Article 1. GENERAL PROVISIONS

100.00 **SHORT TITLE**: This ordinance shall be known and may be cited as the "Zoning Ordinance of Harrison County, Indiana."

101.00 **INTERPRETATION**: In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public, health, safety, comfort, morals, convenience, and general welfare.

102.00 **CONFLICT:** Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of towns within the County or State, the highest standards shall govern.

103.00 **IDENTIFICATION:** Wherever the word "County" appears in this ordinance it shall be deemed to refer to Harrison County, Indiana; the word "Commission" refers to the Harrison County Plan Commission; the word "Board" refers to the Harrison County Board of Zoning Appeals; the words "Jurisdictional Area" refer to the County and the word "District" refers to a section of the "Jurisdictional Area" for which uniform regulations governing the use, height, area, size and intensity use of buildings and land, and open spaces about buildings, are herein established; the words "Zone Map" dated June 3, 1974, and any amendments thereto; the words "Master Plan" refer to the Comprehensive Plan, or any of its parts for the development of Jurisdictional Area, prepared by the Commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as amended, as it now or may hereafter be in effect.

104.00 **ZONE MAP:** The "Harrison County, Indiana Zone Map" dated 1974, to be known herein as the "Zone Map" as prepared and adopted by the Harrison County Board of County Commissioners on June 3, 1974, is hereby incorporated by reference into this ordinance, and at least one (1) copy of said Zone Map are on file in the County Clerk's office of Harrison County, Indiana, and are there available for public inspection.

104.10 **DIGITAL ZONING MAP:** In order to modernize, increase accuracy, and increase accessibility of zoning information the June 3, 1974 zoning map including all amendments is hereby reformatted into a geographic coverage layer entitled Official Zoning Map as follows:

(a) The Official Zoning Map identifies the location and boundaries of the zoning districts and is hereby incorporated in and made a part of this Ordinance.
(b) The Planning Commission Administrator (Administrator) shall maintain the Official Zoning Map and may authorize printed copies to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
(c) Two (2) copies of the Official Zoning Map shall be on file and available for public inspection in the Plan Commission Office.
(d) Amendment of the Official Zone Map shall concurrently amend the Zone Map adopted June 3, 1974. **(Amended by Ord. 2009-15)**

104.20 **DESIGNATION OF ZONING DISTRICT:** The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map. Each district, except the Agricultural/Residential (A/R) and Single Family Overlay (SF) districts shall be categorized by individual colors. In the case of the A/R district no color shall be used except in cases where an area has been rezoned from another district to the A/R district in which case a colored crosshatched designation shall be used. The SF Overlay District shall be designated with a colored crosshatch placed over the underlying zone district. Original zoning districts adopted on June 3, 1974 shall be labeled as "0" and all districts established by amendments shall be labeled using the associated ordinance number. **(Amended by Ord. 2009-15)**

104.30 **REGULAR REVISIONS**

(a) Only persons authorized by the Administrator may revise the Official Zoning Map when

amendments are passed. Such revisions shall be made as soon as possible after the effective date of the amendment.
(b) During the time it takes for the formal electronic version of the Official Zoning Map to be reprinted for public display, hand-drawn lines and text on an authorized printed copy of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the Official Zoning Map, but shall not have the effect of amending the Official Zoning Map.
(c) Annually a paper copy of the Official Zoning Map shall be filed in the office of the Harrison County Recorder. **(Amended by Ord. 2009-15)**

104.40 STANDARDS: Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
(a) Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.
(b) Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, lot lines, or City corporate boundary lines shall be construed as following or paralleling such lines.
(c) Zoning district boundaries indicated, as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
(d) Zoning district boundaries established by an ordinance adopted to amend the Zone Map shall take precedence over all interpretations and shall be identified according to the legal description contained within the adopted ordinance.
(e) In the event a survey or similar instrument is recorded which corrects errors, or more specifically describes a tract of land which was subject to an ordinance to amend the Zone Map or Official Zone Map, the Administrator, up on a finding of no mischief, may revise the district boundary to reflect the correct boundary.
(f) Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.
(g) Any disputes as to the exact zoning district boundaries shall be determined by the Administrator. The Administrator may refuse to make a determination when he cannot definitely determine the location of a zoning district boundary. In such cases, the Administrator shall refer the interpretation to the Plan Commission. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance. All zoning district boundary determinations made pursuant to *Section 104.40(g)* may be appealed to the Board of Zoning Appeals. (Amended by Ord. 2009-15)

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Article 2. DEFINITIONS

200.00 LEGAL DEFINITIONS: For purposes of this ordinance the following terms shall have the meaning indicated, unless otherwise specifically stated.

200.01 ACCESSORY BUILDINGS, STRUCTURES AND USES: A building, structure or use subordinate to another building, structure or use, the use of which is clearly incidental to and customarily associated with the operation of the principle use, is located on the same lot as the principle use, does not change or alter the character of the premises and which is not used or human occupancy.

