any, for the excavating, processing and distribution of the minerals.

B. Plan Submission and Review

When an Application is made for a Commission Approved Use to permit an extractive industrial use, the following planning information shall be submitted:

1. A map of existing conditions, showing lands proposed to be included in the plant area and lands within one thousand (1,000) feet in all directions. This map shall show the boundaries of the plant area and existing conditions on the mapped lands, including:
 - a. Existing contours, with a contour interval appropriate to the site that accurately reflects the topographical conditions, not less than five (5) feet;
 - b. Water bodies, drainage courses and depth of water table below existing terrain;
 - c. Estimate of depth and extent of deposit;
 - d. The present use of adjoining lands (residential, commercial, industrial, institutional, recreational, agricultural, etc.);
 - e. The present zoning classification of subject and adjoining lands and required setbacks;
 - f. All publicly owned lands;
 - g. Public rights-of-way and road or street types; and
 - h. Easements and railroad lines.
2. A plan of operational area showing the area proposed for excavation during the next four (4) years and including the following:
 - a. Area proposed for settling ponds and wash water outlets;
 - b. Area proposed for processing facilities and storage;
 - c. Area proposed for production facilities, if any, for resource-related industry; and

- d. Area proposed for plant entrance, office, dispatcher headquarters, off-street parking and equipment storage.
 3. A conceptual plan of rehabilitation and reuse of the area following extraction shall be submitted two (2) years prior to the completion of extraction, including:
 - a. A proposed plan for landscape rehabilitation, including grading, drainage, planting and similar appropriate installations; and
 - b. The proposed water area, if any, resulting from excavation.
 4. When excavation begins in an area, a bond with surety satisfactory to the Planning Commission in the amount of one thousand dollars (\$1,000) per acre will be required. The bond will run to the County Commissioners to ensure satisfactory reclamation of the property. An area of not less than five (5) acres shall be bonded at a time. As the land is reclaimed and the reclamation is approved, the bond may be released or transferred to another parcel to be excavated.
- C. Other Requirements for Development and Operation

The following requirements shall be met for operation and development of the plant area:

1. Slopes

No operation from an open pit shall be permitted that creates a finished slope with a ratio steeper than two (2) feet horizontal to one (1) foot vertical for the excavation of sand and/or gravel or that creates a finished slope with a ratio steeper than one (1) foot horizontal to one (1) foot vertical for the excavation of products other than sand or gravel, except that in locations where the soil or rock content is such that vertical cuts are proven to be safe, a vertical cut up to eight (8) feet in depth from ground level with a shelf no less than twelve (12) feet wide followed by a vertical cut thereafter of any depth shall be permitted.

2. Hours of Operation

Extraction and material processing activities permitted in the plant area shall be limited to the hours of 6:00 a.m. to 10:00 p.m., except in the following situations:

- a. Where required by public authorities;
- b. Where work requires a continuous flow of materials;
- c. Where necessary due to public emergencies; or
- d. Where any necessary and reasonable repairs to equipment are required.

3. Ingress, Egress and Traffic Safety

Access roads to any plant area shall be limited to one (1) or, at most, two (2) points and shall be constructed on a level with the pavement of any public trafficway for a distance of not less than eighty (80) feet therefrom, and said eighty (80) feet of road shall be improved with a dustproof, all-weather surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the local highway authorities.

4. Off-Street Parking

Off-street parking shall be provided for all equipment and for employees' vehicles.

5. Screens

Screen planting consisting of a variety of trees, shrubs or both in the same planting area or a combination of seeded earth mounds and plant material screens shall be constructed and planted so as to form dense screens to a height appropriate to block out objectionable features and maintained along the perimeter of any area being operated where said perimeter abuts a public thoroughfare of a developed residential area, unless the natural topography eliminates the need for such a screen.

6. Drainage

Upon completion of operations, the land shall be left in a safe condition so that sufficient drainage shall be provided to prevent water pockets or undue erosion, with all grading and drainage such that both natural stormwater leaves the entire property at the original, natural drainage points and the area drainage to any one (1) such point is not increased.

7. Water Area

Excavations made to water producing depths and proposed as water areas in the plan of rehabilitation should have a minimum noted low water mark.

8. Rehabilitation

The rehabilitation of the plant area shall be completed in conformance with the plan submitted with the Application.

9.6 LAND REHABILITATION PROVISIONS

- A. In cases where land is used for such purposes as landfills, dumps, junk yards or other such uses where the physical characteristics of the land are substantially changed as a result of the operation, a proposed plan of functional reuse of the land is required at the time of Application for Commission Approved Use. The plan shall show future locations of residential, commercial, industrial, public, semi-public and other land uses, if any, and the principal elements of a future traffic circulation system to service the area. Furthermore, sufficient information shall be provided to determine the general characteristics of proposed development such as population density ranges, types of commercial or industrial usage and kinds of public areas.
- B. A bond with surety satisfactory to the Planning Commission in the amount of one thousand dollars (\$1,000) per acre of area proposed to be physically altered is required. The bond shall run to the County Commissioners to ensure that the land is capable of reuse after the operation is completed.

SECTION 10.0 ZONING: GENERAL CONDITIONS

10.1 ACCESSORY USES

A. Intent

Accessory uses shall be permitted in all Zoning Districts and, with the exception of buildings, may be installed inside the property line in any required yard, provided that no accessory building shall be closer than ten (10) feet from a side or rear lot line. Accessory uses shall:

1. Be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot;
2. Be operated and maintained under the same ownership and on the same lot as the principal use;
3. Be clearly subordinate in height, area, bulk, extent and purpose to the principal use served;
4. Not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this Code; and
5. Not be permitted prior to the erection and operation of the principal use, unless a temporary Certificate of Occupancy is obtained in accordance with Section 14.6.

B. Interpretation

1. Such appurtenant features as walks, driveways, curbs, drainage installations, mailboxes, lamp posts, bird baths and structures of a like nature are allowed without permits.
2. Gardening and landscaping, provided they are not for profit, are allowed without a permit.
4. The keeping of domestic pets, provided it is not for profit and not construed as a kennel, is allowed without a permit.
4. Fences and walls are allowed with a permit when they do not impede intersection visibility. (See Title 3.)
5. Such buildings or structures as decks, patios, outdoor fireplaces, doghouses, children's play structures and also detached storage buildings, bath houses and cabanas not exceeding one hundred twenty (120) square feet in size are allowed with a Location Improvement Permit when the setback requirements of this Code are adhered to.
6. Rummage or garage sales are allowed without a permit in any Zoning District provided there are not more than two (2) such sales annually of not more than three (3) days' duration each on the premises. Rummage or garage sales of more than three (3) but not more than ten (10) days require a temporary Improvement Location Permit, pursuant to Section 14.6. See Title 9 for applicable sign regulations. Signs shall be removed within two (2) days of the event.

C. Accessory Use Regulations

Accessory uses include such buildings or structures as garages, carports, canopies, port-cocheres, small greenhouses and similar accessory buildings or structures. No building or structure shall be built across any property line, regardless of the ownership thereof.

The following are considered among accessory uses:

1. Off-street motor vehicle parking and loading areas, as set forth in Section 11.6. The vehicle does not need to bear business identification or commercial advertisement to be considered a commercial vehicle.
2. Signs, as set forth in Title 9, except that an off-site advertising structure is considered a principal use.

3. Swimming Pools

In addition to the following provisions, swimming pools shall comply with the safety provisions of the Indiana Administrative Code and all amended provisions thereof.

- a. No person shall construct, remodel or alter any swimming pool until a permit to do so is obtained from the Building Inspector. An Application for such permit shall be filed with the Building Inspector on the form furnished, together with the plans and specifications for such pool. The Building Inspector or his designee shall examine such plans and specifications to determine whether or not the pool will comply with the specifications of this Title. If it appears that the pool will comply therewith, the Building Inspector shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed.
- b. The Building Inspector or his designee is authorized to enter upon any premises to determine whether or not the Owner has complied with the provisions of this Title.
- c. For the purpose of this Section, the phrase "private swimming pool" shall mean and include any artificial body of water with a controlled water supply, designed for wading and swimming and used, or intended to be used, in connection with a one- (1-) or two- (2-) family dwelling, solely by the householder and his family and by friends invited to use it without payment of any fee.
- d. No private swimming pool shall be constructed except on the same lot as the dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling.
 - (1) The following conditions shall be met if the pool is to be located on the same lot as the dwelling:
 - (a) The pool shall be constructed in the rear yard, but not closer than ten (10) feet from the building itself at any point;
 - (b) An in-ground pool shall comply with the provisions of the Indiana Administrative Code;
 - (c) An in-ground pool shall be enclosed by a five- (5-) foot tall fence;
 - (d) A fence surrounding or partially surrounding a pool shall not be closer than six (6) feet to the edge of the pool at any point (See Indiana Administrative Code IAC 1156.035 (G) (4).); and
 - (e) The surface area of the pool may be counted as open space and does not count as lot coverage.
 - (2) When a pool is located on a lot contiguous to the lot on which the Owner's house is located and under the same ownership as the dwelling, the following conditions shall be met:
 - (a) No part of the pool shall be located forward of the setback line of the Owner's dwelling;
 - (b) No part of the pool shall be closer than six (6) feet from the Owner's dwelling and no closer than ten (10) feet from any property line of any other property owner;

- (c) No pool shall be built across any property line, regardless of the ownership thereof;
 - (d) If the contiguous lot has frontage on a trafficway other than that on which the Owner's dwelling is located, no part of the pool shall be forward of the minimum front setback line;
- e. It shall be unlawful for any person to make or cause to be made or continued at any pool any loud noise that endangers the peace of others.
- f. Lights to illuminate any pool shall be so arranged and shaded as to direct light away from adjoining premises and trafficways.
- 4. Any communications tower/structure, in accordance with the provisions of Title 5, Section 8.0.
- 5. A management office in a multi-family dwelling or apartment use and other facilities normally associated with tenants' conveniences, such as vending machines or washing machines, provided there is no exterior display.
- 6. A fall-out shelter.
- 7. Private residential garages, carports, port-cocheres and mini-barns that are clearly accessory and not for commercial purposes.
- 8. Satellite (earth) television antennas in accordance with the following standards:
 - a. There shall be one (1) satellite television antenna permitted per residential lot.
 - b. In all Zoning Districts, a satellite antenna having a diameter greater than four (4) feet shall be located on the ground upon and within a poured concrete foundation to the rear of the principal building on a lot and within the building area and shall not exceed thirteen (13) feet in height or the height of the main structure, whichever is less;
 - c. In all zoning districts, a satellite antenna having a diameter of four (4) feet or less may be located on the principal building or an accessory building on a lot and shall not exceed a height of more than four (4) feet above the roof on which it is mounted, subject to the particular height requirements of the Zoning District. When an antenna having a diameter of four (4) feet or less is located on the ground, all requirements contained in Subdivision b herein shall apply; and
 - d. No satellite television antenna shall be linked to a receiver that is not located on the same lot or parcel of real estate.
- D. Storage of an unoccupied mobile home is permissible only in a business or industrial district at a location legally qualified to render storage for said mobile home or as specified in Section 10.4.
- E. Apartments located within the same building as a business may be permitted as set forth in Section 8.2, Table 10, provided:
 - 1. That the use of said apartment is limited to persons employed on the premises; and

2. That the business use complies with the property development standards set forth for one- (1-) family residences in R3 Districts.

10.2 SETBACKS

A. Vision Clearance at Intersections

At the intersection corner of each corner lot, the triangular space determined by the two (2) lot lines at that corner and by a diagonal line connecting the two (2) points on those lot lines that are fifteen (15) feet respectively from the corner shall be kept free of any obstruction to vision between the heights of three (3) and twelve (12) feet above the established trafficway grade.

B. Corner Lots

On corner and reversed corner lots, the side yard setback shall be the same as the front yard setback on adjoining lots.

C. Average of Lots in Block

Where twenty-five (25) percent or more of the lots in a block are occupied by buildings, the average of the setbacks of such buildings determines the dimensions of the front yard setback in the block; however, if there is no other building within three hundred thirty (330) feet of the proposed building, in either direction, then the standard setback for the Zoning District shall apply.

D. Subdivision Setbacks

Front yard or building setback lines established in recorded Subdivisions shall be the setback for accessory uses, except when such building setback lines are less restrictive; then the requirements of the Zoning District shall apply.

10.3 WATER POLLUTION

No authorization of a use under this Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under the applicable laws of the State of Indiana. Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved per the applicable laws of the State of Indiana.

10.4 MANUFACTURED HOME REGULATIONS

The following regulations shall apply to manufactured homes that are located outside a mobile home park:

A. Emergency Occupation

In the event of an emergency requiring the housing of a family member due to the loss of regular or conventional living quarters, the Zoning Administrator may issue an Improvement Location Permit for the occupancy of a mobile home for temporary housing, for a period not to exceed one (1) year or twelve (12) months, upon approval by the Planning Commission, provided:

1. Such mobile home is to be located on the same property with an existing residence that is under repair or being reconstructed;

2. Such mobile home shall remain on its wheels and not be placed on a permanent foundation;
3. The applicable side yard and front yard setback regulations of the Zoning District in which such mobile home is located are observed, unless otherwise provided by the Planning Commission;
5. Occupancy of such mobile home is restricted to the property Owner or other relatives or persons normally residing on the premises where located.

B. Temporary Residential Occupancy

A temporary permit for a mobile home may be issued for housing during the construction of a permanent residence for not more than one (1) year, which may be renewed for a like period, one (1) time only, provided:

1. Such mobile home is to be located on the same property on which a permanent residence is intended to be built within one (1) year;
2. An Improvement Location Permit for the construction of said residence has been issued;
3. Such mobile home is served by the sewage facilities and water supply that are intended to serve the permanent residence;
4. Such mobile home shall remain on its wheels and not be placed on a permanent foundation or be altered in any way to change its use;
5. Applicable front and side yard setback regulations of the Zoning District in which said mobile home is located shall be complied with;
6. Occupancy of such mobile home is restricted to the property Owner who intends to construct a permanent residence or other relatives and persons who will reside in the permanent residence; and
7. Such mobile home is removed from the property upon expiration of the temporary permit.

C. Non-Residential Occupancy

Mobile homes may be utilized for non-residential purposes as contractors' offices, watchmen's shelters or tool and equipment storage, provided:

1. Such mobile home, van or trailer is located on the construction site;
2. Such mobile home is utilized only during the period of construction;
3. Such mobile home is not used as a dwelling; and
4. All requirements of this Ordinance and other ordinances of the County with respect to water supply and sanitary waste disposal are met.

D. Permanent Occupancy

Mobile homes may be permitted as set forth in Section 4.2, Table 2 and Section 6.2, Table 6, provided:

1. All requirements applicable to conventionally constructed homes are observed;
2. Such mobile home has its wheels removed;
3. Such mobile home is properly anchored to a permanent foundation such as required for permanent structures, in addition to skirting;
4. Such mobile home meets all the requirements of the State of Indiana; and
5. The Owner supplies the Zoning Administrator with a list of adjoining property owners.

10.5 HOME OCCUPATION

A. Purpose

The standards for home occupations in this Section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether the proposed accessory use qualifies as a home occupation.

B. Definition

A home occupation is an accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services

C. General Provisions

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

D. Standards

Home occupations are permitted as accessory uses in agricultural and residential districts provided that all the following conditions are met:

1. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises;
 2. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit;
 3. No home occupational use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure from residential to commercial or industrial;
 4. There shall be no outside storage or display of goods of any kind related to the home occupation;
 5. No more than twenty-five (25) percent of the floor area of any one (1) story of the dwelling unit shall be devoted to such home occupation;
 6. The home occupational use may not increase vehicular traffic flow and parking by more than two (2) additional vehicles at a time;
 7. No home occupational use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced at an average residence in the Zoning District in question under normal circumstances wherein no home occupation exists;
 8. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in such a manner as would cause the premises to differ from its residential characteristics either by the use of colors, materials, construction, lighting or signs, other than a nameplate-type sign;
 9. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation;
 10. No provision for more than one (1) extra off-street parking or loading facility, other than the requirements and permitted facilities of the Zoning District, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional driveway to serve such home occupation shall be permitted;
 11. No display of goods or external evidence of the home occupation shall be permitted, except for one (1) non-animated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two (2) square feet in total surface area.
 12. No electrical or mechanical equipment shall interfere with local telecommunications or television reception, cause fluctuation in line voltage off the premises or violate the general performance standards of Title 8; and
 13. Home Occupation Permits may be revoked by the staff if violations to these provisions occur.
- E. Procedures for Home Occupation Permit
1. An Application for a Home Occupation Permit shall be filed with the Zoning Administrator on a form provided by the Zoning Administrator. An Applicant shall provide the names and addresses of four (4) surrounding property owners with the Application.

2. Waiting Period

There is a fifteen- (15-) day waiting period for a Home Occupation Permit. If there are no objections within a fifteen- (15-) day waiting period and the Zoning Administrator determines that the standards of Section 10.5, Subparagraph 3 are met, the Zoning Administrator shall issue the permit. If objections are presented to the Zoning Administrator, the Applicant shall appear before the Planning Commission for a decision.

3. Time Limit

All Home Occupation Permits shall be valid for a period of one (1) year from the initial date of approval.

4. Voiding of Permit

The Zoning Administrator may void any Home Occupation Permit for non-compliance with the criteria set forth in this Section. Revocation may take place at any time prior to the expiration date of the Home Occupation Permit. If the Home Occupation Permit is revoked or is not renewed, it becomes null and void and said use shall be terminated.

5. Appeal to the Board of Zoning Appeals

The decision of the Zoning Administrator concerning approval or revocation of a Home Occupation Permit shall be final unless a written appeal is filed with the Board of Zoning Appeals within ten (10) calendar days of the decision. An appeal may be filed only by the Applicant or persons residing within three hundred (300) feet of the subject property.

6. Inspection

Home Occupation Permit Applicants shall permit a reasonable inspection of the premises by the Zoning Administrator to determine compliance with these provisions. Home occupations shall be field checked annually by the Zoning Administrator or his designee to determine compliance.

7. Renewal

Home Occupation Permits may be renewed annually, provided there has not been any violation of these provisions. Requests for renewals shall be submitted to the Zoning Administrator in writing, accompanied by the prevailing renewal fee, one (1) month prior to expiration of the Home Occupation Permit.

10.6 OPEN DUMPING

A. Purpose

The purpose of this rule is to implement the provisions of the following:

1. Indiana Code IC 13-30-2-1(3) and Indiana Code IC 13-30-2-1(4) relating to the deposit of contaminants or solid waste upon the land except as permitted in this Title.
2. Indiana Code IC 13-30-2-1(5) and Indiana Code IC 13-30-2-1(4) prohibiting dumping, causing or allowing the open dumping of garbage or of other solid waste in violation of this Title.

- B. No person shall cause or allow the storage, containment, processing or disposal of solid waste in a manner that creates a threat to human health or the environment, including the creating of a fire hazard, vector attraction, air or water pollution or other contamination.
- C. Open dumping and open dumps, as those terms are defined in this Title, are prohibited.
- D. The Owner of real estate upon which an open dump is located is responsible for the following:
 - 1. Correcting and controlling any nuisance conditions that occur as a result of the open dump. Correction and control of nuisance conditions must include:
 - a. Removal of all solid waste from the area of the open dump and disposal of such wastes in a solid waste landfill disposal facility permitted to accept the waste; or
 - b. Other methods as approved by the Zoning Administrator.
 - 2. Eliminating any threat to human health or the environment.
- E. If the Zoning Administrator determines that the open dump is or may be a threat to human health or the environment due to a release of contaminants from the open dump into the environment, the Zoning Administrator may require the Owner of the real estate upon which the open dump is located to perform remedial action, including the installation and monitoring of ground water monitoring wells or other devices.

10.7 OPEN BURNING

Open burning of solid waste must occur only in an incinerator permitted under Indiana Administrative Code 329 IAC 11 and operating in compliance with all applicable air pollution control requirements.

10.8 ABANDONED VEHICLES

Refer to Storage of Disabled Vehicles in the GB District and Salvage and Junk Yard in the I1 and I2 Districts.

SECTION 11.0 ZONING: PROPERTY DEVELOPMENT STANDARDS

11.1 MINIMUM LOT AREA

Except as hereinafter provided, no building or structures shall be hereafter erected or located on a lot unless such lot conforms with the area regulations of the Zoning District in which it is located.

- A. Lots of record or individually held prior to the adoption of this Ordinance may be smaller in area than the figure prescribed.
- B. The minimum lot area for each dwelling unit shall be subject to approval by the Henry County Health Department.

11.2 LOT DIMENSIONS

- A. Every lot shall have a minimum frontage of not less than the required minimum lot width in the Zoning District under consideration. Curve lots and cul-de-sac lots shall conform to the particular Zoning District wherein provisions are set forth for such lots. Every lot shall also have a minimum width and depth not less than those prescribed in the Zoning District under

consideration. Each dimension is minimum only. One (1) or both shall be increased to attain the minimum lot area required.