200.02 ADULT ARCADE OR VIDEO VIEWING BOOTHS -An establishment or portion thereof that consists of any booth, cubicle, stall, or compartment that is designed constructed or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital or other means or media (including but not limited to film, video, or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals) for observation by patrons therein. A video- viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

200.03 ADULT CABARET -A building or portion of a building regularly featuring dancing or live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting specific sexual activities or specified anatomical areas for observation by patrons therein.

200.04 ADULT MEDIA -Magazines, books, video tapes, movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

200.05 ADULT MEDIA STORE -An establishment that rents and/or sells media, and that meets any of the following three tests.

a. 40% or more of the gross public floor area is devoted to adult media.
b. 40% or more of the stock-in-trade consists of adult media.
c. It advertises or holds itself out in any forum as "XXX", "adult", "sex", or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater, or adult cabaret.

200.06 AGRICULTURAL BUILDING - A structure utilized for the conduct of farming operations but not including a dwelling does not require an Improvement Location permit but shall observe the setbacks of the district.

200.07 AIRPORT- An area, site, or location, either on land, water, or upon any building, which is specifically adapted and maintained for the landing and take off of aircraft, and includes its buildings and facilities if any.

200.08 ALLEY - A right-of-way other than a street, road, driveway, crosswalk, or easement, designated to provide a secondary means of access for the accommodation of the property it reaches.

200.09 AUTOMOBILE WRECKING AREA - Automobile wrecking area or structure shall mean any lot, or structure of the use of any portion of a lot or structure for the dismantling or wrecking of automobiles or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

200.10 BERM STRUCTURE - A room or group of rooms, located partially underground with the main entrance at ground level and forming a single housekeeping unit with facilities which are used or designed to be used for living, Sleeping, cooking, and eating with each sleeping unit having two (2) means of egress and Each sleeping unit containing a smoke detector.

200.11 BASIC LAND USE DISTRICT - The primary classification of land.

200.12 BLOCK - Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersection or intercepting street and railroad right-of-way, waterway, or other barrier. In the absence of the preceding, a distance of 400 feet in either direction from the subject site shall constitute a block.

200.13 BOARDING HOUSE - A building not open to transients, where there are not more than two rooms for rent per house.

200.14 BUILDING - A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property.

200.15 BUILDING, HEIGHT OF - The vertical distance measured from the lot ground level to the highest point of the roof or coping for a flat roof; to the deck line of mansard roof; and to the plate height for gable, hip and gambrel roofs.

200.16 BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the main building in a substantial manner, as by roof, such accessory building shall be counted as a part of the principal building.

200.17 BUILDING AREA - The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, and architectural appurtenances projecting not more than two (2) feet.

200.18 BUILDING LINE - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way.

200.19 BUSINESS OR COMMERCIAL - Engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

200.20 CAMP, PUBLIC OR PRIVATE - Any area or tract of land used or designed to accommodate two (2) or more travel trailers or two (2) or more camping parties, including cabins, tents, or other camping outfits.

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

200.22 CERTIFICATE OF OCCUPANCY - A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Ordinance.

200.23 CLINIC OR MEDICAL HEALTH CENTER - An establishment where patients are admitted for special study and treatment by two or more licensed physicians, dentists, chiropractors, and their professional associates, practicing medicine together.

200.24 CONDITIONAL USE - A Conditional Use is a Special Exception for a prescribed commercial use of land which does not conform to the zoning districts in which it is located but may be permitted only under stringent requirements and controls by Plan Commission and board of Zoning Appeals.

200.25 DISPLAY PUBLICLY -the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its contents or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises

where items and material other than adult media are on display to the public.

200.26 DRIVE-IN RESTAURANT - A food service establishment where food is consumed on the premises outside of fully enclosed buildings or structures.

200.27 DWELLING - A building or portion thereof, used primarily as a place of abode for one or more human beings but not including hotels, motels, lodging or boarding houses or tourist homes.

200.28 DWELLING UNIT -A dwelling or portion of a dwelling or of an apartment used by one family for cooking, living and sleeping purposes.

200.29 ESTABLISHMENT -any business regulated by this ordinance.

200.30 FAMILY - One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, motel, club, nursing home, fraternity or sorority house.

200.31 FARM, CONFINEMENT FEEDING - Any operation involving the production of livestock or fowl or related operations, indoors or outdoors, wherein more than 100 head of livestock or 5,000 fowl are kept within buildings or structures or in paved or unpaved feed lots, wherein five (5) square feet or less of feed lot area is provide per laying hen, or 8 square feet or less per lamb or ewe, or 50 square feet or less per sow, or 50 square feet or less per feeder steer, or 100 square feet or less per dairy cow, provided that this definition shall not apply to operations involved with the processing or products of confinement feeding operations.

200.32 FARM. GENERAL - An area used for agricultural operations, including truck gardening, forestry, the operations 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 it does not include commercial or custom slaughtering.

200.33 FLOOR AREA PER DWELLING UNIT - The total area on all floors used exclusively by one family for dwelling purposes measured on horizontal planes.

200.34 GARBAGE - All putrescible animal solid, vegetable solid and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

200.35 GREENHOUSE - A structure designed and operated solely for the production and sale of plants, flowers, vegetables, shrubs, and trees.

200.36 GROSS PUBLIC FLOOR AREA -the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, service areas, behind counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways, serving such areas.

200.37 GROUND FLOOR AREA - The area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of terraces, garages, and exterior stairways.

200.38 HARD-CORE MATERIAL -Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

200.39 HEAVY INDUSTRIAL USE - Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal or equipment, raw materials, manufacturing products or wastes, in which operations, other than transportation, may be performed in either open or closed area.

200.40 HOME OCCUPATION - An occupation conducted in a dwelling unit provided that:

- **a.** No more than one person other than members of the family residing on the premises shall be engaged in such operation; and
- **b.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation; and
- **c.** There shall be no change in the outside appearance of the building or premises, or other visible evidence of conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, non-illuminated; and
- **d.** No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard; and
- **e.** No equipment shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

200.41 HOTEL OR MOTEL - A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradiction to a boarding or lodging house.

200.42 IMPROVEMENT LOCATION PERMIT - A permit stating that the proposed erection, construction, enlargement, moving, or alteration of a building or structure referred to there in complies with the provisions of the Master Plan and this ordinance.

200.43 JUNK YARD - An area or structure where discarded used material or waste or other than organic matter is accumulated and/or stored and is or may be salvaged for re-use or resale; including but not limited to two (2) or more unlicensed and/or inoperable motor vehicles.

200.44 KENNEL, COMMERCIAL - Any lot or premises on which five or more dogs or other domestic pets are kept for the purpose of raising, boarding or training for a fee, or for sale.

200.45 LIGHT INDUSTRIAL USE - 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 shielded.

200.46 LINGERIE MODELING STUDIO - An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 sq. ft.

200.47 LOADING AND UNLOADING BERTHS - The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this Ordinance is held to be twelve (12) foot by thirty-five (35) foot loading space with a fourteen (14) foot height clearance.

200.48 LODGING HOUSE - A building, not available to transients, in which lodgings are regularly provided for compensation for at least three (3) but not more than fifteen (15) persons.

200.49 LOT - A parcel, tract, or area of land that fronts on a street. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts, or a combination of such parcels, when adjacent to one another and used as one. In determining lot and boundary lines, no part thereof within the limits of a street shall be included.

200.50 LOT, AREA - The total of the area, measured in a horizontal plane, within the lot lines of a lot.

200.51 LOT, CORNER - A lot at the junction of and abutting two or more intercepting or intersecting streets.

200.52 LOT, GROUND LEVEL:

a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

c. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.

200.53 LOT, INTERIOR - A lot other than a corner lot.

200.54 LOT COVERAGE - The percentage of the lot area covered by the building area.

200.55 LOT WIDTH - The dimension of a lot, measured between side lot lines at the building line.

200.56 LOT LINE, FRONT - In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

200.57 LOT LINE, REAR - A lot line which is opposite and most distant from the front lot line.

200.58 LOT LINE, SIDE - Any lot boundary line not a front lot line or rear lot line.

200.59 MANUFACTURED HOME - A dwelling unit fabricated on or after June 15, 1976 in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standard Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council.

200.60 MEDIA-Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape, or videotape production, or pictorial representation, or any electrical or electronic reproduction of an~1hing that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media and undeveloped pictures.

200.61 MEDIA SHOP -A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media store. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media store shall be treated as an adult media store. See Section 404.0 PROVISIONS AND EXCEPTIONS TO TABLE 1*a* for special conditions for media shops in which adult media constitutes more than 10% but less than 40% of the stock in trade or occupy more than 10% but less than 40% of the public floor area.

200.62 MINERAL EXTRACTION - (1) mining or quarrying, and/or (2) removal of earth materials.

200.63 MOBILE HOME - A factory assembled structure or structures, equipped with the necessary service connectors and constructed so as to be readily moveable as a unit or units on its (their) own chassis and designed to be used as a dwelling unit without a permanent foundation.

200.64 MOBILE HOME PARK - An area of land on which two (2) or more mobile homes are regularly accommodated for profit, including any building utilities or other structures, fixture, or equipment that is used or intended to be used in providing that accommodation.

200.65 MODEL HOMES - A residential structure set in accordance with all applicable zoning and health requirements and available for visitation by the general public.

200.66 MOTION PICTURE THEATER -An establishment predominantly showing movies in facilities capable of seating a minimum of 50 individuals per screen/viewing area.

200.67 MULTI-FAMILY DWELLING - A building designed for or occupied by two or more families, exclusively for dwelling purposes.

200.68 PARKING AREA, PUBLIC - An open area other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, as an accommodation for clients or customers.

200.69 PARKING SPACE - (OFF-STREET, ONE). A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 10 feet wide and 20 feet long.