- B. Where a lot has a minimum width or depth less than that prescribed by the appropriate Zoning District regulations and said lot was of record under one (1) ownership at the time that the area was first zoned, whereby the lot became non-conforming, said lot may be used, subject to all other Property Development Standards of the Zoning District in which such lot is located.

11.3 BUILDING HEIGHT

All buildings hereafter designed or erected and existing buildings that may be reconstructed, altered, moved or enlarged shall comply with the height regulations and exceptions of the Zoning District in which they are located, with the addition of the following:

- A. Any agricultural structure may be erected or changed to any height necessary for its operation.
- B. Spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, stacks, tanks, water towers, transmission towers, utility poles and necessary mechanical appurtenances (excluding radio, television and microwave towers) may be erected or changed to any height that is not otherwise prohibited.
- C. Buildings may be erected or changed to a height not to exceed ten (10) feet over that permitted in the Zoning District, provided that an additional one (1) foot of side yard setback shall be added for each one (1) foot that the building exceeds the Zoning District height limitations.

11.4 MINIMUM BUILDING SIZE

The ground floor area requirements for dwellings, as set forth in the Zoning Districts, shall apply. Dwellings shall not be changed except in conformity with these regulations.

11.5 YARDS

- A. In measuring a front yard setback or side yard setback adjoining a road or street, the measurement shall be the perpendicular distance between the road or street and a line through the corner or face of said building closest to and drawn parallel with the road or street right-of-way, excluding any architectural features.
- B. Architectural features (cornice, eave, sill, canopy or similar feature) may extend or project into a required side yard setback not more than two (2) inches for each one (1) foot width of such side yard setback and may extend or project into a required front or rear yard setback not more than three (3) feet. Chimneys may project into any required yard setback not more than two (2) feet, provided that the width of said side yard setback is not reduced to less than three (3) feet thereby.
- C. An open platform or landing that does not extend above the level of the first floor of the building may extend or project into any required front or side yard setback not more than four (4) feet or into any required rear yard setback not more than twenty-five (25) percent of the required rear yard setback.

11.6 OFF-STREET PARKING

- A. Intent

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

B. Scope

1. No use lawfully established prior to October 5, 1966, shall be required to provide and maintain the parking and loading requirements herein, provided, however, that off-street parking and loading spaces required by any previous ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.
2. For any non-conforming use that is hereafter damaged or partially destroyed and that is lawfully reconstructed, reestablished or repaired, off-street parking and loading facilities equivalent to those maintained at the time of the damage or partial destruction shall be restored and continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Title for equivalent new uses.
3. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other unit of measurement, parking and loading facilities as required herein shall be provided for the increase in intensity of use.
4. Whenever the existing use of a building, structure or premises shall hereafter be changed or converted to a new use permitted by this Title, parking and loading facilities shall be provided as required for the new use.
5. Accessory off-street parking or loading facilities in existence on October 5, 1966, shall not hereafter be reduced to less than, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Title.
6. Nothing in this Title shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design and operation of such facilities are adhered to.
7. Accessory off-street parking and loading spaces shall be provided on the same lot as the use serviced, except as otherwise provided in this Title, and may be situated as one (1) or more individual areas.
8. Accessory off-street parking and loading facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Board of Zoning Appeals.
9. Accessory off-street parking and loading facilities provided to comply with the provisions of this Title shall not subsequently be reduced to less than the requirements of this Title.
10. Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one- (1-) ton capacity of

patrons, occupants or employees of specified uses. The parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material.

11. Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.
12. Loading and unloading berths shall not be required for business uses and industrial uses that demonstrably do not receive or transmit goods or wares by truck delivery.
13. Shared Parking
 - a. Cooperative provisions for off-street parking may be made by contract between two (2) or more adjacent property owners. The parking area provided on any one (1) lot may be reduced to not less than fifty (50) percent of the number of required parking spaces for the use occupying such lot.
 - b. To the extent Developments that wish to make joint use of the same parking spaces operate at different times, up to fifty (50) percent of the parking spaces may be credited to both uses if one use is a church, theater or assembly hall whose peak hours of attendance will be at night or on weekends and the other use or uses are ones that will be closed on nights or weekends.

C. General Provisions

1. Each required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of each parking space shall be twenty-three (23) feet.
2. Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to accommodate delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries and accessible to such vehicles when required off-street parking spaces are filled, provided that for industrial uses the minimum off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a fourteen- (14-) foot by forty-five- (45-) foot loading space with a fourteen- (14-) foot height clearance; provided further that if no more than one (1) berth is provided, the minimum dimensions are held to be ten (10) feet by thirty-three (33) feet with a fourteen- (14-) foot height clearance.
3. Except on lots occupied by one- (1-), two- (2-) or multi-family dwellings, each off-street parking space shall open directly on an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with the following table, so as to provide safe and efficient means of vehicular access to the parking space. The aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

Table 18
Required Parking Angles and Aisle Widths

Parking Angle (in degrees)	Aisle Width (in feet)
45	15
60	20
90	25
Angles shall be measured between the center line of the parking space and the centerline of the aisle.	

4. All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a road, street or alley in a manner that will least interfere with traffic movement.
 5. In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in the computations:
 - a. If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, the fraction shall be considered as being the next highest unit and shall be counted as requiring one (1) space.
 - b. In sports arenas, churches and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements, unless otherwise stated below.
 - c. In the case of open floor areas used for temporary seating purposes, an area of sixteen (16) square feet usable for seating shall be counted as one (1) seat for the purposes of determining requirements of this Section.
 6. Accessory off-street parking and loading areas shall be provided to the rear of the required front building setback line, except as specified otherwise by this Section. When permitted within required setback distances, a landscape screen shall be provided along the property line.
 7. For the purpose of determining off-street parking requirements under this Title, gross floor area shall mean the total horizontal areas of the one (1) or several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices. However, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities or space used for restrooms, utilities or elevator shafts.
 8. For the purpose of calculating parking requirements, each category of use on a lot shall be considered separately, unless otherwise provided for by this Section.
- D. Minimum Parking Requirements
1. For uses not specified in this Section or in such instances where the requirement for an adequate number of spaces is unclear, the number of parking spaces shall be determined by the Zoning Administrator, on the basis of similar requirements, the number of persons served or employed and the capability of adequately serving the visiting public. The determination may be reviewed by the Planning Commission or the Board of Zoning Appeals as part of their review of a development plan, Planned Unit Development, Commission Approved Use or variance request. In all other cases, the Zoning Administrator's decision may be appealed to the Board of Zoning Appeals.
 2. In case of conflict between the provisions of this Section, the higher requirement shall govern.
 3. Parking spaces shall be provided as set forth in the following table:

**Table 19
Minimum Parking Spaces Required**

Type of Use	Number of Parking Spaces Required
General	
Commercial Center (All square footages in this section refer to the total building area with no adjustment.)	<50,000 sf: 5 spaces/1,000 sf floor area 50,000+ sf: 4 spaces/1,000 sf floor area
Commercial, Manufacturing or Industrial Establishment not catering to the retail trade.	1 space/employee, based on largest shift, plus an adequate number of spaces for visitors and company vehicles.
Office	1 space/200 sf
Residential Use	As required in the applicable Sections of this Title
Retail Service	1 space/200 sf of floor area
Storage Warehouse or Warehouse Establishment	1 space/1.5 employees, or 1 space/2,000 sf of leasable space, whichever is greater.
Recreation/Entertainment	
Bowling Alley	4 spaces/lane
Community Center	4 spaces/1,000 sf
Golf Course	4 spaces/hole plus 1 space/employee, based on largest shift
Park	Space equivalent to one (1) percent of the total land area (parking area available along park roads or private drives may be used to fulfill this requirement) plus 1 space/employee, based on largest shift.
Private Club or Lodge	1 space/3 persons allowed, maximum occupancy load, as established by local, county or state fire, building or health codes.
Stadium or Sports Arena	1 space/4seats when the facility is of an independent nature. When such facility is utilized in conjunction with a school, either the parking requirement based on seating capacity or the requirement for schools shall be applicable, whichever results in the greater number of spaces.
Swimming Pool	1 space/200 sf of pool surface area plus 1 space/30 sf of floor area used for spectator seating purposes
Tavern, Bar, Night Club or similar operation	1 space/4 seats

**Table 19
Minimum Parking Spaces Required
(continued)**

Type of Use	Number of Parking Spaces Required
Medical	
Hospital, Convalescent Center or Nursing Home	1 space/4 patients plus 1 space/employee, based on largest shift
Veterinary Hospital	4 spaces/doctor plus 1 space/additional employee
Social	
Cemetery	1 space/full-time employee
Church, Temple, Synagogue or Mosque	1 space/3.5 seats in the sanctuary and any overflow seating area directly connected to the sanctuary
Fire or Police Station	1 space/employee, based on largest shift
Philanthropic or Charitable Institution	1 space/2 employees, based on largest shift plus an adequate number of spaces to serve the public
Public Service Use, including Library, Museum or Similar Place of Assembly	1 space/1,000 sf
Theater, Auditorium, Funeral Home or Similar Place of Congregation	1 space/5 seats
Education	
College, University, Professional, Vocational, Trade or Similar Educational Institution	.82 space/student, based on the maximum number of students attending classes on the premises at any time during a 24-hour period. If the school provides on-site housing, the requirement may be reduced to .5 space/student. The school is responsible for providing this information.
Day Care Center, Kindergarten, Child Care or Similar Institution	1 space/teacher or employee, based on largest shift plus 1 space/6 students or off-street waiting spaces to accommodate at least 6 vehicles.
Elementary, Junior High or Middle School	1 space/teacher or staff member, based on largest shift plus at least 6 visitor spaces
Senior High School	1 space/teacher or staff member, based on largest shift plus 1 space/5 students
Services Uses	
Automobile Service Station	1 space/employee plus 2 spaces/each service bay (Service bay is not a parking space.)
Bed and Breakfast	1 space/sleeping room plus 2 spaces/permanent resident
Drive-In Restaurant	2 spaces/100 sf of gross floor area plus 1 space/employee, based on largest shift
Drive-Through Bank or Financial Institution	2.5 spaces/1,000 sf of gross floor area
Drive-Through Restaurant	17.5 spaces/1,000 sf of gross floor area

Table 19
Minimum Parking Spaces Required
(continued)

Type of Use	Number of Parking Spaces Required
Social	
Group Housing, including Elderly Housing or Boarding House	1 space/2 beds, or each 2 dwelling units in the case of elderly housing plus 1 space/employee, based on largest shift
Hotel or Motel	1 space/room or suite plus 1 space/5 employees, based on largest work shift plus 1 space/3 persons to the maximum capacity of each public meeting and/or banquet room plus 50 percent of spaces otherwise required for accessory uses (e.g. restaurant or bar)
Kennel	1 space/employee plus 1 space/1,000 sf
Open Air Business Type Use, including Auto or Boat Sales, Plant Nursery	1 space/3,000 sf of open sales lot area
Restaurant	1 space/4 seats
Self Storage	3 spaces plus 1 space/100 units

11.7 LOADING REQUIREMENTS

- A. Business uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided with loading berths, which, if open, shall be paved with a hard or dustproof surface. The size of the loading berths shall not be less than twelve (12) feet wide and thirty-five (35) feet long.
- B. For business uses that may be permitted by Commission Approved Use, the provisions of Section 12 shall apply. Each loading berth prescribed by this Section must provide at least a twelve- (12-) by forty-five- (45-) foot loading space with a fourteen- (14-) foot height clearance.
- C. As used in this section, the term "loading berth" means an off-street, off-alley area designed or used to load goods on or unload goods from vehicles.
- D. Loading berths shall be provided as set forth in the following table:

Table 20
Loading Berth Requirements

Use	Gross Floor Area ¹ (Square Feet)	Berths Required
Residential Uses		
Hotel, Motel or Nursing Home	12,000 - 120,000	1
Multi-Family	40,000 - 120,000	1
	Each Additional 200,000	1
Commercial Uses		
Personal Services	Under 12,000	1
	12,000 - 25,000	2

**Table 20
Loading Berth Requirements
(continued)**

Use	Gross Floor Area ¹ (Square Feet)	Berths Required
Commercial Uses (continued)		
Restaurants	Under 25,000	1
	25,000 - 40,000	2
	40,000 - 120,000	3
	Each Additional 200,000	1
Retail Sales	5,000 - 15,000	1
	15,000 - 40,000	2
	40,000 - 100,000	3
	Each Additional 50,000	1
Office Uses		
	Under 100,000	1
	100,000 - 335,000	2
	Each Additional 200,000	1
Educational/Cultural/Entertainment Uses		
	12,000 - 120,000	1
	Each Additional 120,000	1
Industrial Uses		
	5,000 - 12,000	1
	12,000 - 30,000	1
	30,000 - 120,000	2
	Each Additional 120,000	1
Transportation/Communication Uses		
Bus/Rail Facility	12,000 - 30,000	1
Utilities	30,000 - 120,000	2

1. Gross Floor Area refers to all buildings or structures on the premises.

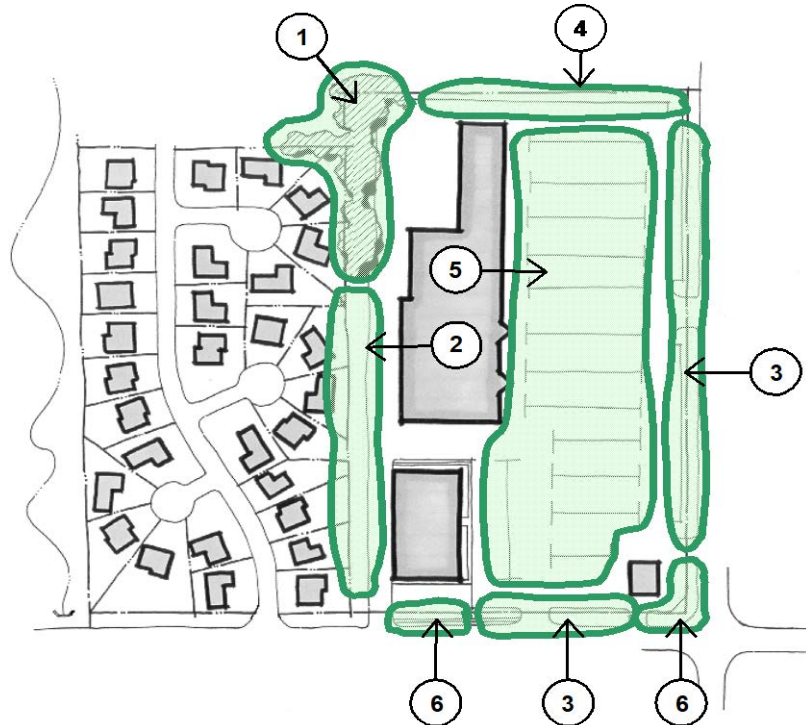
11.8 LANDSCAPING REQUIREMENTS

A. Purpose

The purpose of this Section is to establish minimum standards for the provision, installation and maintenance of landscape plantings in order to achieve a healthy, beautiful and safe community. These regulations are intended to: increase the compatibility of development with both adjacent development and the natural environment; improve environmental quality; maintain and increase the value of land by requiring landscaping to be incorporated into development; foster aesthetically pleasing development that will protect and preserve the appearance and character of the community; and provide direct benefits to human beings through the use of landscaping to reduce noise and glare.

These regulations cover six areas of a proposed development, as indicated in Figure 2 below:

Figure 2
Landscape Regulation Areas



Legend:

1. Conservation of existing trees. (See Section 11.8 E on Page 75.)
2. Buffering between different land uses. (See Section 11.8 G on Page 77.)
3. Parking lot planting abutting a road or street. (See Section 11.8 H 1 on Page 78.)
4. Parking lot perimeter planting. (See Section 11.8 H 2 on Page 81.)
5. Parking lot interior planting. (See Section 11.8 H 3 on Page 82.)
6. Commercial or industrial buildings abutting a road or street. (See Section 11.8 I on Page 83.)

B. Applicability

These landscape regulations shall apply to all public, private and institutional development, except for residential and agricultural uses. Previously approved development need not comply unless new site development approval is being sought. The requirements of this Ordinance shall be applicable to the bufferyard, streetscape, street buffer, yard and parking lot areas specifically stated in the Ordinance. Portions of a developed site that are outside those specific areas shall not be governed by these landscape requirements.

C. Enforcement

Wherever Site Plan review is required by this Zoning Ordinance, a Landscape Plan shall be a required part of such Site Plan. No permanent Certificate of Occupancy shall be issued without completion of all landscaping shown on the Landscape Plan required herein. A temporary Certificate of Occupancy may be issued for the building for a period of one (1) year when weather conditions do not permit landscape installation. Failure to implement the approved Landscape Plan, including preservation of existing features, or to maintain the landscaping as long as incompatibility of adjoining uses exists shall be a violation of this Zoning Ordinance subject to the penalties outlined in Section 14.10.

D. Content of Landscape Plan

Where required, a Landscape Plan shall conform to the following requirements:

1. A Landscape Plan is required for each lot within the proposed Development.
2. All Landscape Plans submitted for approval as a component of a required Site Plan shall show the entire zoning lot to scale and shall contain the following information:
 - a. The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, freestanding electrical equipment, recreation facilities, utility lines and easements, freestanding structural features and other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas;
 - b. The names and addresses of the Owner, Developer and plan preparer, the date the plan was prepared, scale and approximate true North Arrow;
 - c. The location, quantity, size and names, both botanical and common, of all proposed planting materials;
 - d. The location, size and common name of existing trees and individual shrubs, areas of dense trees or shrubs and other natural features, indicating which are to be preserved and which are to be removed;
 - e. The approximate location and generic identification of existing structures and plant materials in the yard of adjoining properties within fifty (50) feet of the boundary with the subject property;
 - f. Existing and proposed grading of the site, including proposed berming, indicating contours at not more than two- (2-) foot intervals;
 - g. Specification of the type and boundaries of all proposed vegetative ground cover;
 - h. Design of fences and other significant accessory structures;
 - i. Planting and installation details as necessary to ensure conformance with all required standards; and
 - j. Details indicating specific grading measures or other protective devices where trees are to be preserved in areas of cut and fill.

E. Conservation of Existing Features

1. Trees and shrubs already existing on land subject to the provisions of this Section shall be preserved wherever feasible. Criteria for judging the feasibility of retaining existing vegetation include:
 - a. The practicability of arranging Site Plan components around existing features. In general, plans for groups of structures should be designed so as to preserve tree masses, individual tree specimens and small stands of trees or shrubs;
 - b. The condition of the vegetation with respect to continued vitality;
 - c. The amount of healthy vegetation the area involved will support;
 - d. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation;
 - e. The desirability or lack thereof of a particular tree or species by reason of its appearance, historic or ecological significance, botanical characteristics and the function the vegetation would fulfill as a Site Plan component;
 - f. Interference with utility services or encroachment into the traffic visibility triangle; and
 - g. The possibility of preserving the vegetation while meeting the development needs through pruning rather than removal.
2. Existing trees that are preserved will contribute to the required landscaping, based on individual tree types. For each one (1) preserved shade tree greater than six- (6-) inch caliper that is on the approved list, the number of new shade trees to be installed shall be reduced by two (2) trees. Shrubbery will be evaluated in the same manner as new shrubbery, based on the species. Such credit shall apply only to the required landscaping for the specific bufferyard, parking lot, commercial strip or residential plot in which the existing vegetation is located and only for that part of any required strip or perimeter yard in which the existing vegetation is located.
3. Substantial barriers shall be specified on the Landscape Plan and shall be placed at or beyond the drip line of trees to be protected. These barriers shall remain in place during heavy construction on the site, and no vehicle, machinery, tools, chemicals, construction materials or temporary topsoil deposits may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees.
4. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices, such as tree wells, tree walls or specialized fill and pavement designs, shall be required and shall be fully detailed on the Landscape Plan.

F. General Landscaping Requirements

All land areas that are not covered with buildings and pavement or used for agricultural purposes shall be appropriately landscaped in accordance with the requirements of this Section. Landscaping shall be provided in the areas specified and of the minimum intensity, specified below.

1. The tables of materials included in this Section are classified by type. Trees are grouped into three (3) categories: shade trees, ornamental trees and evergreens. Shrubs are grouped by height: small shrubs (less than two (2) feet), medium shrubs (two (2) feet to

six (6) feet) and large shrubs (more than six (6) feet). Plant materials not listed on the tables will be assigned a classification based on height, spread and/or crown at maturity, using the best available resources to determine mature characteristics. For design flexibility, plant substitutions may be made on the following basis, unless otherwise noted:

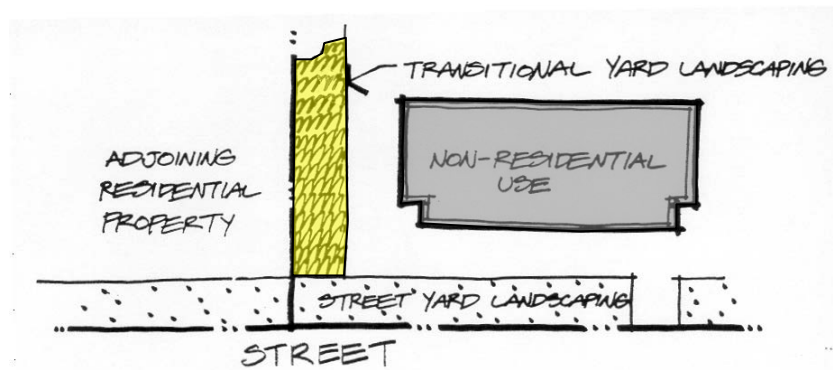
- a. One (1) shade tree = two (2) ornamental trees = two (2) evergreen trees;
 - b. One (1) ornamental tree = one (1) evergreen tree;
 - c. One (1) large shrub = two (2) medium shrubs = four (4) small shrubs; and
 - d. One (1) medium shrub = two (2) small shrubs.
2. Where front and rear yards overlap side yards, the yard shall be treated as part of the yard having the greater requirement.
 3. The scale and nature of landscape materials shall be appropriate to the size of the structures and the available space. Materials shall be located to avoid interference with overhead and underground utilities and utility easements or vehicular or pedestrian movement and visibility. Growth characteristics should be carefully considered.
 4. Plant material shall be selected to achieve an intended purpose, such as shading, screening, ornamentation, etc.
 5. Trees shall be planted to maintain a minimum five- (5-) foot clearance between the tree trunk and structures, building overhangs, walls, fences and other trees.
 6. Plantings should be arranged to promote energy conservation wherever practicable; e.g., use of tall deciduous trees on the south and west sides of buildings to provide shade from the summer sun and planting evergreens on the north side of buildings to dissipate the effect of winter winds.
 7. All trash dumpsters, trash pads, loading areas consisting of two (2) or more loading spaces, loading docks, building service and outside storage areas shall be screened from land in a residential Zoning District and must be screened if visible from a public road or street. Such screening may be achieved by using a minimum six- (6-) foot high, completely opaque fence or wall, a six- (6-) foot high berm or a six- (6-) foot high evergreen screen. Height of screen shall be measured from the grade of the nearest road or street.
 8. Ground-mounted heating and cooling units for non-residential or multi-family structures and above-ground fuel tanks shall be adequately screened so as not to be visible from public roads or streets and/or adjacent properties.
 9. Grass and other vegetative ground cover shall be used for all open space, including parking lot islands, except for:
 - a. Decorative mulch planting beds containing trees and/or shrubs; or
 - b. Inert stabilization in areas subject to severe runoff, erosion or ponding.
 10. Where stone or other inert materials are to be used for ground cover, they shall be specifically identified on the Landscape Plan. Any area not so designated shall be required to have grass or vegetative ground cover.

11. All landscaping shall conform to the regulations established for the visibility triangles to maintain safe sight distances at intersections and points of access as designated in Title 3 of this Code.
12. All landscaped areas at the front line of off-street parking spaces shall be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six (6) inches above the finish surface of the parking area, be properly anchored and be continuously maintained in good condition. Wheel stops shall not be placed in locations of anticipated intense pedestrian traffic. As an alternative, curbing may be extended to serve the same purpose, if approved by the Planning Commission or its duly designated representative.
13. In no case may a tree or shrub be planted within a drainage, sewer or utility easement.

G. Bufferyard Landscaping Requirements

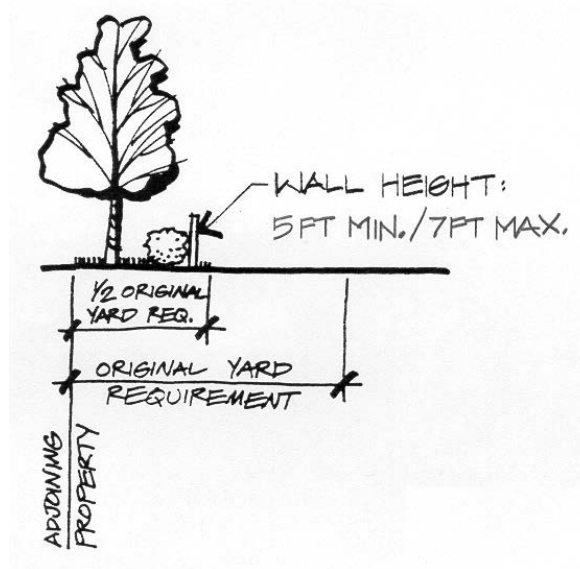
1. Developments that have non-residential and residential uses abutting one another shall provide a landscape buffer twenty (20) feet wide planted with five (5) trees and fifty-five (55) shrubs per one hundred (100) linear feet of transitional yard between the non-residential and residential uses. It shall be the responsibility of the new land use creating the incompatibility to construct and maintain the landscape buffer.

Figure 3
Bufferyard Requirements



2. Developed lots or lots with unexpired permits at the time of adoption of this Ordinance are exempt from this requirement.
3. Undeveloped properties, expansions of more than forty (40) percent of existing floor area and rezoned property are subject to the provisions of this Section.
4. Landscape buffers shall not overlap into required planting along rights-of-way.
5. The width of the required buffer and the number of shrubs may be reduced by fifty (50) percent with the construction of an opaque wall or fence. The wall or fence shall be opaque (solid) and constructed of material compatible with the principle building in composition and color. The wall or fence shall have a minimum height of five (5) feet and a maximum height of seven (7) feet.

Figure 4
Bufferyard Modified by Wall



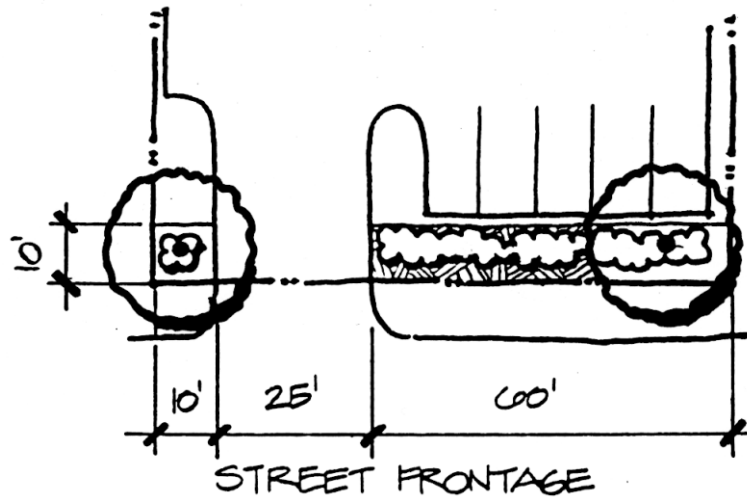
H. Parking Lot Landscape Requirements

The following landscape requirements applied to parking lots are intended to screen parking areas from the road or street and provide shade to cool paved areas during the hot summer months. The requirements are established for three (3) areas: along the public right-of-way, along the parking lot's perimeter and in the parking lot's interior.

1. Landscape Strip Along the Right-of-Way

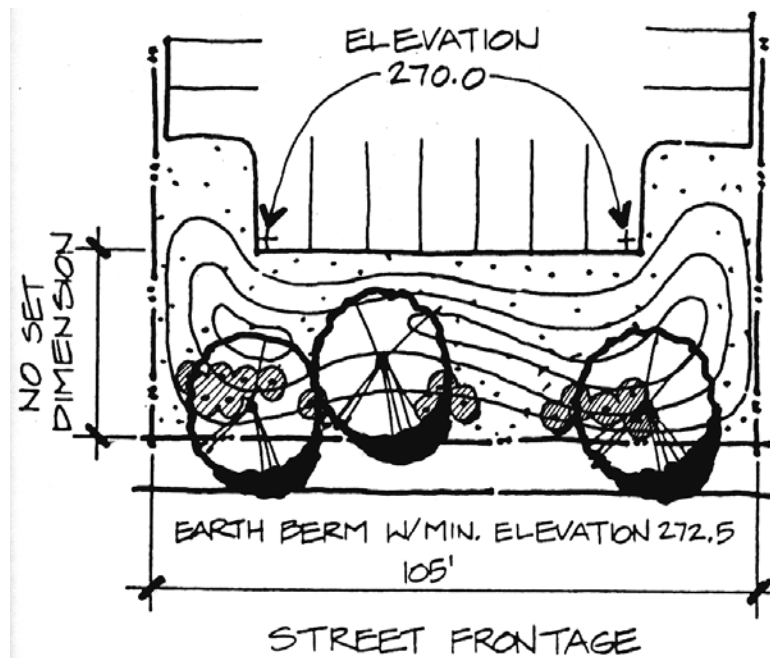
- a. When a parking lot is located adjacent to a public right-of-way or public road or street, a landscape strip may shield views of parked vehicles to passing motorists and pedestrians, block headlight glare and establish coordination among architecturally diverse buildings.
- b. These minimum requirements apply to all parking lots adjacent to a road or street except those used in association with one- (1-) family dwellings. To provide flexible standards that reflect site constraints and opportunities, five (5) options are available to meet the landscaped strip requirements.

Figure 5
Parking Lot Landscaped Strip, Option 1



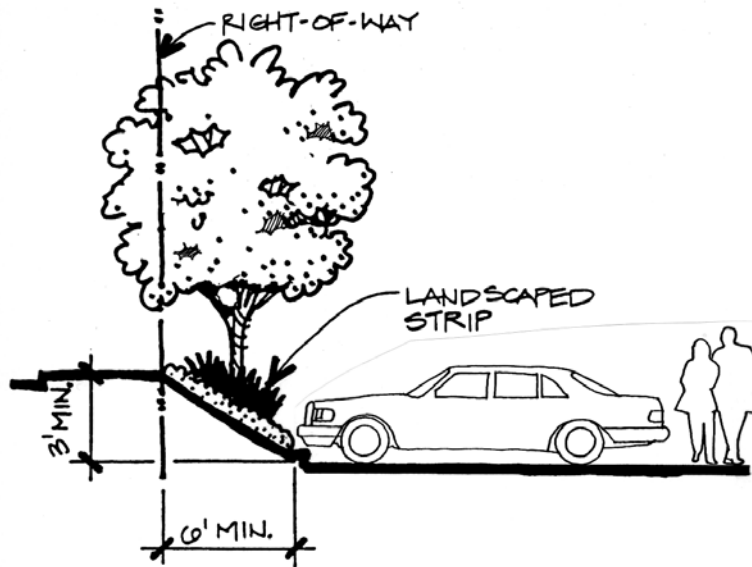
Provide a minimum ten- (10-) foot wide strip between a right-of-way and the parking lot, planted with a minimum of one (1) shade tree and ten (10) medium shrubs for every thirty-five (35) linear feet of road or street frontage, excluding driveway openings.

Figure 6
Parking Lot Landscaped Strip, Option 2



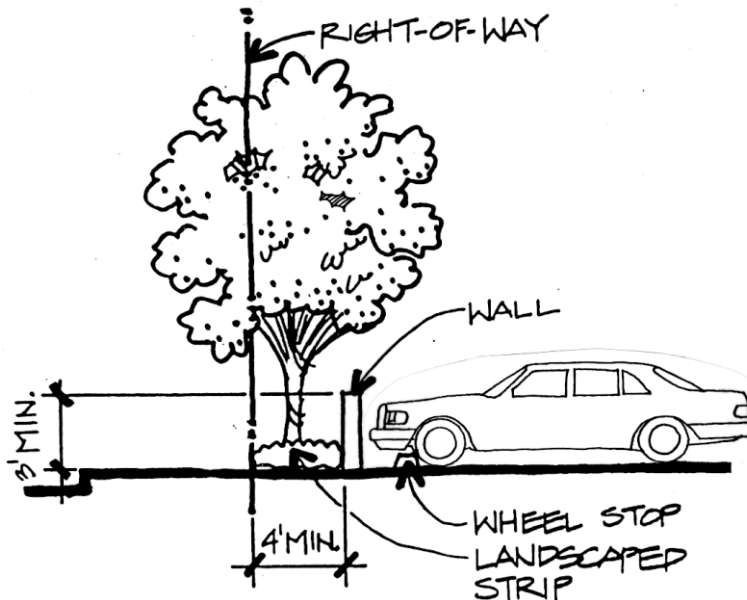
Provide a berm at least two and one-half (2.5) feet higher than the finished elevation of the parking lot. The berm shall have a maximum side slope ratio of two (2) to one (1) and a minimum crown width of two (2) feet. Live vegetation must cover the berm, with a minimum of one (1) shade tree and five (5) medium shrubs for every thirty-five (35) linear feet of road or street frontage, excluding driveway openings.

Figure 7
Parking Lot Landscaped Strip, Option 3



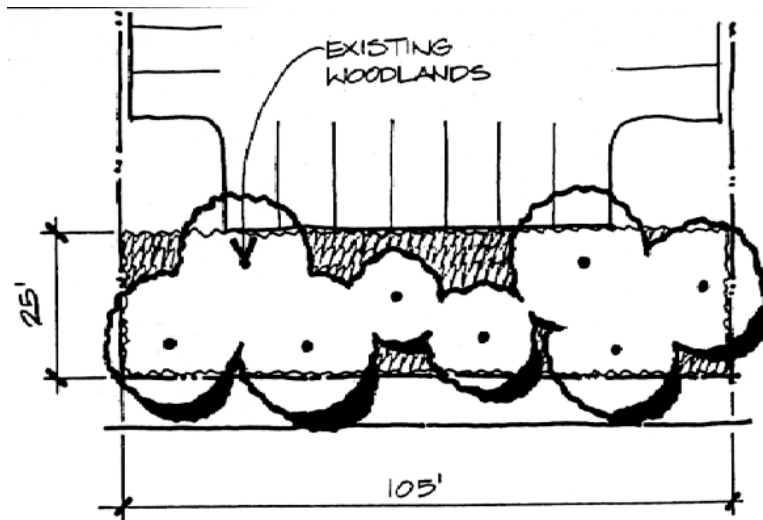
Provide a six (6-) foot wide landscaped strip with a minimum three- (3-) foot grade change from the right-of-way to the parking lot. A minimum of one (1) shade tree and five (5) medium shrubs is required for every thirty-five (35) linear feet of road or street frontage, excluding driveway openings.

Figure 8
Parking Lot Landscaped Strip, Option 4



Provide a three- (3-) foot high opaque fence or wall constructed of materials compatible with the principal building and a four- (4-) foot wide landscaping strip planted with vegetative ground cover (low growing, dense vegetation) and a minimum of one (1) shade tree for every thirty-five (35) linear feet of road or street frontage, excluding driveway openings.

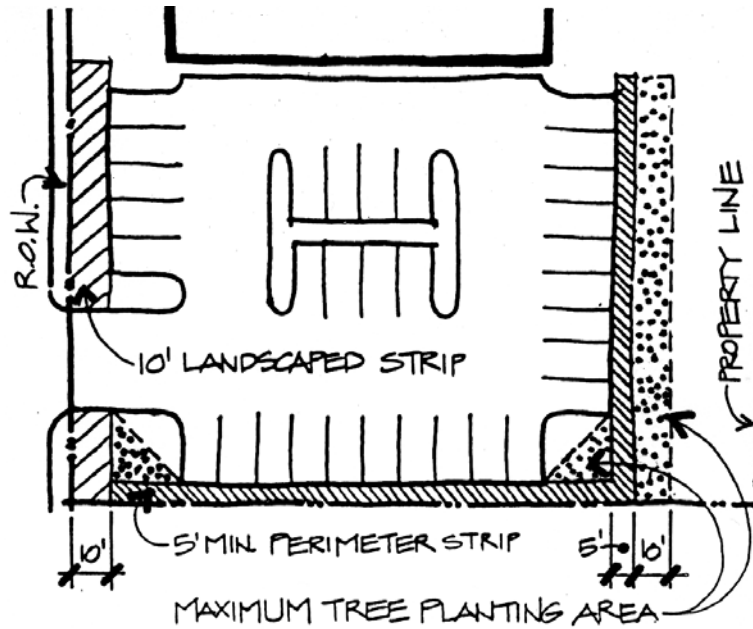
Figure 9
Parking Lot Landscaped Strip, Option 5



Preserve a twenty-five- (25-) foot wide strip of existing woodlands in lieu of the landscaping requirement.

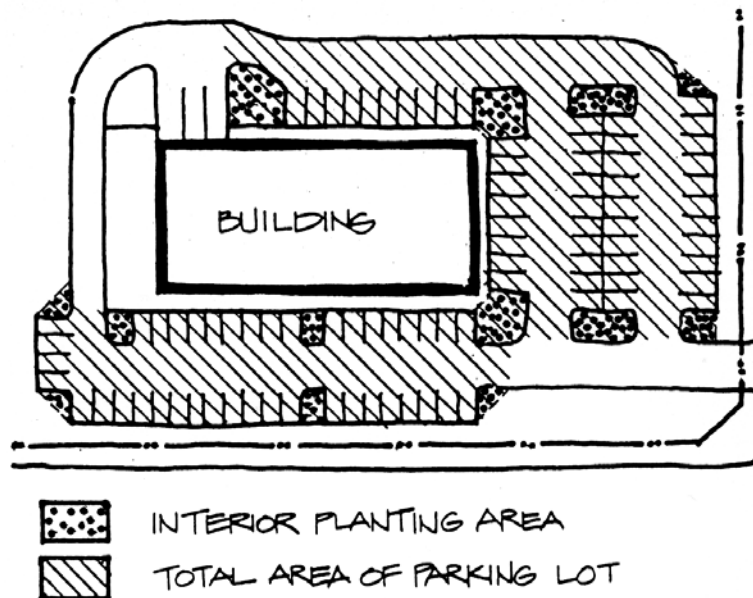
- d. Understory plants installed to meet the requirements of the parking lot landscaped strip shall be evergreen or dense deciduous shrubs. Plants used exclusively for screening must reach a minimum height of thirty (30) inches within three (3) years of installation and be at least eighteen (18) inches tall when planted.
2. Perimeter landscaping is required to define parking areas and prevent two (2) adjacent lots from becoming one (1) large expanse of paving. The required perimeter landscaping between adjacent lots does not preclude the need to provide vehicular access between the lots.
 - a. Figure 10 illustrates the required perimeter landscape strip. For lots ten thousand (10,000) square feet or smaller, the landscape strip must be a minimum of three (3) feet wide. Lots larger than ten thousand (10,000) square feet must have a landscape strip at least five (5) feet wide.
 - b. One (1) shade tree and three (3) small shrubs are required for every thirty-five (35) linear feet, excluding vehicular access aisles. Understory plants installed to meet the requirements of the parking lot landscaped perimeter shall be evergreen or dense deciduous shrubs.
 - c. The applicant may preserve existing woodlands at least twenty-five (25) feet in width located within the same parcel in lieu of the above perimeter landscaping requirements.

Figure 10
Parking Lot Perimeter



- Interior parking lot landscaping requirements are required for all parking lots seven thousand (7,000) square feet or larger. Figure 11 illustrates how to calculate the required interior lot planting. All areas within the lot's perimeter are counted, including planting islands, curbed areas, corner lots, parking spaces and all interior driveways and aisles. Only driveways and aisles with no parking spaces located on either side are excluded from the interior area.

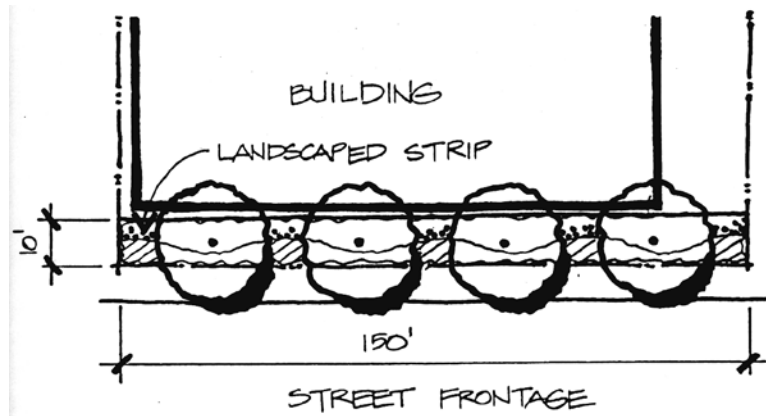
Figure 11
Parking Lot Interior Calculations



- a. For all parking lots seven thousand (7,000) square feet or larger, eight (8) percent of the total area must be an interior planting area.
 - b. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement.
 - c. All rows of parking spaces shall be provided a terminal island with concrete curbs and at least one hundred thirty (130) square feet of area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways and provide space for landscaping.
 - d. Landscaped islands with concrete curbs and at least one hundred thirty (130) square feet of area shall be provided every ten-(10) spaces or fewer within a row of spaces for multi-residential sites and every fifteen-(15) spaces or fewer within a row of spaces for commercial Developments. Planting islands should be evenly spaced throughout the parking lot to consistently shade paved areas. Islands shall be utilized where needed to control vehicular circulation and define major drives.
 - e. At least one (1) shade tree shall be provided for every one hundred thirty (130) square feet of landscaped island area. Trees must have a clear trunk at least six (6) feet above the finished grade to allow for visibility and vehicular circulation beneath the tree canopy. Vegetative ground cover or low shrubs listed on Table 24 shall be planted in all landscaped island areas. Gravel and bark mulch may not be substituted for the ground cover or low shrubs.
 - f. To prevent vehicles from parking too close to trees or damaging shrubs, an extended curb or wheel stop must be provided. Planting islands parallel to parking spaces must be a minimum of five (5) feet wide to allow vehicle doors to swing open.
- I. Commercial and Industrial Streetscapes
1. The following landscape strip requirements apply to all commercial and industrial Zoning Districts and all non-residential uses within a residential Zoning District. The strip must be located on the property, adjacent to the public right-of-way or private roads or streets and may not include paved surfaces, with the exception of driveway openings and pedestrian sidewalks or trails that cross the strip.
 2. To provide flexible standards that reflect site constraints and opportunities, three (3) options are available to meet the landscaped strip requirements.