200.70 PARCEL - An area of land having frontage on a dedicated County road or street.

200.71 PERSON - A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

200.72 PLAT - A map or chart that shows a division of land and is intended to be filed for record.

200.73 PRIMARY LIVE ENTERTAINMENT -On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

200.74 PRIVATE SCHOOL - Private pre-primary, grade, high or preparatory school or academy**.**

200.75 PRIVATE STREET -a recorded public way for vehicular traffic that is maintained by the owners of property which use the street. In order for a private street to qualify as a substitute for a "Street or Road" as defined in section 200.75, the private street must have been established in compliance with the Harrison County Subdivision Control Ordinance as part of a private subdivision or exempt division.

200.76 PRIVATE USE AIRPORT- An airport that is for the exclusive use of the owner or other persons specifically authorized by the owner. The number of aircraft may be specifically limited by the Board of Zoning Appeals after public hearing.

200.77 PROFESSIONAL OFFICE - Office for members of the following recognized professions: accountants, architects, artists, attorney-at-law, chiropodists, chiropractors, dentists, insurance agents, landscape architects, land surveyors, opticians, optometrists, osteopaths, physicians, professional consultants services, real estate brokers, professional engineers, and surgeons.

200.78 PROPERTY OWNER - Any person who has a legal or equitable interest in the property or his authorized representative.

200.79 PUBLIC USE AIRPORT- An airport, whether privately or publicly owned, which the owner or persons having a right of access and control invite, encourage or allow flight operations by the general public without prior authorization, and which usually has commercial operations.

200.80 RECREATIONAL FACILITY - A land area which may or may not include buildings but can include equipment and facilities suitable for the enjoyment of the participants and for which the operator may charge a fee.

200.81 RESIDENTIAL DISTRICT - A district which permits primarily residential uses (A-R, R-1, R-1a, R-2, & R-3).

200.82 Road or Street -See definition of "Street".

200.83 RUBBISH - All non-putrescible solid waste, excluding ashes, such as cardboard, paper, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces or wood, excelsior, rubber, leather crockery.

200.84 SANITARY LANDFILL - A lot or any portion of a lot, which is used for the disposal of refuse, utilizing the method of confining the refuse to the smallest practical area, reducing it to the smallest practical volume, and covering it with a layer of earth daily, or at more frequent intervals.

200.85 SEX SHOP -An establishment offering for sale items from any of the following tests.

a. The establishment offers for sale items from any two of the following categories: (1) adult media,(2) lingerie, or (3) leather goods marketed or presented in a context to suggest sadomasochistic practices; and the combination of such items constitutes more than 10% of its stock in trade or occupies more than 10% of the public gross floor area.

b. More than 5% of its stock in trade consists of sexually oriented toys or novelties.

c. More than 5% of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

200.86 SEXUALLY ORIENTED BUSINESS -An inclusive term used to describe collectively: adult cabaret; adult media store and/or sex shop.

200.87 SEXUALLY ORIENTED TOYS OR NOVELTIES -Instruments, devices, or paraphernalia either designed as representations of genital organs or female breasts, or designed or marked primarily for use to stimulate human genital organs.

200.88 SIGN – See section 406.03

200.89 SPECIAL EXCEPTION - The authorization of a use that is designated as such in Section 400.00 as being permitted in the district concerned if it meets the requirements set out in Article 5. and, upon application, is specifically authorized by the Board.

200.90 SPECIFIED ANATOMICAL AREAS - less than completely and opaquely, covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

200.91 SPECIFIC SEXUAL ACTIVITIES -Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, public region, buttock, or female breast.

200.92 STORAGE AND RESALE OF ANHYDROUS AMMONIA - The placement and maintenance of an approved storage tank and fittings, such tank, fittings and maintenance subject to all applicable local, state and federal requirements.

200.93 STORY - That portion of a building between a floor and the next floor above, or roof.

200.94 STREET OR ROAD- A dedicated public way for vehicular traffic and must be maintained by the State, County, or Town. A "PRIVATE STREET" shall be included within this definition only when such street is established in compliance with the Harrison County Subdivision Control Ordinance as part of a Private Subdivision or Exempt Division.

200.95 STRUCTURE - Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

200.96 STRUCTURE ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

200.97 SUBDIVISION- The division of a parcel of land which requires approval of a Plat by the Harrison County Advisory Plan Commission and County Commissioners.

200.98 TOURIST HOME - A building in which one but not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

200.99 TRADE OR BUSINESS SCHOOL - Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, mortician, drafting or for teaching industrial or technical arts.

200.100 TRAVEL TRAILER - A vehicle or other portable structure that is designed to move on the highway and designed or used as a temporary dwelling.

200.101 TRUCK STOP - A paved area with access to major roads and highways including fuel pumps, overnight accommodations, truck service and repair garage, truck washing facilities, restaurant, office space for brokers, and shops for the sale of truck or truck related items, all designed to serve the 24 hour needs of over-the-road trucks and truckers.

200.102 USE - The employment or occupation of a building, structure or land for a person's service benefit or enjoyment.

200.103 USE, NONCONFORMING - An existing use of land or structure which fails to comply with the requirements set forth in this Ordinance applicable to the district in which such use is located.

200.104 USE, OPEN - The use of a lot without a building or including a building incidental to the open use, such building having a ground floor area equal to five percent (5%) or less of the area of a lot.

200.105 VARIANCE - A modification of the specific requirements of this Ordinance granted by the Board in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and districts.

200.106 VISION CLEARANCE ON CORNER LOTS - A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street corner along each property line.

200.107 YARD - A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this Ordinance.

200.108 YARD, FRONT - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structure the depth of which is the least distance between the street right-of-way and the building line.

200.109 YARD, REAR - A yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than by accessory building which does not occupy more than 30 percent of the required space, the depth of which is the least distance between the

rear lot line and the rear of such main building.

200.110 YARD, SIDE - A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90□with the side lot line, from the nearest part of the main building.

200.111 ZONING ADMINISTRATOR - An appointed officer of the Commission authorized by the Commission to implement the provisions of this zoning ordinance.

(as Amended Ord.2013-18)

(Intentionally left blank)

Article 3 DISTRICTS

300.00 **DISTRICTS, ESTABLISHMENT**: Harrison County, Indiana is hereby classified and divided into Districts designated as follows:

300.01 A-R (Agricultural Residential)- This zone is designed to preserve the rural character of the County by promoting agricultural and agricultural related uses.

300.02 R-1 (Suburban Residential)- This zone is designed to provide for single family residential use adjacent to or near existing urban centers.

300.03 R-1a (Suburban Residential, single family dwellings and mobile homes)- same as R-1.

300.04 R-2 (Urban Residential)- This zone is designed to accommodate single family residence within developed or urbanized areas.

300.05 R-3 (Multi-family Residential) – This zone is designed for multi-family dwelling.

300.06 B-1 (Neighborhood Business) – This zone is designed to accommodate neighborhood type shopping and service facilities offering direct services to customers.

300.07 B-2 (Central Business District) – This zone is designed for central business districts and other areas of concentrated heavy commercial activity.

300.08 B-3 (Highway Service) – This zone is designed to provide for traveler uses at or near major highway or freeway interchanges.

300.09 B-4 (Shopping Center) – This zone is designed for business and service centers to serve community requirements.

300.10 I-1a (Light Industrial) – This zone permits light industrial uses. It is designed for existing light industrial areas and their proper expansion. No A-R through R-3 uses permitted.

300.11 I-1b (Light Industrial Park) – This zone has the same characteristics as I-1a. The requirements within this zone are designed to promote an industrial park-like development.

300.12 I-2 (Heavy Industrial) – This zone permits light and heavy industrial uses. No A-R through B-4 uses permitted.

300.13 PUD (Planned Unit Development) – See section 600.00 for intent.

300.14 PEC (Planned Employment Center)- See section 650.00 for intent.

300.15 SF (Single Family Overlay)- This zone is designed as an overlay to be used in conjunction with the R-2 and R-3 zoning districts to permit use of these zones, and the associated reduced dimensional requirements, in areas where duplex and multi-family development would not be appropriate. As an overlay district the permitted principle uses are determined by the overlay zone and accessory and special exception on appeals only uses and dimensional standards follow the base or underlying zone.

300.16 UF (Urban Fringe)- This zone is designed for areas around urban centers where future development for non-agricultural use is expected to occur as part of the natural expansion of the urban core. This zone permits the subdivision of land. (Ord. 2012-19)

301.00 **MORATORIUMS:** In order to allow this ordinance as well as the Comprehensive Plan to be more responsive to possible impacts, to the public health, safety, comfort, morals, convenience and

general welfare of the citizens of Harrison County, which result from new technologies, improvements and/or expansion of infrastructure or any other factor which is not or could have reasonably been foreseen during the formulation of the Plan and Ordinances of the County the use of moratoriums is hereby established as follows:

a. Use and Limitations

1. A Moratorium shall be limited to the temporary suspension of acceptance of applications for amendments to the zoning map within a specified area and/or special exceptions for a specified type of land use for the purposes of allowing the diligent study and establishment of provisions to address the subject of the moratorium.

2. A Moratorium shall last no more than twelve months and shall remain in full force and effect until expiration or adoption of an ordinance and/or Plan amendment, which are designed specifically to address the subject for which the moratorium was enacted. The duration of the moratorium shall be the absolute minimum necessary to allow sufficient study and adoption of provisions to address the subject of the moratorium. Moratoriums of duration less than twelve months may be extended for cause however in no case shall the total duration of a moratorium exceed twelve months.

3. A Moratorium shall be established following the same procedures for an amendment to the text of the Zoning Ordinance and shall be specifically described within Section 301.1.5(B) of this ordinance.

b. List of Moratoriums: The following moratorium(s) have been determined to be necessary to allow the Plan Commission and County Commissioners to study the identified subject matter determine possible negative impacts associated with the subject and formulate provision to address the subject in a manner that promotes the public Health, Safety, morals, convenience, order, and general welfare and for the sake of efficiency and economy in the process of development within the County.