Figure 12

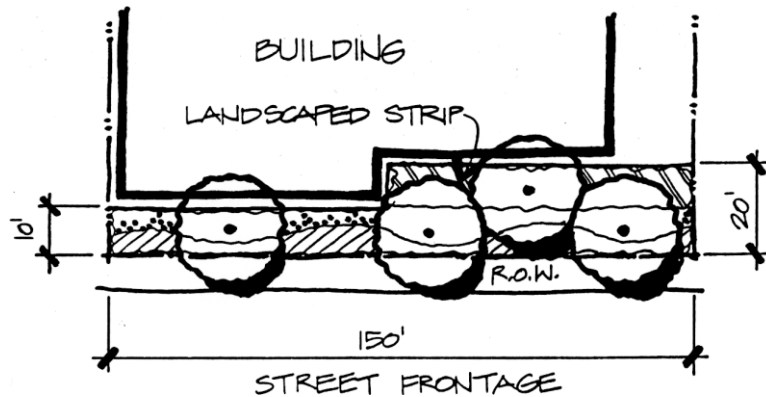
Commercial and Industrial Landscaped Strip, Option 1



Provide a minimum ten- (10-) foot wide strip between a right-of-way and the building, planted with a minimum of one (1) shade tree and ten (10) medium shrubs for every thirty-five (35) linear feet of street frontage, excluding driveway openings.

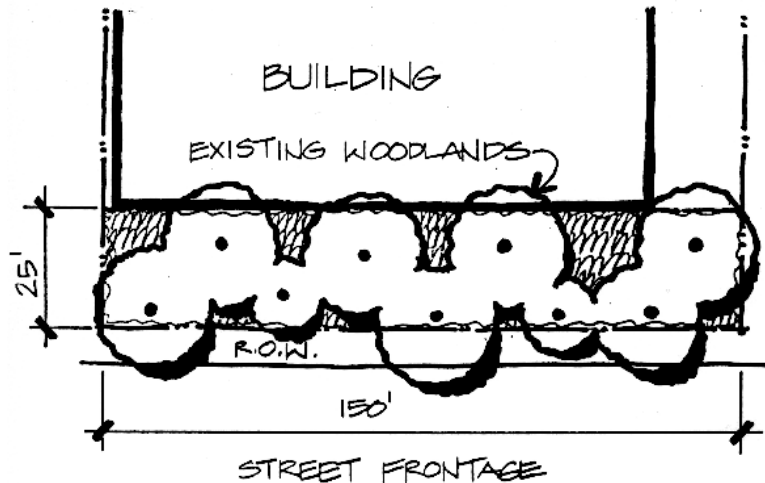
Figure 13

Commercial and Industrial Landscaped Strip, Option 2



Provide a strip with a minimum width of ten (10) feet, a maximum width of twenty (20) feet and an average width of fifteen (15) feet adjacent to the public right-of-way, planted with a minimum of one (1) shade tree and five (5) medium shrubs for every thirty-five (35) linear feet of street frontage, excluding driveway openings.

Figure 14
Commercial and Industrial Landscaped Strip, Option 3



Preserve a twenty-five- (25-) foot wide strip of existing woodlands in lieu of the landscaping requirement.

J. Modifications and Waivers

1. Under conditions where a strict interpretation of these requirements may either be physically impossible or create practical difficulties, an alternative compliance procedure may be used to maintain the spirit, rather than the letter, of the law. The proposed solution must equal or exceed standard landscaping requirements. Requests to the Planning Commission for use of alternative landscaping schemes are justified only when one (1) or more of the following conditions apply:
 - a. The sites involve space limitations or unusually shaped parcels;
 - b. Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical;
 - c. Due to a change of use of an existing site, the required bufferyard is larger than can be provided;
 - d. Safety considerations are involved; or
 - e. Existing utility lines or easements complicate the placement of required plant materials.

The Applicant must provide a justification statement that describes which of the requirements established by the landscaping requirements of this Ordinance will be met with modifications, which project conditions justify using alternatives and how the proposed measures equal or exceed normal compliance. The Zoning Administrator will review the alternative compliance application and recommend approval, approval with conditions or disapproval of the proposal to the Planning Commission, which will make the final decision.

2. Where compliance is required as a result of change in use or expansion of an existing building and compliance with this Section will necessitate removal of existing pavement, the Planning Commission may approve a reduction of parking lot setbacks and other

minimum planting areas, provided that proposed plantings, screens and other landscape features are equivalent to the minimum requirements in terms of landscaping;

3. After initial approval of the Landscape Plan by the Planning Commission, the Zoning Administrator may approve any substitute landscape proposal that he/she deems to be equivalent to the plan approved by the Planning Commission. As described in Section 11.6 B, the Zoning Administrator may also allow reduction of the required setbacks or reductions of the landscaping requirements for setbacks, buffer or parking area when compliance with the landscape standards would require removal of existing pavement.
4. Occasionally, plant substitutions for species specified on approved Landscape Plans are required due to seasonal planting problems or a lack of plant availability. Minor revisions to planting plans may be approved by the Zoning Administrator if there is no reduction in the quantity of plant material, there is no significant change in size or location of plant materials and if the substitute plants are of the same general category and have the same general design characteristics as the plants originally approved. Proposed materials must also be compatible with the microclimate of the site to ensure healthy plant growth. If the proposed plant substitutions do not fulfill these criteria, then the changes must be submitted to the Planning Commission and reviewed for new approval.

K. Installation and Maintenance

1. Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown.
2. At the time of installation, plants shall conform to the measurements specified below:
 - a. Caliper measurements shall be taken six (6) inches above grade for trees under four (4) inches in diameter and twelve (12) inches above grade for trees four (4) inches or larger in diameter.
 - b. Minimum branching height for all shade trees shall be four (4) feet.
 - c. Minimum size for shade trees shall be two (2) inches in caliper.
 - d. Minimum size for ornamental trees shall be one and one-half (1.5) inches in caliper.
 - e. Minimum size for evergreen trees shall be four (4) feet high.
3. After cultivation, all plant materials shall be mulched with a two- (2-) to three- (3-) inch layer of shredded bark, peat moss or another suitable material over the entire area of the bed.
4. The Owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials on the premises. All landscape areas shall be kept free of refuse and debris. Fences, walls and other barriers shall be maintained in good repair. It is the responsibility of each private property Owner to remove any dead, diseased or dangerous trees or shrubs, or parts thereof, that overhang or interfere with line of sight, traffic control devices, public sidewalks, rights-of-way or property owned by the County. The County shall have the authority to order the removal of any such trees or shrubs.

L.. Tables of Approved Plant Materials

1. Tables 21, 22, 23 and 24 list plant materials approved for specific applications. Divisions were created to represent certain characteristics of the plant materials: height, spread, maintenance and durability.
2. Trees proposed to meet the parking lot and commercial and industrial landscaping requirements must come from Table 21. Trees proposed to meet the bufferyard and residential landscaping requirements may be from either Table 21 or Table 22.
3. Shrubs proposed to meet the interior parking lot landscaping requirements must come from Table 24. Shrubs and vines proposed to meet all other requirements of the landscape requirements of this Ordinance may come from either Table 23 or Table 24.
4. Plants used to fulfill the requirements of this Section must be selected from the following tables, unless the Planning Commission approves the use of another plant for cause shown.

Table 21
Trees Approved for Planting Along Public Roads, Streets and Highways
and in
Locations Where Low Maintenance, Hardy Specimens with High Canopies are Required

Botanic Name	Common Name	Type	Height	Tree Category
<i>Acer campestre</i>	Hedge Maple	D	30-40'	Ornamental
<i>Acer Freemanii</i>	Freeman Maple	D	50-60'	Shade
<i>Acer rubrum</i>	Red Maple	D	50-60'	Shade
<i>Acer saccharum</i>	Sugar Maple	D	50-70'	Shade
<i>Carpinus betulas 'Fastigiata'</i>	Upright European Hornbeam	D	30-40'	Ornamental
<i>Carpinus caroliniana</i>	American Hornbeam or Blue Ash	D	25-30'	Ornamental
<i>Celtis occidentalis</i>	Hackberry	D	50-75'	Shade
<i>Cercis canadensis</i>	Eastern Redbud	D	20-25'	Ornamental
<i>Crataegus crusgalli</i>	Cockspur Hawthorn	D	15-25'	Ornamental
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	D	20-25'	Ornamental
<i>Fraxinus americana</i>	White Ash	D	45-65'	Shade
<i>Fraxinus pennsylvanica</i>	Green Ash	D	40-50'	Shade
<i>Ginkgo biloba</i>	Ginkgo or Maidenhair Tree	D	40-60'	Shade
<i>Gleditzia tricanthos inermis</i>	Thornless Honeylocust	D	40-45'	Shade
<i>Koelreuteria paniculata</i>	Golden Raintree	D	20-35'	Ornamental
<i>Liquidambar styraciflua</i>	American Sweetgum	D	40-60'	Shade
<i>Malus hybrids</i>	Flowering Crabapple	D	15-30'	Ornamental
<i>Prunus 'Newport'</i>	Newport Plum	D	15-20'	Ornamental
<i>Prunus maackii</i>	Amur Chokecherry	D	25-30'	Ornamental
<i>Prunus virginiana</i>	Common Chokecherry	D	20-25'	Ornamental
<i>Pyrus calleryana</i>	Ornamental Pear	D	20-25'	Ornamental
<i>Quercus coccinea</i>	Scarlet Oak	D	60-80'	Shade
<i>Quercus palustris</i>	Pin Oak	D	50-80'	Shade
<i>Quercus phellos</i>	Willow Oak	D	50-70'	Shade
<i>Quercus robur</i>	English Oak	D	50-70'	Shade
<i>Quercus rubra</i>	Red Oak	D	40-60'	Shade
<i>Sorbus alnifolia</i>	Korean Mountain Ash	D	20-30'	Ornamental

Table 21
Trees Approved for Planting Along Public Roads, Streets and Highways
and in
Locations Where Low Maintenance, Hardy Specimens with High Canopies are Required
(continued)

Botanic Name	Common Name	Type	Height	Tree Category
Sorbus 'Aria'	White Beam Mountain Ash	D	25-40'	Ornamental
Tillia americana	American Linden or Basswood	D	40-60'	Shade
Tillia cordata	Littleleaf Linden	D	40-50'	Shade
Tillia tomentosa	Silver Linden	D	40-50'	Shade
Zelkova serrata 'Village Green'	Village Green Zelkova	D	40-60'	Shade

Table 22
Trees Approved for Use Within the Interior of the Site

Botanic Name	Common Name	Type	Height	Tree Category
Acer ginella	Amur Maple	D	15-20'	Ornamental
Acer palmatum	Japanese Maple	D	15-20'	Ornamental
Amelanchier canadensis	Juneberry or Shadlow Serviceberry	D	30-35'	Ornamental
Amelanchier grandiflora	Apple Serviceberry	D	25-30'	Ornamental
Amelanchier laevis	Allegheny Serviceberry	D	25-30'	Ornamental
Betula nigra	River Birch or Red Birch	D	30-40'	Ornamental
Betula papyrifera	Paper Birch or White Birch	D	30-40'	Ornamental
Cercidiphyllum japonicum	Katsura Tree	D	25-40'	Ornamental
Cornus kousa	Japanese Dogwood	D	20-25'	Ornamental
Cotinus coggyria	Smoketree	D	15-20'	Ornamental
Gymnocladus dioicus	Kentucky Coffeetree	D	40-50'	Shade
Liriodendron tulipifera	Tulip Tree or Tulip Poplar	D	75-100'	Shade
Magnolia loebneri	Magnolia	D	12-15'	Ornamental
Magnolia soulangiana	Saucer Magnolia	D	15-20'	Ornamental
Magnolia stellata	Star Magnolia	D	10-15'	Ornamental
Picea abies	Norway Spruce	E	50-60'	Evergreen
Picea glauca 'densata'	Black Hills Spruce	E	50-60'	Evergreen
Picea pungens	Colorado Spruce	E	60-75'	Evergreen
Picea pungens 'Glauca'	Colorado Blue Spruce	E	60-75'	Evergreen
Pinus nigra	Austrian Pine	E	30-60'	Evergreen
Pinus ponderosa	Ponderosa Pine	E	40-50'	Evergreen
Pinus stroba	Eastern White Pine	E	50-100'	Evergreen
Platanus occidentalis	American Sycamore	D	75-100'	Shade
Quercus alba	White Oak	D	60-80'	Shade
Quercus bicolor	Swamp White Oak	D	40-50'	Shade
Salix blanda	Wisconsin Weeping Willow	D	40-50'	Shade
Salix matsudana 'Tortuosa'	Corkscrew Willow	D	25-30'	Ornamental
Tsuga canadensis	Canadian Eastern Hemlock	E	60-75'	Evergreen

Table 23
Upright Shrubs Approved for Screening, Hedges and Specimen Planting

Botanic Name	Common Name	Type	Height	Shrub Category
<i>Aronia melanocarpa</i>	Black Chokecherry	D	4-6'	Medium
<i>Berberis thunbergii</i> hybrids	Japanese Barberry	D	3-5'	Medium
<i>Buxus microphylla koreana</i>	Korean Boxwood	E	2-3'	Medium
<i>Caragana arborescens</i>	Siberian Peashrub	D	12-15'	Large
<i>Chaenomeles speciosa</i>	Flowering Quince	D	2-6'	Medium
<i>Cornus alba</i> 'Elegantissima'	Variegated Dogwood	D	6-10'	Large
<i>Cornice alternifolia</i>	Pagoda Dogwood	D	15-20'	Large
<i>Cornice sericea bailey</i>	Redtwig Dogwood	D	8-10'	Large
<i>Cotinus coggyria</i>	Smoketree	D	8-10'	Large
<i>Cotoneaster acutifolius</i>	Peking Cotoneaster	D	4-8'	Medium
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster	D	5-6'	Medium
<i>Euonymous alatus</i>	Burning Bush or Winged Euonymous	D	7-10'	Large
<i>Euonymous fortunei</i>	Euonymous	E	4-6'	Medium
<i>Forsythia intermedia</i> hybrids	Hybrid Forsythia	D	7-10'	Large
<i>Forsythia suspensa</i>	Weeping Forsythia	D	8-10'	Large
<i>Hamamelis virginiana</i>	Common Witch Hazel	D	10-15'	Large
<i>Hibiscus syriacus</i>	Rose of Sharon or Shrub Althea	D	4-12'	Large
<i>Hydrangea aborescens</i> 'Annabelle'	Annabelle Hydrangea	D	4-15'	Large
<i>Hydrangea macrophylla</i> 'Nikko Blue'	Nikko Blue Hydrangea	D	3-4'	Medium
<i>Hydrangea paniculata</i> 'Grandiflora'	Peegee Hydrangea	D	6-10'	Large
<i>Ilex crenata</i>	Japanese Holly	E	3-5'	Medium
<i>Ilex meserveae</i>	Blue Holly	E	6-8'	Large
<i>Ilex opaca</i>	American Holly	E	8-15'	Large
<i>Juniperis chinesis</i>	Chinese Juniper	E	6-15'	Large
<i>Juniperis scopulorum</i>	Rocky Mountain Juniper	E	6-15'	Large
<i>Ligustrum amurense</i>	Amur Privet	D	4-8'	Medium
<i>Ligustrum vicaryi</i>	Golden Vicary Privet	D	4-12'	Large
<i>Mahonia aquifolium</i>	Oregon Grape	E	3-6'	Medium
<i>Philadelphus coronarius</i>	Sweet Mockorange	D	8-10'	Large
<i>Philadelphus virginialis</i>	Minnesota Snowflake	D	6-8'	Large
<i>Physocarpus opulifolius intermedius</i>	Dwarf Ninebark	D	4-5'	Medium
<i>Picea glauca conica</i>	Dwarf Alberta Spruce	E	6-10'	Large
<i>Prunus cistena</i>	Cistena Plum or Purpleleaf Sand Cherry	D	6-8'	Large
<i>Prunus glandulosa</i>	Dwarf Flowering Almond	D	4-6'	Medium
<i>Prunus triloba</i>	Flowering Almond	D	8-10'	Large
<i>Rhamnus frangula</i>	Alder Buckthorn or Glossy Buckthorn	D	12-15'	Large
<i>Rhus aromatica</i>	Fragrant Sumac	D	4-6'	Medium
<i>Rhus glabra</i>	Smooth Sumac	D	8-10'	Large
<i>Rhus typhina</i>	Staghorn Sumac	D	8-12'	Large
<i>Salix caprea</i>	French Pussy Willow	D	15-20'	Large
<i>Sambucus canadensis</i>	American Elder	D	6-8'	Large
<i>Shepherdia argentea</i>	Silver Buffaloberry	D	5-8'	Large
<i>Sorbaria sorbifolia</i>	False Spirea	D	6-8'	Large

Table 23
Upright Shrubs Approved for Screening, Hedges and Specimen Planting
(continued)

Botanic Name	Common Name	Type	Height	Shrub Category
<i>Symphoricarpos alba</i>	White Snowberry	D	5-6'	Medium
<i>Syringa chinensis</i>	Chinese Lilac	D	6-8'	Large
<i>Syringa hyacinthiflora</i> hybrids	Hybrid Canadian Lilac	D	8-12'	Large
<i>Syringa vulgaris</i>	Common Lilac	D	8-12'	Large
<i>Syringa vulgaris</i> hybrids	Hybrid French Lilac	D	8-12'	Large
<i>Taxus cuspidata</i> 'Capitata'	Upright Japanese Yew	E	10-25'	Large
<i>Taxus</i> 'Hicksi'	Hicks Yew	E	10-12'	Large
<i>Thuja occidentalis</i> hybrids	American Arborvitae	E	4-15'	Large
<i>Viburnum dentalum</i>	Arrowwood Viburnum	D	10-15'	Large
<i>Viburnum lantana</i>	Wayfaring Tree	D	8-15'	Large
<i>Viburnum lentago</i>	Nannyberry	D	8-15'	Large
<i>Viburnum opulus</i>	European Cranberry Bush	D	10-12'	Large
<i>Viburnum plicatum</i> forma <i>tomentosum</i>	Doublelife Viburnum	D	8-10'	Large
<i>Viburnum prunifolium</i>	Black Haw Viburnum	D	10-12'	Large
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum	D	6-15'	Large
<i>Viburnum trilopum</i>	American Cranberry Bush	D	8-12'	Large
<i>Weigela florida</i>	Flowering Weigela	D	4-5'	Medium
<i>Weigela vaniceki</i>	Cardinal Shrub	D	4-5'	Medium

Table 24
Spreading Shrubs Approved for Low Borders, Parking Lot Islands and Ground Covers

Botanic Name	Common Name	Type	Height	Shrub Category
<i>Berberis mentorensis</i>	Mentor Barberry	E	3-4'	Medium
<i>Berberis thunbergii</i> hybrids	Japanese Barberry	D	2-4'	Medium
<i>Berberis verruculosa</i>	Warty Barberry	E	2-3'	Small
<i>Buxus sempervirens</i>	Boxwood	E	2-3'	Small
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster	D	2-3'	Small
<i>Cotoneaster horizontalis</i>	Rock Cotoneaster	D	1-3'	Small
<i>Daphne burkwoodii</i>	Burkwood Daphne	D	3-4'	Medium
<i>Duetzia gracilis</i>	Slender Duetzia	D	2-3'	Small
<i>Euonymus fortunei</i> 'Sarcoxie'	Sarcoxie Wintercreeper Euonymous	E	3-4'	Medium
<i>Forsythia viridissima</i> 'Bronxensis'	Dwarf Forsythia	D	1-2'	Small
<i>Hypericum patulum</i>	St. Johnswort	D	2-3'	Small
<i>Juniperus</i> - spreading varieties	Juniper	E	1-3'	Small
<i>Mahonia aquifolium compacta</i>	Dwarf Oregon Grape	E	2'	Small
<i>Microbioata decussata</i>	Siberian Cypress	E	1'	Small
<i>Philadelphus virginicus</i>	Miniature Snowflake	D	2-3'	Small
<i>Picea abies</i> 'Nidiformis'	Birdnest Spruce	E	2'	Small
<i>Picea abies</i> 'Pumila'	Dwarf Norway Spruce	E	2-3'	Small
<i>Picea pungens</i> 'Globosa'	Blue Globe Spruce	E	3-4'	Medium
<i>Pinus mugo</i>	Mugho Pine or Swiss Mountain Pine	E	3-4'	Medium

Table 24

**Spreading Shrubs Approved for Low Borders, Parking Lot Islands and Ground Covers
(continued)**

Botanic Name	Common Name	Type	Height	Shrub Category
Potentilla fruticosa hybrids	Bush Cinquefoil	D	2-3'	Small
Rhus aromatica 'Low Grow'	Low Grow Fragrant Sumac	D	1-2'	Small
Ribes alpinum	Alpine Currant	D	3-5'	Medium
Spiraea bumalda	Spirea	D	2-3'	Small
Spiraea japonica	Japanese Spirea	D	2-3'	Small
Spiraea nipponica	Nippon Spirea	D	2-3'	Small
Symphoricarpos orbiculatus	Coral Berry or Indian Currant Snowberry	D	3-4'	Medium
Syringa patula 'Miss Kim'	Dwarf Korean Lilac	D	3-5'	Medium
Taxus cuspidata 'Nana'	Dwarf Japanese Yew	E	2-3'	Small
Taxus media	Spreading Yew	E	2-4'	Small
Thuja occidentalis 'Hetzii Midget'	Hetz Midget Arborvitae	E	2-3'	Small
Viburnum opulus 'Nanum'	European Cranberry Bush	D	1-2'	Small

SECTION 12.0 ZONING: COMMISSION APPROVED USES: REQUIREMENTS AND PROCEDURES

The Commission Approved Uses listed in the individual Zoning Districts and those listed below and their accessory buildings and uses may be permitted by the Planning Commission in the Zoning Districts, in accordance with the procedures set forth in this Section.