1. **Moratorium on Zoning Map amendments within Lanesville Interchange Study Area (exit 113 of Interstate 64).**
WHEREAS the increased availability of potable water supply in this area has created a significant increase in the number of applications for Amendments to the Zoning Map, and
WHEREAS, the Comprehensive Plan for Harrison County provides only a general guide for land use decisions throughout the jurisdiction, and
WHEREAS, a more specific plan appears to be necessary in this area to avoid the establishment of inappropriate and/or uncoordinated land use patterns which could diminish property values and over whelm existing thoroughfares, and
WHEREAS, the County Commissioners need a reasonable period of time to diligently study these concerns and formulate provisions to provide for coordinated and compatible growth around this interchange, now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF HARRISON COUNTY, INDIANA does resolve as follows:
Resolved that a moratorium on all applications for zone map amendments is hereby adopted which shall be applicable to the area described as follows:

All property within
Section 31 Township 2 South Range 5 East in Franklin Township,
Section 36 Township 2 South Range 4 East in Jackson Township east of Angel Run Road and Elk Hollow Lane,
Section 1 Township 3 South Range 4 East in Franklin Township east of Angel Run Road,
Section 2 Township 3South Range 4 East in Franklin Township east of Angel Run Road

Section 12 Township 3 South Range 4 East in Franklin Township,
Section 13 Township 3 South Range 4 East in Franklin Township,
Section 18 Township 3 South Range 5 East in Franklin Township,
Section 17 Township 3 South Range 5 East in Franklin Township west and north of Lazy Creek Road,
Section 7 Township 3 South Range 5 East in Franklin Township,
Section 8 Township 3 South Range 5 East in Franklin Township, and
Section 6 Township 3 South Range 5 East in Franklin Township

This moratorium shall expire on December 31, 2001 unless terminated or extended by ordinance however in no case shall the total duration exceed twelve months.

2. **Extension of Moratorium on Zoning Map amendments within Lanesville Interchange Study Area (exit 113 of Interstate 64).**
WHEREAS the County Commissioners on April *16* 2001 enacted a moratorium to permit a detailed land use study for the area surrounding the Lanesville Interchange (exit 113 of Interstate 64), and
WHEREAS, the Commissioners executed a contract with the Firm of Birch Trautwien & Mims to perform this study on June 4,2001, and
WHEREAS, the study was not completed prior to the expiration of the previous Moratorium, and
WHEREAS, the Plan Commission and County Commissioners need additional time to complete the study now, therefore,
THE BOARD OF COUNTY COMMISSIONERS OF HARRISON COUNTY, INDIANA does resolve as follows:
Resolved that a moratorium on all applications for zone map amendments for property within the Lanesville Interchange Study Area as described in Section301.02 (b)(1) Moratorium on Zoning Map amendments within the Lanesville Interchange Study Area (exit 113 of Interstate 64) shall be reestablished and remain in effect until March 20, 2002.
This moratorium shall expire on March 20, 2002 unless terminated prior to this date by ordinance.

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

303.00 **Height**: No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

304.00 **YARD, LOT AREA, AND SIZE OF BUILDING:** No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations established and specified for the use and the district in which such building is located except as otherwise provided in this ordinance.

305.00 **LOTS:** Every building hereafter erected shall be located on a lot, which fronts on a street.

306.00 **VEHICLE PARKING SPACE - LOADING & UNLOADING BERTHS**: For every building hereafter erected, off-street parking space and loading and unloading berths shall be provided as hereinafter specified for the use to which such building is to be devoted.

Article 4. AUTHORIZED USES AND REQUIREMENTS

400.00 AUTHORIZED USES: The permitted principal, accessory, and conditional uses for each zone established under Section 300.0 are shown in Table 1a.

400.01 SUBDIVISION- Subdivisions as defined in this Ordinance are permitted within all zones except the A-R (Agricultural- Residential) zone.

Zones in which subdivision of land is allowed are:
R-1 SUBURBAN RESIDENTIAL
R-1a SUBURBAN RESIDENTIAL, (Single family dwelling and mobile homes)
R-2 URBAN RESIDENTIAL
R-3 MULTI-FAMILY RESIDENTIAL
B-1 NEIGHBORHOOD BUSINESS
B-2 CENTRAL BUSINESS DISTRICT
B-3 HIGHWAY SERVICE
B-4 SHOPPING CENTER
I-1a LIGHT INDUSTRIAL
I-1b LIGHT INDUSTRIAL PARK
I-2 HEAVY INDUSTRIAL.
PEC PLANNED EMPLOYMENT CENTER
UF URBAN FRINGE
(Ord.2012-19)

401.00 RESIDENTIAL USES AND REQUIREMENTS: The residential uses defined below are permitted in the districts indicated in Table 1a under Section 400.00 when complying with the requirements of Table1 and the provisions and exceptions of Section 404.00; or when in an approved planned unit development under Article 6.

401.01 A **single-family dwelling** is a detached building designed for or occupied by one family but not including mobile homes.

401.02 A **multi-family dwelling** is a building designed for or occupied by two or more families, exclusively for dwelling purposes.