12.1 COMMISSION APPROVED USES: ALL DISTRICTS

The following uses are permitted in any Zoning District, subject to the requirements of this Section:*

- Airport or Heliport
- Cemetery
- Church, Temple, Synagogue or Mosque
- Gas, Oil, Electric or Other Utility Transmission Line
- Hospital
- Lake, Artificial, one (1) acre or larger
- Mineral Extraction
- Radio, Television and/or Microwave Transmission Tower
- Sewage Disposal Plant (primary use)
- Telephone Exchange
- Water Well, Water Station, Filtration Plant, Reservoir and/or Storage Tank, Public

* All Commission Approved Uses located in the FP Districts or their FW and FF Subdistricts must obtain a permit from the Indiana Department of Natural Resources prior to Planning Commission Approval.

12.2 COMMISSION APPROVED USE: PROCEDURE

- A. The Commission Approved Uses listed in the individual Zoning Districts and those listed below and their accessory buildings and uses may be permitted by the Planning Commission in the Zoning Districts, in accordance with the procedures set forth in this Section.
- B. Upon receipt of an Application for a Commission Approved Use, the Planning Commission shall hold a public hearing thereon. Public notice setting forth the time and place shall be given at least ten (10) days before the date of the hearing in a newspaper of general circulation in the County. Interested parties shall be notified as provided by the Planning Commission. The cost of such notices shall be borne by the Applicant.

The Planning Commission shall order the Zoning Administrator to issue an Improvement Location Permit for the Commission Approved Use following the hearing and upon an affirmative finding by the Planning Commission that:

1. The proposed Commission Approved Use is to be located in a Zoning District wherein such use may be permitted;
 2. The requirements set forth in the Zoning District and this Section for such Commission Approved Use will be met;
 3. The proposed uses are consistent with the spirit, purpose and intent of these regulations, will not substantially and permanently injure the appropriate use of the neighboring property and will serve the public convenience and welfare.
- C. Any existing use that is listed herein as a Commission Approved Use and that is located in a Zoning District in which Commission Approved Use may be permitted is a conforming use. Any expansion of a Commission Approved Use involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this Section.

12.3 COMMISSION APPROVED USE: DEVELOPMENT STANDARDS

Commission Approved Uses shall comply with the development standards on the tables on the following pages. The development standards are defined as follows:

A. Minimum Lot Area

A lot on which one (1) of the following uses is located may not be smaller than the area prescribed for that use.

B. Setbacks

The uses are subject to the special setbacks prescribed, in feet, on the following table. If no figure appears for a front yard setback, the standard setback for the Zoning District applies.

C. Minimum Distance From Residential District

The uses may not be located closer to an RR, R1, R2, R3 or RMH District or an existing residential use than the distance listed in the table. Additionally, a parking area or loading berth for any of the following uses may not be located closer to a residential district or existing residential use than the distance listed in the table.

D. Enclosures

The following uses shall be fenced or walled as respectively prescribed by the table, at the discretion of the Planning Commission.

E. Entrances

This Subsection limits the number of entrances to a Major or Minor Collector Highway. However, it does not apply to entrances for emergency use only. The design requirements for the entrances can be found in Title 3, Roads, Streets and Trafficways Ordinance.

As used in this Section, the term "entrance" means a passageway generally thirty (30) feet wide from the premises to the thoroughfare by which vehicles enter or leave. The Applicant shall obtain a permit from the County Highway Engineer for the entrance.

Table 25
Commission Approved Uses: Part 1

Use	Minimum Lot Area	Minimum Yard Setbacks			Enclosures
		Front	Rear	Side	
Airport	30 acres				Adequate to protect abutting use
Anhydrous Ammonia, Storage and Distribution, Commercial		50	50	50	
Assembly Hall	1 acre		20	50	
Auction Sales Yard	2 acres				Adequate to protect abutting use
Bottled Gas, Storage and/or Distribution, Commercial		50	50	50	
Camp, Public	20,000 sf	100	40	40	
Cemetery or Crematory	20 acres		50	50	
Charitable Institution	1 acre		20	15	
Church, Temple, Synagogue or Mosque	1 acre				
Clinic	15,000 sf		10	30	
Contractor's Storage Yard					
Country Club or Golf Course					
Disabled Vehicles, Storage of	3 acres	100	40	40	Six- (6-) foot chain link fence with metal or wooden slats inserted sufficient to screen such use from view
Explosives, Manufacturing, Storage and/or Use of		300 ²	300 ²	300 ²	
Farm Equipment Sales	1 acre				
Fraternity or Sorority	5 acres				
Garbage Disposal, Public or Commercial	20 acres				
Gas, Oil, Electricity or Other Utility Transmission Lines	Note 1				
Greenhouse, Commercial	25,000 sf	100	40	40	
Heliport	25,000 sf				

Table 25
Commission Approved Uses: Part 1
(continued)

Use	Minimum	Minimum Yard Setbacks			Enclosures
	Lot Area	Front	Rear	Side	
Home for the Aged	1 acre		10		
Hospital	10 acres	100	40	40	
Hotel or Motel	2 acres		75 ²		
Industrial Park		100	35		
Junk Yard	10 acres	300 ²	300 ²	300 ²	Solid wall or solid painted fence sufficient to hide from view
Kennel	Note 1				
Kindergarten or Day Nursery	Note 1		20	15	Four- (4-) foot wire mesh fence
Lake, Artificial, 1 acre or larger					
Landfill, Sanitary or Garbage Disposal Plant, Public or Commercial	20 acres	300	300	300	Six- (6-) foot chain link fence
Liquid Fertilizer, Storage and/or Distribution, Commercial		50	50	50	
Lodge or Private Club	5 acres (4,000 sf per unit)				
Lodge, Fishing or Hunting, Seasonal	Note 1				
Marina	Note 1				
Material Storage, Open		300 ²	300 ²	300 ²	
Mineral Extraction, Borrow Pit or Topsoil Removal and Storage Areas		CA	CA	CA	Six- (6-) foot chain link fence
Nursing Home or Orphanage			10	30	
Parking Lot, Public or Employee					Four- (4-) foot masonry wall, six (6) inches thick, along front lines and such other boundaries as the Planning Commission considers necessary to protect residential properties
Penal or Correctional Institution	320 acres	100	100	100	
Petroleum Tank Farm, Commercial		300	300	300	
Police or Fire Station	1 acre				
Produce Terminal, Wholesale	15 acres	100	75 ²		Six- (6-) foot chain link fence
Race Track		100	100	100	
Recreational Development, Private			40	40	
Recreational Enterprise, Outdoor, Commercial, if accessible to the public			40	40	Six- (6-) foot chain link fence
Recreational Vehicle Park	1,500 sf per space	100	40	40	

Table 25
Commission Approved Uses: Part 1
(continued)

Use	Minimum	Minimum Yard Setbacks			Enclosures
	Lot Area	Front	Rear	Side	
Riding Stable	20,000 sf plus 5,000 sf for every horse more than four	50	50	50	
Sales Barn for Livestock Resale			40	40	
Sewage Disposal Plant, Public or Commercial		300	300	300	
Shooting Range, Outdoor			50	50	
Stadium or Coliseum	5 acres	100 ²	100 ²	100 ²	
Swimming Pool, Private, if accessible to the public					Six- (6-) foot chain link fence
Telephone Exchange					
Theater, Outdoor		100	75 ²		Six- (6-) foot chain link fence with metal or wooden slats inserted sufficient to screen such use from view
Tourist Home	Footnote 1				
Truck Freight Terminal or Service Center	1 acre				Six- (6-) foot chain link fence with metal or wooden slats inserted sufficient to screen such use from view
Warehouse or Grain Elevator	3 acres		35		
Water Well, Water Station, Filtration Plant, Reservoir and/or Storage Tank, Public			20	10	

Table 26
Commission Approved Uses: Part 2

Use	Minimum Distance from Residential Uses (in feet)			Permitted Number of Entrances to Major and Minor Collector Highways
	Use	Parking Area	Loading Berth	
Airport	2,000	25	100	2
Anhydrous Ammonia, Storage and Distribution, Commercial	1,000			
Animal Raising and Breeding Facility for Non-Farm Fowl and/or Animals, Commercial		25	50	1
Assembly Hall				
Auction Sales Yard	300			
Bottled Gas, Storage and/or Distribution, Commercial	1,000			
Camp, Public		25		1
Cemetery or Crematory				2
Charitable Institution				
Fraternity or Sorority				

Table 26
Commission Approved Uses: Part 2

(continued)

Use	Minimum Distance from Residential Uses (in feet)			Permitted Number of Entrances to Major and Minor Collector Highways
	Use	Parking Area	Loading Berth	
Church, Temple, Synagogue or Mosque				
Clinic		10		1
Contractor's Storage Yard		300	300	1
Country Club or Golf Course		10		1
Disabled Vehicles, Storage of	1,000	25	50	1
Explosives, Manufacturing, Storage and/or Use of	2,000			1
Farm Equipment Sales	300			
Fraternity or Sorority				
Garbage Disposal, Public or Commercial				
Gas, Oil, Electricity or Other Utility Transmission Lines				
Greenhouse, Commercial			50	1
Heliport				2
Home for the Aged				1
Hospital		25	50	
Hotel or Motel				2
Industrial Park		25	100	1
Junk Yard	1,320	1,320	1,320	1
Kennel	1,000			1
Kindergarten or Day Nursery				1
Lake, Artificial, 1 acre or larger				1
Landfill, Sanitary or Garbage Disposal Plant, Public or Commercial				1
Liquid Fertilizer, Storage and/or Distribution, Commercial	1,000			
Lodge or Private Club				
Lodge, Fishing or Hunting, Seasonal				
Marina				
Material Storage, Open	1,000			1
Mineral Extraction, Borrow Pit or Topsoil Removal and Storage Areas	2,000 ¹		300	1
Nursing Home or Orphanage	75			
Parking Lot, Public or Employee				1
Penal or Correctional Institution	2,000	300	300	1
Petroleum Tank Farm, Commercial				
Police or Fire Station		10		
Produce Terminal, Wholesale	300	100	100	1

Table 26
Commission Approved Uses: Part 2
(continued)

Use	Minimum Distance from Residential Uses (in feet)			Permitted Number of Entrances to Major and Minor Collector Highways
	Use	Parking Area	Loading Berth	
Race Track				
Recreational Development, Private		25		1
Recreational Enterprise, Outdoor, Commercial, if accessible to the public		25	50	2
Recreational Vehicle Park		25		2
Riding Stable				1
Sales Barn for Livestock Resale	2,000	50	100	1
Sewage Disposal Plant, Public or Commercial	1,000			1
Shooting Range, Outdoor				1
Stadium or Coliseum		25	50	2
Swimming Pool, Private, if accessible to the public				
Telephone Exchange				1
Theater, Outdoor		25	50	1
Tourist Home				1
Truck Freight Terminal or Service Center	300	100	100	1
Warehouse or Grain Elevator		100	100	1
Water Well, Water Station, Filtration Plant, Reservoir and/or Storage Tank, Public				

12.4 CONFINED FEEDING OPERATIONS AND CONCENTRATED ANIMAL FEEDING OPERATIONS

A. Purpose and Intent

The purpose of this section is to incorporate into the Development Code a system for evaluating sites for CFO/CAFO facilities. It is acknowledged that agriculture is an essential component of the Henry County economy and the progress of the agriculture industry must be recognized and planned for in the Henry County Development Code.

B. Applicability

These standards apply to the location and planning of CFO and CAFO sites in Henry County, Indiana. Certain provisions of this ordinance do not apply to existing CFO/CAFOs.

These standards apply to any new CFO or CAFO, as well as the expansion of existing CFO or CAFO sites. Existing CFO/CAFO sites will be allowed any expansion that was permitted by the Indiana Department of Environmental Management (IDEM) prior to the 2012 Moratorium Ordinance approved by the Board of County Commissioners but prohibited from execution by said moratorium. However, such previously permitted expansion is limited to the expansion that was approved by IDEM and expansion in excess of the previous permit/s will be subject to the standards herein.

C. Siting Requirements

1. No person shall start construction of or operate a new CFO/CAFO without first obtaining a Commission Approved Use from the Henry County Planning Commission.
2. A CFO/CAFO may be located only on a parcel zoning Agriculture (A-1).
3. A CFO/CAFO may be located only on a parcel not less than forty (40) acres in size, regardless of the amount of space or acreage to be allotted for the barns or operating facilities.
4. The minimum front yard setback is five hundred (500) feet from the centerline of any road. If the CFO/CAFO site abuts more than one road, than the front yard setback will apply to each property line with road frontage.
5. The minimum side yard setback is three hundred (300) feet from the side property lines.
6. The minimum rear yard setback is three hundred (300) feet from the rear property line.
7. The minimum road frontage is one hundred and fifty (150) feet.
8. A CFO/CAFO site may have up to two permitted entrances to major and minor collector highways. Any entrance to any road must be approved by the Henry County Highway Department with a Driveway Permit prior to being cut.
9. Required Separation Distances:

Use	Distance
Residential Structure – not located on the proposed CFO/CFO site	800 feet
School or other Education Institution	2,640 feet
Church or other Religious Institution	1,320 feet
Open Legal Drain, Stream, or River without a twenty (20) foot filter strip	500 feet
Open Legal Drain, Stream, or River with a twenty (20) foot filter strip	300 feet
Municipality or Subdivision	2,640 feet
Public Use Area	2,640 feet
Water Well, other than to service the CFO/CAFO	500 feet
High Employment Centers, 100+ full time or part-time equivalent employees	1,320 feet

D. Separation Distance Calculation

1. The absolute minimum separation distance from a residence, business, or commercial entity is 800 feet.
2. The absolute minimum separation distance of 800 feet does not apply to a residence owned by the CFO/CAFO owner/operator.
3. The separation distance will be calculated using the following formula: Number of Head of Livestock multiplied by the Animal Unit Factor (see Table below) to determine the Animal Unit value which is then multiplied by the value 0.3 to create a separation distance from neighboring homes. The minimum separation distance allowed will be 800 feet even if the formula permits a shorter distance.

4. Animal Unit Factors to be used:

Animal Type	Animal Unit Factors
A. Dairy Cattle	
Mature Cow or Bull	1.4
Heifer	0.7
Calf	0.2
B. Beef Cattle	
Slaughtered Steer or Stock Cow	1.1
Feeder Cattle or Heifer	0.7
Cow and Calf Pair	1.3
Calf	0.2
C. Swine	
Boars or Sows, including Litters	0.45
Finishers or Gilts	0.4
Nursery Pigs	0.07
D. Horse	
	1
E. Sheep and Lambs	
	0.1
F. Chickens	
Laying Hen or Broiler (liquid manure system)	0.011
Laying Hen or Broiler (dry manure system)	0.005
G. Turkeys	
Over 5 Pounds (Finishers)	0.018
Under 5 Pounds (Starters)	0.005
H. Ducks	
	0.01
I. Animal Not Listed Above	Avg. Weigh of Animal in lbs. divided by 1,100 lbs.

E. Procedure

1. Applications for a proposed CFO/CAFO site will be kept in the Office of the Henry County Planning Commission. Prior to initiating an application, the Zoning Administrator will confirm that the minimum Siting Requirements are met.
2. After confirmation that minimum site requirements have been met, the Zoning Administrator will initiate a Scoring System sheet for the Applicant. The Zoning Administrator will oversee the Scoring System process and will conduct any and all inspections and interviews required to obtain the information needed to calculate a score.
3. Any Applicant who wishes to be evaluated for a site agrees upon initiation of the Scoring System process to be complicit with the requests of the Zoning Administrator and provide the necessary access to property and information needed to evaluate the site. Failure to provide the necessary information will result in termination of the application.

4. Once the site and other necessary information has been evaluated by the Zoning Administrator and a score has been calculated, the Zoning Administrator will inform the Applicant within three (3) business days of whether the application for a Commission Approved Use has met the threshold for a Commission Approved Use Hearing or a Commission Approved Use Waiver. For explanations of those thresholds, see subsection (F)(7) and (8).
5. The fee of the CFO/CAFO application procedure is \$500.00. If the cost of certified mailings, required for certain Neighbor Notifications, exceeds \$500.00, then the Applicant is responsible for any excess costs created by the mailings.

F. Scoring System

1. The Scoring System is a tool to be used by the Henry County Planning Commission to evaluate the merit of a proposed CFO/CAFO site. The Scoring System is a part of the application process, and a CFO/CAFO cannot be granted a Commission Approved Use, an Improvement Location Permit, or a Building Permit without submitting to the Scoring System.
2. The Odor Abatement methods referenced in the Scoring System are outlined in the Table below:

Tier One	Tier Two
Sprinkling of all gravel driveways	
Bio or Biomass filters installed on appropriate exhaust fans	Manure additives
Permeable cover or impermeable cover for manure storage and lagoon	Solids separation
Cover for liquid manure storage	Anaerobic Digester
Aeration for surface of lagoon	Other industry approved technology as approved by the Planning Commission
Windbreak walls	Composting
Diet formulation (use of feeds that reduce odor and nutrient excretion)	
Other industry approved technology as approved by the Planning Commission	

3. In accordance with IDEM regulations, neighboring property owners within one-half (1/2) mile of the proposed CFO/CAFO site must receive notification of the site application. Points will be awarded for compliant notification to neighbors within one-half (1/2) mile, and applicants may elect to notify neighbors within one (1) mile in order to be awarded additional points in the Scoring System. These notifications will be sent by the Henry County Zoning Administrator via Certified U.S. Mail. The applicant is responsible for the cost of such mailings.
4. Manure application methods must comply with the requirements of IDEM, the Office of the Indiana State Chemist, the Natural Resources Conservation Service, and any other federal or state regulatory body with jurisdiction.
5. Neighbor Objections must be received by the Henry County Planning Commission within 21 days of receipt of service. Objections must be made in writing and submitting via mail or personal service. Objections within one-half (1/2) mile and one (1) mile will be deducted against the points accumulated by an Applicant in the Scoring System, but will not prohibit a Commission Approved Use hearing. Points to be deducted for objections

will not be multiplied, i.e., five objections within one-half (1/2) mile will result in a deduction of 30 points, not a deduction of 150 points.

6. Scoring System:

Qualification	Points
Clean Record Award	10
Water Conservation	25
Existing Land Use	
Wooded	20
Section Density	
0-5	50
6-10	30
11-17	20
18-23	15
24-38	10
39-49	5
50+	0
Separation from House/Public Use Facility/Church	
At least 250' more than required by Developmental Standards	40
At least 500' more than required by Developmental Standards	60
At least 750' more than required by Developmental Standards	80
At least 1000' more than required by Developmental Standards	120
1250' or more than required by Developmental Standards	150
Shelter Belt	50
Truck Turnaround	30
IDEM/EPA Violation	-100
Homestead	100
Odor Abatement	
Tier 1	
One Method	25
Two Methods	30
Three Methods	35
Four Methods	40
Five Methods	45
Tier 2	
One Method	25
Two Methods	30
Three Methods	35
Four Methods	40
Five Methods	45
Neighbor Notification	
Within one-half (1/2) mile	15
Within one (1) mile	30
Neighbor Objection	
Within one (1) mile	-15
Within one-half (1/2) mile	-30
Manure Application	
Injection	40
Use of Attachment with Application	5
Surface Applied (incorporation within 24 hours)	25
Surface Applied on established crop	10

7. An Applicant must receive a minimum of 320 points to receive a Commission Approved Use Hearing before the Planning Commission. The Planning Commission will review the Scoring System and use it as a tool in reviewing the merit of the proposed site.
8. An Applicant who receives a score of 400 or more points will receive a Commission Approved Use Waiver and will automatically receive the Commission Approved Use without being required to appear before the Planning Commission for a formal hearing.

G. Penalty

Any violation of this Section will be subject to the penalties outlined in Section 14.10.

SECTION 13.0 ZONING: NON-CONFORMING USES, BUILDINGS AND STRUCTURES

Within the Zoning Districts established in this Code there exist lots, structures, uses or combinations of uses and structures that were lawful prior to the adoption of this Code, but that are prohibited, regulated or restricted in this Code. Such uses may continue in accordance with the following provisions:

13.1 NON-CONFORMING USES OF LAND

A non-conforming use of land shall not be enlarged or increased or extended to occupy a larger area of land than was occupied at the time of the enactment of this Code. Such use shall not be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by the use at the time of the enactment of this Code. If any such use ceases for a period of more than six (6) months, any subsequent use of such land shall conform with the provisions of this Code. No other structure shall be built in connection with such non-conforming use of land in addition to structures existing at the time of the enactment of this Code.

13.2 NON-CONFORMING STRUCTURES

- A. A non-conforming structure shall not be enlarged or altered, except that if such structure was lawful at the time of the enactment of this Code, the existing use may be extended throughout any part of the structure that was arranged or designed for such use prior to the enactment of this Code. A non-conforming use shall not be moved, in whole or in part, to another location on the lot unless that structure is made to conform to the provisions of this Code. If a non-conforming structure is made to conform with the provisions of this Code or the use of any structure is discontinued for a period of one (1) year, any future use of such structure or portion thereof shall be in conformity with the provisions of this Code. Should a non-conforming structure or part thereof be destroyed to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in compliance with the provisions of this Code.
- B. A non-conforming use may be changed to another non-conforming use of the same or greater restriction, provided no structural changes are made in a building. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a zoning district of greater restriction, it shall not thereafter be changed to a less-restricted non-conforming use.

13.3 REPAIRS AND MAINTENANCE

A non-conforming building or structure may be maintained in the form and condition that existed at the time of the enactment of this Code. Nothing in this Code shall prevent the repair of a non-conforming structure containing a non-conforming use. If a non-conforming structure or portion thereof becomes physically unsafe or unlawful and is declared by an authorized official to be so,

the same shall not thereafter be repaired, restored or rebuilt except in conformity with the provisions of this Code.

13.4 PROVISIONS FOR FP FLOODPLAIN DISTRICTS AND FW AND FF FLOODWAY AND FLOODWAY FRINGE SUBDISTRICTS

- A. No non-conforming use in an FW Floodway Subdistrict shall be expanded or enlarged without a permit for construction in a floodway from the Indiana Department of Natural Resources.
- B. A non-conforming use in an FF Floodway Fringe Subdistrict may be altered, enlarged or extended, on a one-time-only basis, provided such alterations, enlargements or extensions do not increase the value of the land by more than forty (40) percent of its pre-improvement market value, unless such building or structure is permanently changed to a conforming use.
- C. A non-conforming use in an FP 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 the land, by more than forty (40) percent of its pre-improvement market value, unless such building or structure is permanently changed to a conforming use.
- D. Any non-conforming use in the FP Districts and FW and FF Subdistricts that 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 decrease the value of the buildings, excluding the value of the land, by more than forty (40) percent of its pre-damage value.

13.5 PROOF OF NON-CONFORMING USE

- A. Upon written request of the Zoning Administrator, the Owner of a non-conforming use shall present documentary evidence to said officer that a building or use owned by him qualifies as a non-conforming use. Such evidence may include the date when the non-conforming use was established or validated, vouchers related to materials purchased for construction, written testimony of adjoining property owners (present and/or former), photographs, and/or photostatic copies of deeds or rulings made on the property.
- B. Upon submission of such proof, the Zoning Administrator shall perform an inspection of the premises on a date and time agreeable to the Owner. No inspection shall be attempted unless and until an agreement is reached with said Owner. Following such inspection, the Zoning Administrator shall issue a Certificate of Occupancy if he finds that the information given is satisfactory and the premises are, in his opinion, a de facto non-conforming use.
- C. No appeal to the Board of Zoning Appeals on a variance shall be processed until it is fully established that the property is truly a non-conforming use as provided above.

SECTION 14.0 ZONING: ADMINISTRATION AND ENFORCEMENT

14.1 SUMMARY OF AUTHORITY

The County officials and bodies listed below, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Code in the manner described in Sections 14.0 through 15.0 of Title 1.

14.2 BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners is authorized and empowered to initiate amendments to the text of this Code and to the Official Zoning Maps pursuant to the procedures and standards for amendments set forth in Section 14.9 and to take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Code.

14.3 PLANNING COMMISSION**A. Establishment and Organization**

The Henry County Planning Commission is hereby established as set forth in the Indiana Code. The Henry County Planning Commission as established has the authority to adopt Rules of Procedure.

B. Authority

The Planning Commission is authorized and empowered to administer this Ordinance and to make and enforce all necessary requirements, orders, rules and regulations consistent with the provisions of this Ordinance with powers and duties as provided by Chapter 174 of the Acts of 1947 of the State of Indiana, as amended.

C. Adoption of Rules and Regulations

The Planning Commission may adopt rules and regulations as it may deem necessary to enforce this Code. The adoption, amendment or revision of such rules shall be by a majority vote of all members of the Planning Commission.

D. Meetings, Minutes and Records

All meetings of the Planning Commission shall be open to the public. The Planning Commission shall keep minutes of its proceedings and records of its examinations and other official actions, prepare findings and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Planning Commission and shall be public records.

E. Conflicts

No member of the Planning Commission may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law.

F. Undue Influence

Any person with a pending hearing may not communicate with any member of the Planning Commission before a hearing with the intent to influence the member's action on a matter pending before the Planning Commission.

14.4 ZONING ADMINISTRATOR**A. Creation**

The office of Zoning Administrator is hereby created.

B. Authority

The Zoning Administrator has the principal responsibility of enforcing this Code and serves as the administrative officer of the Planning Commission and the Board of Zoning Appeals. The Zoning Administrator shall issue (or direct the issuing of) all permits required by this Code and shall take such other action towards the enforcement of this Code as the Planning Commission may direct.

14.5 APPLICATIONS AND HEARINGS

A. Applications

Applications submitted pursuant to this Code shall be handled in accordance with the procedures set forth below.

1. Place of Filing

Applications shall be filed with the Zoning Administrator or with such other official or body as the Zoning Administrator may designate.

2. Form, Number and Scale

Applications shall be on forms supplied by the Zoning Administrator and shall be filed in such number of duplicated copies as the Zoning Administrator may designate. All plans filed as part of any Applications shall be of a scale sufficient to permit a clear and precise understanding of the contents of the plan and of the proposal being made and shall be folded to a size of eight and one-half (8.5) inches by eleven (11) inches.

3. Minimum Requirements

Every Application submitted pursuant to this Code shall contain such minimum data and information as required by the Indiana Code and the Rules and Procedures of the Planning Commission or the Board of Zoning Appeals.

4. Filing Deadlines

- a. An Application requiring a public hearing or meeting will not be scheduled for such hearing or meeting unless filed, in proper form and number and containing all required information, a minimum of thirty (30) days before the public hearing or meeting.
- b. An Application so filed will be scheduled for a hearing or meeting on the requested hearing or meeting date or on the first available date thereafter open on the relevant hearing or meeting agenda, on a first-filed, first-scheduled basis. All public hearings and meetings to consider Applications filed pursuant to this Code shall, unless otherwise provided for by order of the relevant body, be scheduled at the same time as the regular meetings of such body.
- c. An Application that does not require a public hearing shall be filed in proper form and number and containing all required information. An Application so filed will be processed on a first-filed, first processed basis.
- d. Whenever supplemental data in connection with a previously filed Application is required by the Zoning Administrator or offered by the Applicant, it shall be submitted at least fifteen (15) days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such Applications. The filing of such data shall, in the discretion of the Zoning Administrator and of the body hearing the

Application, be cause to delay a requested or scheduled hearing or meeting or decision date.

5. Fees

Every Application filed pursuant to the provisions of this Code shall be subject to an Application and filing fee as established, from time to time, by the Planning Commission or the Board of Zoning Appeals. The Owner of the property that is the subject of the Application and, if different, the Applicant shall be jointly and severally liable for the payment of the fee. The failure to fully pay any such fee or required deposit when due shall be grounds for refusing to process an Application and for denying or revoking any permit or approval sought or issued with respect to the land or Development to which the unpaid fee or required deposit relates. A current fee schedule may be found in the Planning Commission Rules of Procedure.

6. Additional Information Required

In addition to the minimum data and information required pursuant to this Title, every Applicant shall submit such other and additional data, information or documentation as the Zoning Administrator or any board or commission before which the Application is pending may deem necessary or appropriate to achieve a full and proper consideration and disposition of the particular Application.

7. Waiver of Application Requirements

Notwithstanding any other provision of this Section 14.5, the Zoning Administrator shall have the authority to waive any requirements set forth in Subsections A, B or C of this Section 14.5 when, in his judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome; provided, however, that any board or commission before which such Application may come shall continue to have the right to request additional information pursuant to Subsection C and to delay processing of such Application until such information is provided and available in accordance with the deadlines established in Subsection D.

B. Successive Applications

1. Second Applications Without New Grounds Barred

Whenever any Application filed pursuant to this Code has been finally denied on the merits, a second Application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless, in the opinion of the official, board or commission before which it is brought, there is substantial new evidence available or a mistake of law or fact significantly affecting the prior denial.

2. New Grounds to Be Stated

Any such second Application shall include a detailed statement of the grounds justifying consideration of such Application.

3. Summary Denial With or Without Hearing

Any such second Application may be denied by the Zoning Administrator, summarily and without a hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such Application is set for hearing, the Applicant shall be required to establish grounds warranting reconsideration of the merits of its Application prior to being allowed

to offer any evidence on the merits. Unless such grounds are established, the Application may be summarily dismissed for such failure.

4. Exception

Whether or not new grounds are stated, any such second Application filed more than one (1) year after the final denial of a prior Application shall be heard on the merits as though no prior Application had been filed. The Applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first Application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first Application.

C. Public Hearings and Meetings

The procedures for setting a hearing or meeting date and the form and content of public notice shall be dictated by the Indiana Code and the Planning Commission Rules of Procedure.

D. Technical Review

Every Application for which this Code requires a hearing shall first be reviewed by the Zoning Administrator and/or the Technical Review Committee. The Zoning Administrator shall also refer the Application to other bodies or officials for their comments as necessary. Each body and official to which an Application is referred shall review such application and submit its comments thereon to the Zoning Administrator for transmittal to the Applicant and specific body hearing the Application. The requirements of this Subsection D shall also include Site Plan Review findings and recommendations pursuant to Section 14.8.

E. Conduct of Hearings

All notices shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, the address or particular location of the subject property and, in the case of a public hearing for an Amendment, a legal description of the subject property.

F. Examination and Copying of Application and Other Documents

At any time following the giving of notice as required in this Section 14.5, and upon reasonable request, any person may examine the Application, subject to the exceptions set forth in the Indiana Freedom of Information Act.

14.6 REQUIRED PERMITS

A. Improvement Location Permit

1. Improvement Location Permit Required

No structure, improvement or use of land within the County may be altered, changed, placed, erected or located on platted or unplatted lands unless the structure, improvement or use and its location conform to the requirements of this Code and until an Improvement Location Permit for the structure, improvement or use has been issued. The Zoning Administrator shall not issue an Improvement Location Permit until the Applicant has complied with the provisions of this Code, provided that the value of the structure, improvement or use equals or is greater than five hundred dollars (\$500).

2. Agricultural Land, Uses and Structures Excepted

It is hereby declared that the intent of the permit requirements of this Code shall prevail with respect to agricultural buildings and uses; however, agricultural buildings shall not be subject to the fees required for the Improvement Location Permit.

3. Applications

Applications for Improvement Location Permits shall be filed in accordance with the requirements of Section 14.5 of this Code.

4. Site Plan Review

Site Plan Review shall be conducted by the Zoning Administrator in accordance with the requirements of Section 14.5 of this Code.

5. Action

a. Applications Not Requiring a Public Hearing

For Applications that do not require a public hearing, the Zoning Administrator shall issue the Improvement Location Permit within ten (10) days following the approval or approval with modifications of a Site Plan pursuant to Section 14.8.

b. Applications Requiring a Public Hearing

For Applications requiring a public hearing, the Zoning Administrator shall not issue an Improvement Location Permit until so directed by the body conducting the hearing.

6. Additional Requirements

a. An Application for an Improvement Location Permit for any use shall not be approved until the Zoning Administrator has determined that the proposed use, minimum lot size and width meet the minimum standards for a sewage disposal system as required by the Henry County Health Department.

b. Any Application for an Improvement Location Permit for any industrial use or open industrial use shall be accompanied by a Certificate of Compliance subscribed by a registered professional engineer or architect certifying that the use will satisfy the requirements of Section 9.4, Performance Standards for Industrial Uses, and any other applicable standards of the Zoning District in which it is located.

7. Expiration of the Improvement Location Permit

The work or use authorized by any Improvement Location Permit must be commenced within six (6) months of the date of issuance of such permit; otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within eighteen (18) months from the issuance of the permit, provided that for good cause shown the Zoning Administrator may extend the work completion time.

8. Failure to Obtain an Improvement Location Permit

Failure to obtain an Improvement Location Permit shall be a violation of this Code and shall be punishable under the provisions of Section 14.10, Enforcement.

9. Limitation on Improvement Location Permits

Improvement Location Permits issued on the basis of plans and Applications approved by the Zoning Administrator authorize only the use or arrangement set forth in such approved plans and Applications or amendments thereto, and no other use, arrangement or construction. Any use, arrangement or construction contrary to that authorized shall be deemed a violation of this Code and shall be punishable under the provisions of Section 14.10, Enforcement.

10. Records of Improvement Location Permits

Every Improvement Location Permit issued pursuant to this Section 14.6 shall be kept on file in the office of the Zoning Administrator and shall be a public record in accordance with the Indiana Code.

11. Federal and State Requirements

The provisions of this Code are supplemental to and do not abrogate the powers extended to agencies, bureaus, departments, commissions, divisions or officials of the State or Federal Government by State or Federal statutes.

B. Certificate of Occupancy

1. Certificate of Occupancy Required

a. New Construction or Improvement

It shall be unlawful to use or occupy, or to permit the use or occupancy of, any building or premises, or both, or part thereof hereafter created, erected, changed converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued by the Zoning Administrator. The Certificate of Occupancy shall state that the proposed use of the building and/or land conforms to the requirements of this Code and that the Zoning Administrator or his representative has inspected the property and attested to that fact.

b. Change of Use

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

c. Change of Occupancy

No persons, firms or corporations shall move into or occupy any non-residential structure or land, new or existing, without first obtaining a Certificate of Occupancy from the Zoning Administrator.

2. Application for Certificate of Occupancy

- a. No Application for a Certificate of Occupancy may be considered unless the Applicant has also applied for an Improvement Location Permit.

- b. Applications for Certificates of Occupancy shall be filed in accordance with the requirements of Section 14.6 of this Code. Applications should be filed at least ten (10) days before occupancy is intended.
- c. No Improvement Location Permit shall be issued for the reconstruction or structural alteration or removal of any building unless an Application has been made for a Certificate of Occupancy.

3. Action

Certificates of Occupancy may be issued by the Zoning Administrator within ten (10) days after notification by the Applicant that the lawful erection, reconstruction or structural alteration of the building or other improvement of the land has been completed, that the use of the building or premises will change or that the occupancy of the building or premises will change and the finding of the Zoning Administrator that such construction, change of use or change of occupancy conforms with the requirements of this Code.

4. Enforcement

In case any building, structure or property is, or is intended to be, erected, constructed, reconstructed, altered or converted, or any building, structure or property is, or is intended to be, used in violation of or contrary to the provisions of this Code, the Zoning Administrator is hereby authorized, in addition to other remedies set forth in the Statutes of the State of Indiana and in this Code, to institute an action to enjoin or any other appropriate action or proceeding to prevent such erection, construction, alteration, conversion or use.

5. Temporary Certificate of Occupancy

When the improvement covered by the Improvement Location Permit has been completed in substantial conformity with the Site Plan or Development Plan submitted in the Application, a Certificate of Occupancy shall then be issued. A Temporary Certificate of Occupancy may be issued by the Zoning Administrator after Application has been made for completed portions of a Development Plan that has been approved as a Commission Approved Use, provided that a Certificate of Occupancy is required upon completion of the total Development Plan.

6. Records of Certificates of Occupancy

Every Certificate of Occupancy issued pursuant to this Section 14.6 shall be kept on file in the office of the Zoning Administrator and shall be a public record in accordance with the Indiana Code.

7. Inspection

Within ten (10) days after the completion of the change authorized by the Improvement Location Permit, the Zoning Administrator or his duly authorized designee shall inspect the premises and, if the change conforms to this Code and the Improvement Location Permit, and a Certificate of Compliance, if required, has been obtained, he shall issue a Certificate of Occupancy.

C. Certificate of Compliance

If an Application for an Improvement Location Permit relates to a light, heavy or extractive industrial use, it must be accompanied by a Certificate of Compliance, subscribed by a

professional engineer registered by the State of Indiana, stating that the use will meet the performance standards of the Zoning District concerned. After a ten (10) day period has elapsed during which the Zoning Administrator has not required additional information or objected in writing, he shall issue the permit.

D. Building Permit

1. Building Permit Required

A Building Permit shall be obtained before beginning construction, alteration, repair or demolition of any building or structure with a value equal to or greater than five hundred dollars (\$500.00).

2. Applications

Applications for Building Permits shall be filed in accordance with the requirements of Section 14.5 of this Code.

3. Review of Application

Prior to the issuance of any Building Permit, the Building Inspector shall review all Building Permit Applications to determine full compliance with the Building Code; Title 8, Flood Prevention; and any other applicable regulations of the County or the State of Indiana.

4. Action

The Building Inspector shall issue the Building Permit within ten (10) days of receiving a complete Application.

5. Inspections

After the issuance of any Building Permit, the Building Inspector shall make, or shall cause to be made, inspections of the work being done as are necessary to ensure full compliance with the provisions of this Title and the terms of the Building Permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees. The Building Inspector is authorized to take such actions as described in Section 14.10, Enforcement, for the purpose of carrying out this provision.

6. Inspection Assistance

The Building Inspector may designate a representative to assist in the inspection of fire suppression, detection and alarm systems and the representative shall provide reports of such inspections to the Building Inspector.

7. Expiration of the Building Permit

The work or use authorized by any Building Permit must be commenced within six (6) months of the date of issuance of such permit; otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within eighteen (18) months from the issuance of the permit, provided that for good cause shown the Zoning Administrator may extend the work completion time.

8. Failure to Obtain a Building Permit

Failure to obtain a Building Permit shall be a violation of this Code and shall be punishable under the provisions of Section 14.10. Enforcement.

9. Limitation on Building Permits

Building Permits issued on the basis of plans and Applications approved by the Building Inspector authorize only the construction, alteration, repair or demolition set forth in such approved plans and Applications or amendments thereto, and no other construction, alteration, repair or demolition. Any construction, alteration, repair or demolition contrary to that authorized shall be deemed a violation of this Code and shall be punishable under the provisions of Section 14.10, Enforcement.

10. Records of Building Permits

Every Building Permit issued pursuant to this Section 14.6 shall be kept on file in the office of the Building Inspector and shall be a public record in accordance with the Indiana Code.

11. Certificate of Occupancy

No Certificate of Occupancy for any building or structure erected, altered or repaired after the adoption of this Title shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this Code. It shall be unlawful to occupy any such building or structure unless a full, partial or temporary Certificate of Occupancy has been issued by the Building Inspector pursuant to Section 14.6 of this Code.

D. Land Use Certificate

1. Requirements for Land Use Certificate

- a. No land shall be occupied or used and no building or other structure hereinafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Land Use Certificate has been issued stating that the structure and/or use complies with all the provisions of this Ordinance applicable to the building, structure or premises of the use in the Zoning District in which it is to be located.
- b. No change shall be made in the use of land or in the use of any building or other structure or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Land Use Certificate having been issued and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this Code.
- c. A Land Use Certificate will not be issued until all construction and demolition waste has been removed from the project site.
- d. In situations where a non-conforming use or structure is being discontinued or removed to establish a new use in compliance with this Ordinance, the non-conforming structure must be removed or the use discontinued before the Land Use Certificate is issued.

2. Application for Land Use Certificates

- a. A person desiring a Land Use Certificate shall submit a written Application for such certificate with the Zoning Administrator. An Application for a Land Use Certificate shall:
 - (1) Be made on the forms available at the office of the Planning Commission and shall be signed by the Owner of the subject property; and
 - (2) Be accompanied by the fee established by the Planning Commission.
- b. If the proposed use is in conformity with the provisions of this Code, the Land Use Certificate shall be issued within five (5) days after the Application for the same has been made. However, no Land Use Certificate shall be issued in connection with the construction, alteration, enlargement, demolition or moving of a building or structure until such construction, alteration, enlargement, demolition or moving shall have been completed.