402.00 COMMERCIAL USES AND REQUIREMENTS: The commercial and industrial uses listed in Table 1a are permitted in the districts indicated under Section 400.00 when complying with the requirements of Table1a and the provisions and exceptions of Section 404.00.

403.00 INDUSTRIAL USES AND REQUIREMENTS:

403.01 The Industrial Uses defined below, including accessory buildings and uses, are permitted in the districts indicated in Table 1a when complying with the provisions and exceptions of Section 404.00, and the requirements of this section.

403.02 The restrictions of this section shall not apply to:

a. The activities of site preparation or construction, the maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or with the lot line;
b. The operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
c. Conditions resulting from the occurrence of a natural disaster or man-made accident, provided, however that reasonable and necessary precautions were effected (the burden of proof of such conditions lays with the violator); or
d. Safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

403.03 The performance standards applicable to the District in which an operation or facility is located shall be used in determining the compliance or non-compliance of said operation of facility with such standards.

403.04 **Definitions** - For the purpose of this Section, certain terms and words shall be interpreted and defined as follows:

a. **DECIBEL** - A unit of measurement of the intensity or loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.
b. **FLASH POINT** - The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.
c. **FOOT CANDLE** - A unit of illumination. It is equivalent to the illumination at all points, which are one foot distant from a uniform point source of one (1) candlepower.
d. **FREE BURNING** - A rate of combustion described by a material, which burns actively and easily supports combustion.
e. **INTENSE BURNING** - A rate of combustion described by a material that burns which a high degree of activity and is consumed rapidly.
f. **MODERATE BURNING** - A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.
g. **OCTAVE BAND** - A term denoting all of the frequencies from one given frequency to a second. In sound octave bands, the second frequency is usually twice the first one.
h. **OCTAVE BAND FILTER** - An electrical device, which separates the sounds in each octave band and presents them to the sound level meter.
i. **PARTICULATE MATTER** - Finely divided liquid or solid material, which is discharged and carried along in the air.
j. **RESIDENCE DISTRICT** - A district designated primarily for residential use in this Ordinance.
k. **RESULTANT DISPLACEMENT** - The maximum amount of motion in any direction and shall be determined by means of any three component (simultaneous) measuring system approved by the Commission.
l. **RINGLEMANN 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 no smoke or Ringelmann No. 0.
m. **SLOW BURNING OR INCOMBUSTIBLE** - Materials, which do not in themselves, constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1200 degrees Fahrenheit.
n. **SMOKE** - Small gas borne particles resulting from incomplete combustion, consisting predominantly of carbon and other incombustible material, excluding metallurgical fume and dust, and present in sufficient quantity to be observable independently of the presence of other solids.
o. **SMOKE UNIT** - The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.
p. **THREE COMPONENT MEASURING SYSTEM** - Instrumentation which can measure earth born vibrations in three directions, that is, vibration occurring in a horizontal as well as a vertical plane.
q. **VIBRATION** - Oscillatory motion transmitted through the ground.

403.05 LIGHT INDUSTRY - A light industrial use is one which creates a minimum amount of nuisance outside the plant; is conducted entirely within enclosed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose other than transporting goods between buildings; provides for enclosed loading and unloading facilities; and such use conforms to the following performance standards.

a. LIGHT INDUSTRIAL RESTRICTION: SMOKE
The emission of more than ten (10) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited. However, once during any 24 hour period, for soot blowing, process purging and fire cleaning, each stack shall be permitted an additional ten (10) smoke units, during which time smoke up to and including Ringelmann No. 3 is permitted.

b. LIGHT INDUSTRIAL RESTRICTIONS: PARTICULATE MATTER

1. No industrial operation or activity shall discharge or cause to be discharged any contaminants unless in conformance with the provisions of the Indiana Air Pollution Control Law (Chapter 171, Acts of 1961, as amended) and the regulations promulgated thereunder, and any applicable acts of the Federal Government.

2. Specifically, those regulations, which apply to Harrison County and are currently in effect, are APC Regulations 1, 2, 3, 4, 5, 7 and 11.

c. LIGHT INDUSTRIAL RESTRICTIONS: ODOR
No activity or operation shall permit odors to be released which shall be detectable at the lot line.

d. LIGHT INDUSTRIAL RESTRICTIONS: TOXIC AND NOXIOUS MATERIALS: The emission of toxic and noxious materials may not produce any concentration at a residence 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 Governmental Industrial Hygienists:

Light Industrial Use	3%

e. LIGHT INDUSTRIAL RESTRICTIONS: GLARE AND HEAT
No industrial operation, activity or structure shall cause intense heat in such a manner as to be a public nuisance or hazard across lot line. No industrial operation, activity or structure shall cause illumination at or beyond any Residence District boundary in excess of 0.1 foot candle.

f. LIGHT INDUSTRIAL RESTRICTIONS: VIBRATION
Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth born vibrations in excess of the limits set forth in Column I (below) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a Residence District boundary line, earth born vibrations in excess of the limits set forth in Column II are prohibited. Vibration shall be expressed as resultant displacement in inches.