14.7 SPECIAL PROVISIONS

A. Commission Approved Use

An Improvement Location Permit for a Commission Approved Use may not be issued until the Application has been approved by the Planning Commission and the Zoning Administrator has been notified by the Planning Commission of the approval.

B. Planned Unit Development

In addition, the following requirements shall apply to the expiration of permits for a Planned Unit Development:

1. If a person to whom an Improvement Location Permit has been issued for a Planned Unit Development fails to begin construction within twenty-four (24) months after the permit is issued, fails to complete thirty (30) percent of the total plan within thirty-six (36) months after the permit is issued or within twelve (12) months after construction is begun (whichever period expires later) or fails to comply with the approved plan, he may be required by the Planning Commission on its own initiative, and shall be required by it upon written request of any interested person, to show cause why the permit should not be revoked. However, an order to show cause may not be issued for failure to begin construction on time if, in the meantime, construction has begun.
2. In a proceeding to show cause under Paragraph 14.7 A, the Planning Commission shall hold a public hearing, of which written notice shall be published according to law and sent by registered mail to the holder of the permit. This notice must be published and mailed at least ten (10) days before the date set for the hearing.
3. At the hearing, evidence may be presented by any person present. If on this evidence the Planning Commission finds that the holder of the permit has failed as described in Paragraph 14.7 A, it shall revoke the permit. However, if it considers the failure correctable within six (6) months, it may defer revocation and continue the hearing until a specified day within that period.

14.8 SITE PLAN REVIEW

A. Applicability

Site Plans shall be submitted to the Zoning Administrator with the Application for an Improvement Location Permit. The detail included in the Site Plan for review shall be as follows:

1. A Plot Plan in the case of one-family, two-family or agricultural building or use; or
2. A detailed Site Plan for all other uses of the land upon which said Application for an Improvement Location Permit is made.

B. Elements Required in Plot Plan

The Applicant shall submit no fewer than fifteen (15) copies of the Application to the Zoning Administrator, and it shall include at a minimum:

1. The location of the land concerned, lot dimensions, approximate true North Arrow and scale;
2. The location and size of all buildings or structures already on the land and those to be erected;
3. The width of all entrances to and exits from the land; and
4. All adjacent roads, streets and trafficways.

C. Elements Required in Detailed Site Plan

The Applicant shall submit no fewer than fifteen (15) copies of the Application to the Zoning Administrator, and it shall include at a minimum:

1. A completed Application containing the Applicant's name, address and proof of interest in the subject property, and the Owner's name and address, if different from the Applicant, and the Owner's signed consent to the filing of the Application;
2. The street address and legal description of the subject property;
3. The zoning classification and present use of the subject property;
4. A plan depicting the following elements:
 - a. Lot dimensions, where applicable;
 - b. Elevation contours;
 - c. Existing and proposed easements and rights-of-way on the site or within one hundred (100) feet of its boundaries;
 - d. Existing and proposed structures, including locations, elevations, (assumed) size, height, proposed use and facade treatments;
 - e. Yards and distances between buildings;
 - f. Off-street parking, including location, number and size of spaces, dimensions of parking areas and internal circulation pattern;
 - g. Pedestrian, vehicular and service areas, including points of ingress and egress and internal circulation;

- h. Significant existing and proposed landscaping and paving;
 - i. Existing and proposed signage, including location, size and height;
 - j. Loading areas, including location, dimensions, number of spaces and internal circulation;
 - k. Lighting, including location and general nature and hooding devices;
 - l. Common facilities and open spaces, including location and dimensions;
 - m. Public and private roads or streets, including location, dimensions and circulation;
 - n. Evidence of a satisfactory means of sewage disposal and surface drainage;
 - o. The location of all existing and proposed fire hydrants;
 - p. Scale, approximate true North Arrow and dimensions; and
 - q. Vicinity map.
5. Such other and further information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and deposition of the particular Application.
 6. For an airport, heliport, hospital, industrial park, mobile home park, recreational vehicle park, penal or correctional institution, private recreational development or public utility substation or exchange, the Detailed Site Plan must also include a Plan of Landscape Development and the manner of handling surface and internal drainage and disposing of such drainage to a suitable outlet and a report by a soil scientist on soil capabilities.
- D. Standards for the Site Plan Review

In reviewing Site Plans, the Zoning Administrator, other official or County body may evaluate the following characteristics:

1. The arrangement of the structures on the site with respect to how well it:
 - a. Allows for the effective use of the proposed Development;
 - b. Allows for the efficient use of the land;
 - c. Is compatible with development on adjacent property; and
 - d. Considers off-site utilities and services and minimizes potential impacts on existing or planned municipal services, utilities and infrastructure.
2. The arrangement of open space and landscaping improvements on the site with respect to how well it:
 - a. Creates a desirable and functional environment for patrons, pedestrians and occupants;
 - b. Preserves unique natural resources where possible; and

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- c. Respects desirable natural resources on adjacent sites.
 3. Circulation systems with respect to how well they:
 - a. Provide adequate and safe access to the site;
 - b. Minimize potentially dangerous traffic movements;
 - c. Separate pedestrian and vehicle circulation insofar as practical; and
 - c. Minimize curb cuts.
 4. Parking lots or garages with respect to how well they:
 - a. Are located, designed and screened to minimize adverse visual impacts on adjacent properties; and
 - b. Provide perimeter parking lot screening and internal landscaped islands as required by Section 11.8, Landscaping.
 5. Landscaping design with respect to how well it:
 - a. Creates a logical transition to adjoining lots and Developments;
 - b. Screens incompatible uses;
 - c. Minimizes the visual impact of Development on adjacent sites and roadways; and
 - d. Utilizes native plant materials selected to withstand the microclimate of the County and individual site microclimates.
 6. Site illumination with respect to how it has been designed, located and installed so as to minimize adverse impacts to adjacent properties; and
 7. The relationship of the Site Plan to adopted land use policies and the goals and objectives of the Comprehensive Plan.
 - E. Basis for Approval

Approval or denial of a Site Plan Application shall be based upon the principles set forth below:

1. Every use, development of land and application of development standards shall take place in compliance with the standards of this Code.
2. Every use, development of land and application of development standards shall be considered on the basis of the suitability of the site for the particular use or Development intended.
3. Every use, development of land and application of development standards shall be considered on the basis of suitable and functional Development design, but it is not intended that such approval be interpreted to require a particular style or type of architecture.

F. Action on Site Plans

1. Such Application shall be made at least five (5) days prior to issuance of said Improvement Location Permit, which five- (5-) day period may be waived by the Zoning Administrator. Plans so furnished shall be kept by the Zoning Administrator as permanent records.
2. The Zoning Administrator, other official or County body shall make specific written findings directed to the standards of this Section. The Application and the specific written findings shall then be forwarded to the relevant board, commission or official, as the case may be, to be evaluated as part of the specific form of development review requested.

14.9 AMENDMENTS TO THE ZONING ORDINANCE AND OFFICIAL ZONING MAPS

A. Purpose

The purpose of this section is to provide standards and procedures for making amendments to the text of this Title and the Official Zoning Maps that are of a general significance or application. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments in light of changed conditions or changes in public policy.

B. Authority

The text of this Title and the Official Zoning Maps may be amended from time to time by the passage of an ordinance duly adopted by the County Commissioners upon the recommendation of the Planning Commission in accordance with the procedures set forth herein and the Indiana Code. All amendments to this Title shall be in conformance with the laws of the State of Indiana.

C. Parties Entitled to Initiate Amendments

1. Amendment to Text

Amendments to this Code may be initiated by adoption of a motion by the Planning Commission or by adoption of a resolution by the County Commissioners.

2. Amendment to Official Zoning Maps

Amendments to the Official Zoning Maps may be initiated by adoption of a motion by the Planning Commission, by adoption of a resolution by the County Commissioners or by the filing of a petition by at least fifty (50) percent of the Owners of property within the area proposed to be changed or affected by such amendment.

D. Standards for Amendments

The wisdom of amending the text of this Code or the Official Zoning Maps is a matter committed to the sound legislative discretion of the County Commissioners and is not controlled by any one standard. In making their determination, however, the County Commissioners should determine whether to adopt or deny or to adopt some modification of the Planning Commission's recommendation, giving reasonable regard to, among other factors, the following:

1. Whether the proposed amendment is consistent with the goals, objectives and policies of the Comprehensive Plan, as adopted and amended from time to time by the County Commissioners;
2. Whether the proposed amendment is compatible with the current conditions and the overall character of existing development in the immediate vicinity of the subject property;
3. Whether the proposed amendment is the most desirable use for which the subject property is adapted;
4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
5. Whether the proposed amendment reflects responsible standards for growth and development.

E. Procedure for Review and Decision

A petition to amend the text of this Title or the Official Zoning Maps shall be governed by Indiana Code IC 36-7-4-602.

1. Petitions

A petition to amend the text of this Title or the Official Zoning Maps shall be filed with the Zoning Administrator on forms so provided.

2. Public Hearing and Notice

After receipt of a properly completed petition for an amendment, the Zoning Administrator shall set a date for a public hearing. Notice of the public hearing shall be provided as prescribed in Indiana Code IC 36-7-4-604.

3. Planning Commission Action

Within sixty (60) days after receipt of the proposed amendment, the Planning Commission shall recommend the approval, denial or approval with modifications of the proposed amendment and shall submit its written recommendation, together with the petition for the text and/or map change, to the County Commissioners.

4. County Commissioners Action

The County Commissioners shall either adopt or reject the recommendation of the Planning Commission or adopt some modification of the recommendation of the Planning Commission. Failure of the legislative body to pass the proposed amendment within ninety (90) days after its rejection by the Planning Commission constitutes rejection of the proposed amendment; and the proposed amendment may not be reconsidered by the Planning Commission or County Commissioners until the expiration of one (1) year after the date of its original rejection by the Planning Commission.

F. Effect of Approval of Amendment

1. When an amendment to this Title or the Official Zoning Maps is approved, such amendment shall be incorporated into the official document or Official Zoning Maps held at the office of the Zoning Administrator.

2. When an amendment is made to the text, such change shall be incorporated into the official document according to the numbering system established within this Code and such incorporation shall be made as soon as possible after the enactment of the amendment.
4. An annual listing of such amendments to this Code shall be kept within the official document.

G. Effect of Denial of Amendment

No Application for an amendment that has been denied by the County Commissioners shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Zoning Administrator.

14.10 ENFORCEMENT

A. Jurisdiction

1. The Planning Commission or Board of Zoning Appeals may institute a suit for injunctive and/or monetary relief in the Circuit or Superior Courts of Henry County, Indiana. Said suit is to be brought in the name of and captioned as "Planning Commission of Henry County, Indiana," or "Board of Zoning Appeals of Henry County, Indiana" versus the person, persons or entity charged with violating the provisions of any zoning ordinances or land use regulations of Henry County, Indiana.
2. The Board of Zoning Appeals may also institute a suit for mandatory injunction directing a person, persons or entity to remove a structure erected in violation of any zoning ordinances or land use regulations.
3. A structure erected, raised or converted, or land or premises used in violation of any zoning or land use ordinance, shall be and hereby is declared to be a common nuisance and civil zoning violation, and the Owner or possessor of the structure, land or premises shall be liable for maintaining a common nuisance pursuant to Indiana Code IC 36-7-4-1012 and 1014.

B. Inspection of Property and Right of Entry

1. The Zoning Administrator and/or his agents are authorized to make inspections of all lands located within Henry County in order to enforce all zoning ordinances and land use regulations of Henry County, Indiana.
2. In order to execute inspections, the Zoning Administrator and/or his agents shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his/their duties in the enforcement of zoning ordinances and land use regulations of Henry County, Indiana, unless the Owner or occupant of the premises refuses to permit entry to the Zoning Administrator and/or his agents when such entry is sought pursuant to this Section. In the event of said refusal, the Zoning Administrator may make application to any judge of the Circuit or Superior Courts of Henry County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition that is in violation of a zoning ordinance or land use regulation of Henry County, Indiana, exists on such premises, or that a violation in fact exists and must be abated and that the condition is not a lawful non-conforming use to the best of the affiant's belief. Any warrant issued pursuant to such application

shall order such Owner or occupant to permit entry to the Zoning Administrator and/or his agents for the purposes stated therein.

C. Stop-Work Order

1. The Zoning Administrator and/or his agents are empowered to issue an order requiring the suspension of improvements of any kind when any of the following circumstances exist:
 - a. Site improvement is occurring without an Improvement Location Permit or any other permit required by zoning ordinances having first been obtained; or
 - b. Site improvement is occurring in violation of the terms or conditions of any Commission Approved Use or variance granted under this Development Code as contemplated by Indiana Code IC 36-7-4; in violation of conditions imposed by the Board of Zoning Appeals or Planning Commission; in violation of commitments made in accordance with Indiana Code IC 36-7-4-613 or Indiana Code IC 36-7-4-921; or in violation of the terms, conditions or provisions of any zoning ordinance.
2. The stop-work order shall be posted on the property in a conspicuous place or personally delivered to the owner, possessor or person in charge and state the conditions under which construction or other activity may be resumed.

D. Civil Zoning Violations

1. Any person who uses property in violation of this Zoning Ordinance is deemed to have committed a civil zoning violation and may be issued a citation by the Zoning Administrator or his duly authorized designees pursuant to Subsection E of this Section.
2. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed by Subsection 3 below, provided a warning ticket has first been issued pursuant to Subsection E-2 of this Section.
3. The monetary fine for each civil zoning violation shall be Fifty Dollars (\$50.00) and for a repeated civil zoning violation, the following fines shall apply:

First Citation	Fifty Dollars (\$50.00)
Second Citation	One Hundred Dollars (\$100.00)
Third Citation	One Hundred Fifty Dollars (\$150.00)
Fourth Citation	Two Hundred Dollars (\$200.00)
Each Citation in excess of four (4)	Three Hundred Dollars (\$300.00)
4. All fines prescribed by this Section for civil zoning violations shall be paid to the Zoning Administrator, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Planning Commission. All fines thus received shall be deposited with the Henry County Auditor.

E. Citations for Civil Zoning Violations

1. The Zoning Administrator and/or his duly authorized designees may issue a civil citation to a person who commits a civil zoning violation or to the legal owner, the contract vendee or any person or entity with a possessory interest in the real estate upon which the violation occurs. The citation may be served by personal service, by certified mail, by First Class U.S. Mail or by placement in a conspicuous place on the property where the

civil zoning violation occurs and shall serve as notice to a person that he has committed a civil zoning violation.

2. No citation shall be issued unless the person who commits a civil zoning violation or the legal owner, the contract vendee or any person or entity with a possessory interest in the real estate upon which the violation occurs has been issued a warning ticket not less than fourteen (14) days before the issuance of the citation, allowing said person to correct the violation and come into compliance with the prescribed zoning ordinance or regulation.
3. If a person who receives a warning ticket elects to file a land use petition, then the person must indicate his intent to file the land use petition by notifying the Planning Commission within ten (10) days of receipt of the warning ticket. A person shall have fourteen (14) days following the issuance of the warning ticket to file the land use petition and additional monetary fines as prescribed in Subsection D-3 of this Section shall be stayed upon the filing of the land use petition. A person who files the land use petition within said time period must pursue the land use petition in an expeditious fashion. If the land use petition is denied, withdrawn or dismissed for lack of prosecution and the civil zoning violation continues, then a lawsuit may be commenced in the Circuit or Superior Courts of Henry County, Indiana.
4. The warning ticket shall include:
 - a. Date;
 - b. Name and address;
 - c. Section number of code in violation and name of code;
 - d. Nature of violation;
 - e. Place and date the violation was observed;
 - f. Specific time allowed to bring the violation activity into compliance;
 - g. Name, business address and phone number of the person issuing the warning ticket; and
 - h. Statement to violator of the option to appear before the Planning Commission or the Board of Zoning Appeals or file a land use petition.
5. The citation shall appear on a serialized, designated form and shall include:
 - a. Date;
 - b. Name and address;
 - c. Section number of code in violation and name of code;
 - d. Nature of violation;
 - e. Place and date the violation was observed;
 - f. Amount of fine assessed;
 - g. Time, manner and location to pay fine;

- h. Notice that each day is a new violation;
- i. Name, business address and phone number of the person issuing the citation; and
- i. Statement to violator of right to elect trial.

F. Trial for Civil Zoning Violations

1. A person who receives a citation may elect to stand trial for the offense by indicating on the citation his intent to stand trial and returning a copy of the citation to the Zoning Administrator. The returned copy of the citation shall serve as a notice of the person's intent to stand trial, and additional monetary fines prescribed in Subsection D-3 shall be stayed upon receipt of the notice. The notice shall be given at least seven (7) days before the date of payment set forth in the citation. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the designated enforcement entity in the Circuit or Superior Courts of Henry County, Indiana. The matter shall be scheduled for trial, and a Summons and an Order to Appear shall be served upon the Defendant.
2. If a person who receives a citation fails to pay the assessed fine by the date of payment set forth in the citation and fails to give notice of his intention to stand trial as prescribed in Subsection 1 above, the designated enforcement entity may file a civil lawsuit as provided by applicable laws and seek penalties as prescribed in Subsection G. A person adjudged to have committed a civil zoning violation is liable for the Court costs and fees, including attorneys' fees.
3. In proceedings before the Court for a civil zoning violation, the Indiana Rules of Trial Procedure shall govern. The designated enforcement entity has the burden of proving the civil zoning violation by a preponderance of the evidence.
4. Seeking a civil penalty as authorized in this Section does not preclude the designated enforcement entity from seeking alternate relief from the Court in the same action or from seeking injunctive relief or any other remedy in a separate action for the enforcement of Indiana Code IC 36-7-4 or any ordinance adopted or action taken under Indiana Code IC 36-7-4.
5. A change of venue from Henry County shall not be granted in such a case, as provided in Indiana Code IC 36-7-1014.

G. General Penalties – Court Actions

1. Whenever in any Title or Section of the Henry County Development Code as amended, or in any ordinance amendatory thereof or supplemental thereto, the doing of any act or the omission to do any act or to perform any duty is a violation, any person found liable by a court of competent jurisdiction for such violation shall be subjected to a fine of two thousand nine hundred (\$2,900) for each such violation, act or omission.
2. For violations continued or renewed, each day's violation shall constitute a separate offense.
3. In addition to the penalties prescribed in Subsections 1 and 2 above, the designated enforcement entity may enjoin or abate any violation of the Zoning Ordinance and Land Use Regulations by appropriate action.

5. Reasonable attorney's fees incurred by the designated enforcement entity may be assessed against the violator as a general penalty in addition to the prescribed fines defined in this Section.

SECTION 15.0 ZONING: BOARD OF ZONING APPEALS

15.1 BOARD OF ZONING APPEALS

A. Establishment and Organization

The Board of Zoning Appeals is hereby established as set forth in the Indiana Code and the Board of Zoning Appeals Rules of Procedure.

B. Jurisdiction and Authority

The Board of Zoning appeals is hereby invested with the following powers and duties on connection with the implementation of this Title:

1. To approve, approve with modifications or deny any application for a variance from the terms of this Code, pursuant to the procedures and standards for variances set forth in Section 15.2, Variances, of this Title, which are the responsibility of the Planning Commission.
2. To approve, approve with modifications or deny any application for a use variance pursuant to the procedures and standards for variances set forth in Section 15.2, Variances.
3. To hear and decide any appeal from any order or final decision made by the Zoning Administrator or other administrative body or official in the administration or enforcement of this Code, in accordance with procedures and standards for appeals of administrative decisions set forth in Section 15.3, Appeals.

C. Meetings, Minutes and Records

The Board of Zoning Appeals shall keep minutes of its meetings, keep records of all examinations and other official actions, make all findings in writing and record the vote of each member on each question. Minutes and records shall be filed in the office of the Board of Zoning Appeals.

D. Conflicts

No member of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law.

E. Undue Influence

Any person with a pending hearing may not communicate with any member of the Board of Zoning Appeals before a hearing with the intent to influence the member's action on a matter pending before the Board of Zoning Appeals.

F. Adoption of Rules and Regulations

The Board of Zoning Appeals may adopt such rules and regulations as it may deem necessary to enforce these zoning regulations.

G. Decisions Subject to Review

Every decision of the Board of Zoning Appeals shall be subject to review by certiorari within thirty (30) days of the Board of Zoning Appeals action, as set forth in Indiana Code IC 36-7-4-1003.

15.2 VARIANCES

A. Purpose

The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create unnecessary hardships. When such hardships may be more appropriately remedied, if at all, pursuant to other provisions of this Code, the variance procedure is inappropriate.

B. Authority

1. The Board of Zoning Appeals may authorize such variances from the terms of this Code as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of this Code would result in hardship. Variances shall not be granted solely on the grounds of convenience or profit; however, where strict application of the provisions of this Code would result in hardship, convenience or profit may be considered as a relevant factor in the Board of Zoning Appeals decision.
2. However, the Board of Zoning Appeals may not consider land use variances in cases in which a proposed use for a property does not fall within the list of permitted uses or commission approved uses for the Zoning District in which it is located.

C. Parties Entitled to Seek Variance

An Application for a variance may be filed with the Zoning Administrator by the Owner or lessee with Owner's consent or on behalf of the owner of the subject property or other person having a legal or equitable interest in the subject property.

D. Procedure for Review and Decision

1. Application

Applications for variances shall be filed with the Zoning Administrator in accordance with the requirements of this Code.

2. Site Plan Review

Site Plan Review shall be conducted by the Zoning Administrator in accordance with the requirements of Section 14.8 of this Code.

3. Public Hearing and Notice

Upon Application for a variance, the Board of Zoning Appeals shall hold a public hearing. Public notice setting forth the time and place shall be given at least ten (10) days before the date of the hearing in a newspaper of general circulation in the County. Interested parties shall be notified as provided by the Board of Zoning Appeals. The cost of such notices shall be borne by the person applying or appealing.

4. Action by the Board of Zoning Appeals

Within forty-five (45) days after the close of the public meeting, the Board of Zoning Appeals shall in writing either approve, approve with supplementary conditions or disapprove the Application. If the Application is approved or approved with supplementary conditions, the Board of Zoning Appeals shall instruct the Zoning Administrator in writing to issue a Variance Permit listing the variance allowed and the specific conditions specified by the Board of Zoning Appeals for approval. If the application is disapproved by the Board of Zoning Appeals, it shall notify the Applicant in writing.

5. Review by Certiorari

Every decision by the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Circuit Court of Henry County a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the Court within thirty (30) days after the entry of the decision or order of the Board of Zoning Appeals.

E. Findings of Fact for Variances

1. Findings of Fact

Every Application for a development standards variance shall meet the requirements set forth in Indiana Code IC 36-7-4-918.5, which states that a variance may be approved only upon a determination in writing that:

- a. The approval will not be injurious to the public health, safety and general welfare of the community;
- b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- c. The need for the variance arises from some condition peculiar to the property involved;
- d. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;
- e. The approval does not interfere substantially with the Comprehensive Plan; and
- f. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

2. Every Application for a variance shall consider the requirements of this Section and the general standards for variances set forth below.

a. Compliance

A variance from the terms of land use of this Code shall not be granted unless the Board of Zoning Appeals makes specific written findings of fact based directly on the particular evidence presented to it that supports conclusions that all of the standards and conditions imposed by this Section 15.2 and any conditions imposed by the Board of Zoning Appeals upon the recommendation of the Zoning Administrator have been met.

b. Hardship

No variance shall be granted pursuant to this Section 15.2 unless the Applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship.

c. Unique Physical Condition

The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or non-conforming; irregular or substandard in shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the current owner of the lot.

d. Not Self-Created

The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action other than the adoption of this Code.

e. Denied Substantial Rights

The carrying out of the strict letter of the provisions from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by the owners of other lots subject to the same provision.

3. In addition to the requirements and general standards set forth in Subsection E above, the Board of Zoning Appeals shall, in weighing the appropriateness of a variance for land use, consider the following:

- a. The land use variance shall not be materially detrimental to the public health, safety and general welfare or materially injurious to the enjoyment, use development or value of property or improvement permitted in the vicinity.
- b. The variance would not result in a use or Development on the subject property that would substantially affect the use and value of the area adjacent to the subject property in an adverse manner, including, but not limited to, impairing an adequate supply of light and air to the properties and improvement, substantially increasing congestion in the public roads or streets due to traffic or parking, unduly increasing the danger of flood or fire or unduly taxing public utilities and facilities in the area.

4. Variances Less than Requested

The Board of Zoning Appeals may grant variances less than or different from those requested when the record supports the applicant's right to some relief but not to the full relief requested.

5. Conditions on Variances

The Board of Zoning Appeals may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Code upon any lot or property benefitted by a variance as may be necessary or appropriate to prevent or minimize

adverse effects upon other property and improvements in the vicinity of the subject lot or upon public facilities and service. Such conditions shall be expressly set forth in the order granting the variance. Violation of any such condition or limitation shall be expressly set forth in the order granting the variance. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the variance.

6. Effect of Granting of Variance

The granting of a variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of application for any permits and approvals that may be required by this Code.

7. Limitations on Variances

- a. Subject to an extension of time granted by the Zoning Administrator, no variance from the provisions of this Code shall be valid for a period longer than six (6) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use is commenced within that period.
- b. A variance shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development is beyond the scope so authorized.

15.3 APPEALS

A. Purpose

1. The appeal procedure is provided as a safeguard against arbitrary, ill-considered or erroneous administrative decisions. It is intended to avoid the need for legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings or intent of this Code or the rightful authority of the Zoning Administrator to enforce the requirements of this Code. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this Code and to the reasonable interpretations of that language by those charged with the interpretation of this Code.
2. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals after the notice of appeal has been filed. The certification from the Zoning Administrator shall state that by reason of facts stated in the certificate, a stay, in his opinion, would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order that may or may not be granted by the Board of Zoning Appeals or by a court of record, on application, on notice to the Zoning Administrator and on due cause shown.
3. The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order or final decision and, to that end, has all the powers of the officer from whom the appeal is taken.

B. Authority

The Board of Zoning Appeals shall hear and determine Appeals from and review any order, requirement, decision or determination made by the Zoning Administrator in relation to the enforcement of this Ordinance. The Board of Zoning Appeals shall also hear and determine appeals from and review any order, requirement, decision or determination made by an administrative board or other body, except the Planning Commission, in relation to the enforcement of the Development Code requiring a procurement of a building permit or occupancy permit.

C. Parties Entitled to Appeal

Appeals to the Board of Zoning Appeals concerning the interpretation or administration of this Code may be taken by any persons aggrieved or by any officer or bureau of the legislative authority of the County affected by any decision of the Zoning Administrator.

D. Procedure

1. Application

An Application for appeal to the Board of Zoning Appeals shall be filed not later than thirty (30) days after the action being appealed and shall be in accordance with the requirements of Section 15.3.

2. Action by the Zoning Administrator

Upon receipt of a properly completed Application for an appeal, the Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals the Application, together with all the papers constituting the record from which the action appealed was taken.

3. Public Hearing and Notice

Upon Application for a variance, and upon appeal from a decision of the Zoning Administrator, the Board of Zoning Appeals shall hold a public hearing. Public notice setting forth the time and place shall be given at least ten (10) days before the date of the hearing in a newspaper of general circulation in the County. Interested parties shall be notified as provided by the Board of Zoning Appeals. The cost of such notices shall be borne by the person applying or appealing.

4. Action by the Board of Zoning Appeals

Within thirty (30) days after the close of the public meeting, the Board of Zoning Appeals shall render in writing a decision on the appeal. Such decision may reverse, affirm or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Board of Zoning Appeals, is proper to be made in the proceedings. The failure of the Board of Zoning Appeals to act within such thirty (30) days, or such further time to which the Applicant may agree, shall be deemed to be a decision denying the appeal.

5. Review by Certiorari

Every decision by the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Circuit Court of Henry County a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall

be presented to the Court within thirty (30) days after the entry of the decision or order of the Board of Zoning Appeals.

E. Right to Grant Variance in Deciding Appeals

In any case where the Application for appeal is accompanied by an Application for a variance in accordance with Section 15.2, the Board of Zoning Appeals shall notice, hear, decide to grant or deny such variance in compliance with the provisions of Section 15.2.

F. Conditions and Limitations on Rights Granted by Appeal

In any case where this Code imposes conditions or limitations upon any right, any such right granted by the Board of Zoning Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

SECTION 16.0 ZONING: CORRIDOR OVERLAY DISTRICT

16.1 PURPOSE, INTENT, AUTHORITY AND APPLICATION

A. Purpose

It is the purpose of this Section to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public and affect the physical development of land within the Corridor Overlay District.

B. Intent

These standards are intended to promote high quality, creative development that will combine imagination, innovation and variety in the appearance of buildings and sites in the Corridor Overlay District. These standards are further intended to preserve and enhance property values and to promote the public health, safety and welfare by providing for consistent and coordinated treatment of the property encompassed by the Corridor Overlay District.

C. Significance

The significant corridor serves as the primary entrance to the City of New Castle and is expected to experience increasing pressure for commercial development in the future. Future development of this highly visible corridor will dramatically change the image of the County. The visibility and accessibility of the land within the Corridor Overlay District command the highest standards of development that stimulate substantial capital investments, encourage efficient land use, promote coordinated development, permit innovative site designs and preserve the integrity of the roadways within the corridor.

D. Application

This Ordinance shall apply to all development in the Corridor Overlay District, excluding one-(1-) family residential and agricultural structures, projects or Developments.

16.2 PLANNING COMMISSION APPROVAL

- A. Approval by the Planning Commission or its duly appointed or designated representative shall be required for any proposed Development Plan or structure or structural alteration within the Corridor Overlay District. Planning Commission approval of the architectural design, landscaping, drainage, sewerage, parking, signage, lighting and access to the property shall be necessary prior to:
1. The establishment of any use of the land in the Corridor Overlay District;
 2. The issuance of any improvement location permit in the Corridor Overlay District;
 3. The erection, construction or structural alteration of any building(s) in the Corridor Overlay District; or
 4. Modification or revision of any Site Development Plan in the Corridor Overlay District.
- B. The Planning Commission, in reviewing applications in the Corridor Overlay District, shall examine factors concerning the site, Site Plan and the surrounding area, which include, but are not limited to, the following items:
1. Topography;
 2. Zoning on site;
 3. Surrounding zoning and existing land use;
 4. Roads, streets, curbs, gutters and sidewalks;
 5. Access to public roads or streets;
 6. Driveway and curb cut locations in relation to other sites;
 7. General vehicular and pedestrian traffic;
 8. Internal site circulation;
 9. Special and general easements for public or private use;
 10. On-site and off-site surface and subsurface storm and water drainage;
 11. On-site and off-site utilities;
 12. The means and impact of sanitary sewage disposal and water supply technique;
 13. Dedication of roads, streets and rights-of-way;
 14. Proposed protective restrictions or covenants and/or recorded commitments;
 15. Provisions for adequate and acceptable setbacks, lighting, signage, screening, landscaping and compatibility with existing platted residential uses; and
 16. Any effects the proposed project might have on the entire Corridor Overlay District.

16.3 BUILDING DESIGN STANDARDS**A. General Standards**

1. All structures will be evaluated on the overall appearance of the project and shall be judged on the quality of their design and their relationship to the surrounding area.
2. The quality of design goes beyond the materials of construction to include scale, mass, color, proportion and compatibility with adjoining developments.
3. Colors shall be harmonious and only the use of compatible accents shall be permitted.
4. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
5. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
6. Monotony of design in single- or multiple-building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

B. Architectural Design Requirements

1. Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired or used in these Corridor Overlay District that abut or are adjacent to significant corridors. Exceptions to this requirement may be permitted on a case-by-case basis by the Planning Commission or its duly appointed or designated representative.
2. Building facades may be constructed from masonry or glass, as defined below, or other materials or products that provide the same desired stability and quality. Products other than those listed below must be approved by the Planning Commission or its duly appointed or designated representative.
 - a. Masonry construction shall be of the types composed of solid, cavity, faced or veneered-wall construction, unless otherwise approved by the Planning Commission or its duly appointed or designated representative.
 - (1) Stone material used for masonry construction may be composed of granite, sandstone, slate, limestone, marble or other hard and durable all-weather stone. Ashlar, cut stone and dimension stone construction techniques are acceptable.
 - (2) Brick material used for masonry construction shall be composed of hard-fired (kiln-fired), all-weather, standard size brick or other all-weather facing brick.
 - (3) Concrete finish or precast concrete panel (tilt wall) construction shall be exposed aggregate, bush-hammered, sand blasted or other concrete finish as approved by the Planning Commission or its duly appointed or designated representative.
 - b. Glass walls shall include glass curtain walls or glass block construction. "Glass curtain wall" shall be defined as an exterior wall that carries no floor or roof loads and that may consist of a combination of metal, glass and other surfacing material supported in a metal framework.

3. The materials and finishes of exposed roofs shall compliment those used for the exterior walls. Exposed roofs shall be defined as those portions a roof visible from five (5) feet above ground level of a corridor trafficway.
4. Roof-mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
5. All building mechanical and electrical equipment located adjacent to the building and visible from a public trafficway or a residentially zoned or used area shall be screened from view. Such screens and enclosures shall be treated as integral elements of the building's appearance.
6. The exposed walls and roofs of buildings shall be maintained in a clean, orderly and attractive condition, free of cracks, dents, punctures, breakage and other forms of visible marring. Materials that become excessively faded, chalked or otherwise deteriorated shall be refinished, repainted or replaced.
7. Refuse and waste removal areas, loading berths, service yards, storage yards and exterior work areas shall be screened from view from public ways.
8. All accessory buildings shall be constructed with materials that are similar to and compatible with materials used in the principal structure.

C. Relationship of Buildings to Site

1. The site shall be planned to accomplish a desirable transition from the streetscape and to provide for adequate planting, safe pedestrian movement and parking area.
2. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.
3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms or other innovative means so as to attractively landscape and/or screen parking areas from view from public ways.
4. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
5. Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

D. Building Orientation

All structures shall be sited to front onto Corridor Trafficways (as herein defined) or give the appearance of a front-like facade on Corridor Trafficways.

E. Minimum Building Height

All uses shall have a minimum building height of fourteen (14) feet with a minimum of seven (7) feet to the lowest eaves for a building with a gable, hip or gambrel roof.

F. Minimum Gross Floor Area

All non-residential buildings shall have a minimum of two thousand (2,000) square feet of floor area, excluding the floor area of any basement or any accessory building(s). Exceptions to this requirement may be made on a case-by-case basis by the Planning Commission or its duly appointed or designated representative. Accessory buildings shall not be used in the computation of floor area. Accessory buildings need not meet the minimum floor area requirement.

16.4 SIGNAGE STANDARDS

- A. Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials and styles of signage shall be architecturally compatible with and accentuate the buildings and landscaping on the site. The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- B. All signs, except private traffic direction signs, are prohibited in the required greenbelt areas.
- C. Private traffic direction signs and pavement markings for the direction and control of traffic into, out of and within the site shall conform to the Manual on Uniform Traffic Control Devices as published by the Indiana Department of Highways.
- D. The integration of project signage to identify multiple businesses is encouraged.
- E. Off-premises signage shall be prohibited in the Corridor Overlay District.
- F. All on-premises signage shall conform to the standards and requirements of the underlying zoning districts except that individual pole signs shall not be permitted in the Corridor Overlay District.
 - 1. There shall be a minimum spacing of two hundred (200) feet between ground signs located along significant corridors.
 - 2. In no instance shall pole signs for multiple businesses, strip commercial centers or strip business centers exceed two hundred (200) square feet of copy area.
- G. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- H. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- I. Each sign shall be compatible with the signs on adjoining premises and shall not compete for attention.
- J. Identification signs of standardized design such as corporation logos shall conform to the criteria of all other signs.
- K. No portable or flashing signs shall be permitted in the Corridor Overlay District.

16.5 PARKING REQUIREMENTS

Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting areas wherever possible. The number of parking spaces required is as

established in Section 11.6 of this Ordinance, depending upon the zoning and the intended land use.

16.6 LIGHTING REQUIREMENTS

- A. In reviewing the Lighting Plan for a lot proposed to be developed in the Corridor Overlay District, factors to be considered by the Planning Commission shall include, but are not limited to, the following:
1. Safety provided by the lighting;
 2. Security provided by the lighting;
 3. Possible light spillage or glare onto adjoining properties or roads or streets. Down-shielding is encouraged and spillage or glare onto adjoining properties is prohibited;
 4. Attractiveness of the lighting standards and their compatibility with the overall treatment of the property;
 5. Height and placement of lighting standards considering the use; and
- B. Exterior lighting, when used, shall enhance the building design and the adjoining landscape.
1. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas.
 2. Lighting shall be restrained in design and excessive brightness avoided.

16.7 ACCESS TO INDIVIDUAL SITES

The Corridor Trafficways, by their functional nature as primary thoroughfares, must have reasonable restrictions as to the number and location of access points within the Corridor Overlay District.

Therefore, in order to provide safe and sufficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridor's primary thoroughfares, in many cases frontage roads, access roads and distributor roads will have to be built.

Such roads shall be coordinated with those of contiguous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged. New access points onto the primary thoroughfares in the corridors shall be coordinated with existing access points whenever possible. The following curb cut policy shall apply throughout the Corridor Overlay District:

Curb cuts shall be spaced a minimum of four hundred (400) feet apart. No curb cuts shall be located within two hundred (200) feet of any intersection of public roads or streets. Opposing curb cuts shall align squarely or be offset a minimum of two hundred (200) feet.

16.8 ACCESS TO POTENTIAL DEVELOPMENT SITES

Stub roads or streets shall be built in all cases where adjacent lots have reasonable potential for development. Reasonable potential shall include any adjacent parcel of adequate size for

commercial or residential development or any adjacent parcels determined by the Planning Commission or its duly appointed or designated representative.

16.9 OTHER STANDARDS

A. Outside Storage Prohibited

No outside, unenclosed storage of refuse or recyclable material (whether or not in containers) or display of merchandise shall be permitted on any lot. All refuse or recyclable material shall be contained completely within the principal or accessory building(s) or screened from view by an appropriate enclosure. Exceptions to this requirement may be made on a case-by-case basis by the Planning Commission or its duly appointed or designated representative.

B. Loading Berth Requirements

Loading berth requirements shall be as specified in the underlying Zoning District(s), except that any loading or unloading berth or bay shall be screened from view beyond the site by landscaping or other screening.

C. Accessory Buildings and Uses

All accessory buildings and uses that are permitted in the underlying zoning district(s) shall be permitted within the Corridor Overlay District, except that any detached accessory building(s) on any lot shall be architecturally compatible with the principal building(s) with which it is associated. All accessory buildings shall have roofs.

D. Paving Requirements

All parking areas shall be finished with a hard surface such as hot asphaltic concrete or Portland cement concrete.

TITLE 1

APPENDIX A

**DEVELOPMENT CODE
JURISDICTION**

	Planning Commission		Building Inspector	
	YES	NO	YES	NO
All unnamed unincorporated areas of Henry County	X		X	
Named UNINCORPORATED cities and towns	YES	NO	YES	NO
Ashland a.k.a. Mullen's Station	X		X	
Chicago	X		X	
Circleville	X		X	
Devon	X		X	
Fairfield	X		X	
Goose Creek	X		X	
Grant City a.k.a. Snyder	X		X	
Hillsboro a.k.a. Dan Webster	X		X	
Honey Creek a.k.a. Warnock's Station	X		X	
Luray	X		X	
Maple Valley a.k.a. Elizabeth City	X		X	
Mechanicsburg	X		X	
Messick	X		X	
Millville	X		X	
Needmore	X		X	
New Lisbon a.k.a. Jamestown or Jimtown	X		X	
Ogden a.k.a. Middletown	X		X	
Petersburgh	X		X	
Pumpkintown a.k.a. West Lebanon	X		X	
Raysville	X		X	
Rockland	X		X	
Rogersville	X		X	
Sharington	X		X	
Uniontown a.k.a. Union	X		X	
West Liberty	X		X	
Westwood	X		X	
Wheeland	X		X	
White Raven	X		X	
Winona	X		X	
Named INCORPORATED cities and towns	YES	NO	YES	NO
Blountsville	X			X
Cadiz		X		X
Dunreith a.k.a. Coffin's Station	X		X	
Greensboro		X		X
Kennard		X		X
Knightstown		X		X
Lewisville	X			X
Middletown	X		X	
Mooreland	X			X
Mount Sunnit	X			X
New Castle		X		X
Shirley		X		X
Spiceland	X			X
Springport	X			X
Straughn	X			X
Sulphur Springs	X			X

TITLE 1**APPENDIX B****ZONING MAP INDEX****CIVIL TOWNSHIPS****INCORPORATED****UNINCORPORATED**

1. Blue River

2. Mooreland

3. Messick

4. Dudley

5. Straughn

6. New Lisbon

7. Fall Creek

8. Middletown

9. Honey Creek
10. Mechanicsburg

11. Franklin

12. Lewisville

13. Greensboro

14. Kennard
15. Shirley
16. Greensboro

17. Harrison

18. Cadiz

19. Henry

20. Westwood

21. Westwood

22. Jefferson

23. Sulphur Springs

24. Liberty

25. Ashland
26. Millville

27. Prairie

28. Mount Summit
29. Springport30. Hillsboro
31. Johnstown
32. Luray

33. Spiceland

34. Dunreith
35. Spiceland36. Ogden
37. Knightstown Lake
Addition – East & North

38. Stoney Creek

39. Blountsville

40. Rogersville

41. Wayne

42. Knightstown

43. Grant City
44. Knightstown Lake
Addition – West & South
45. Maple Valley
46. Raysville