Frequency (Cycles per Second)	I Displacement (Inches)	II Displacement (Inches)
Below 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

The above tabulation is for steady vibration; this is defined as continuous vibration in

contrast to discrete pulses. Impact vibration, that is discrete pulses which do not exceed 100 impulses per minute, shall not produce in excess of twice (2 times) the displacement stipulation above.

g. LIGHT INDUSTRIAL RESTRICTIONS: NOISE

At no point on the boundary of a Residence or Business District shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this Ordinance, such as the operation of motor vehicles or other transportation facilities exceed the decibel limits in the octave bands designated on following page.

Octave Ban Frequency (Cycles Per Second)	I Maximum Permitted Sound Level Along Residence District Boundaries (In Decibels)	II Maximum Permitted Sound Level Along Business District Boundaries (In Decibels)
20 to 75	75	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

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

Sound level shall be measured with a sound-level meter and associated octave band filter, manufactured in compliance with standards prescribed by the American Standards Association. When sounds are of such short duration as not to be measured accurately with the sound-level meter, the impact noise analyzer as manufactured under standards of the American Standards Association shall be used to determine the peak value of the impact. Impacts shall meet the noise performance standards.

h. LIGHT INDUSTRIAL RESTRICTIONS: FIRE HAZARDS

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:

Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization or manufacture of flammable liquids or gases[1], which produce flammable or explosive vapors, shall be permitted in accordance with Section 403.05(i) (exclusive of storage of finished products in original sealed containers).

1 When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantity listed above.

i. TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED, GALLONS[2]

Industries engaged in Storage and Distribution of Such Materials	Above Ground	Under Ground
Materials having a flash point above 190□F	Prohibited	100,000
From and including 105□F to and including 190□F	Prohibited	40,000
Materials having a flash point below 105□F	Prohibited	20,000
Industries engaged in Utilization and Manufacture of flammable materials		
Materials having a flash point above 190□F	10,000	50,000
From and including 105□F to and including 190□F	1,000	20,000
Materials having a flash point below 105□F	500	10,000

403.06 HEAVY INDUSTRY - A heavy industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufacture products or wastes, and land and/or buildings in this District shall be used so as to comply to the following performance standards.

a. HEAVY INDUSTRIAL RESTRICTIONS: SMOKE

The emission of more than thirty (30) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited. However, once during any six hour period, for soot blowing, process purging and fire cleaning, each stack shall be permitted an additional ten (10) smoke units, during which time smoke up to and including Ringelmann No. 3 is permitted.

b. HEAVY INDUSTRIAL RESTRICTIONS: PARTICULATE MATTER

No industrial operation or activity shall discharge or cause to be discharged, any contaminants unless in conformance with the provisions of the Indiana Air Pollution Control Law (Chapter 171, Acts of 1961, as amended) and the regulations promulgated thereunder, and any applicable acts of the Federal Government. Specifically, those regulations which apply to Harrison County and are currently in effect are APC Regulations 1, 2, 3, 4, 5, 6, 7 and 11.

c. HEAVY INDUSTRIAL RESTRICTIONS: ODOR

No activity or operation shall permit odors to be released which shall be detectable at any Residence District boundary line. In addition, such odor, when measured at the lot line, shall be rendered undetectable by mixing one volume of the odorous air with four volumes of clean air.

d. HEAVY INDUSTRIAL RESTRICTIONS: TOXIC MATERIALS

2 When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantity listed above.

For a heavy industrial use, the emission of toxic and noxious materials may not produce any concentration at a Residence 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 Governmental Industrial Hygienists:

Heavy Industrial Use	30%

e. HEAVY INDUSTRIAL RESTRICTIONS: GLARE AND HEAT

The standards regulating glare and heat for a light industrial use shall apply to a heavy industrial use.

f. HEAVY INDUSTRIAL RESTRICTIONS: VIBRATION

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth born vibrations in excess of the limits set forth in Column I (below) is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a Residence District boundary line, earth born vibrations in excess of the limits set forth in Column II is prohibited.

Vibration shall be expressed as resultant displacement in inches.

Frequency	I Displacement	II Displacement
(Cycles per Second)	(Inches)	(Inches)
Below 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

The above tabulation is for steady state vibration; this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is discrete pulses which do not exceed 100 impulses per minute, shall not produce in excess of twice (2 times) the displacement stipulated above.

g. HEAVY INDUSTRIAL RESTRICTIONS: NOISE

At no point on the boundary of a Residence or Business District shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this Ordinance) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (Cycles Per Second)	I Maximum Permitted Sound Level Along Residence District Boundaries (In Decibels)	II Maximum Permitted Sound Level Along Business District Boundaries (In Decibels)
20 to 75	74	81
75 to 150	69	76
150 to 300	65	72
300 to 600	60	67
600 to 1200	56	63
1200 to 2400	50	57
2400 to 4800	44	51
Above to 4800	42	49

The prescribed limits of Column I are applicable between the hours of 8:00 a.m. and 6:00

p.m. At other times the allowable levels shall be reduced by six (6) decibels in every octave band.
Sound levels shall be measured in the manner prescribed for this standard for a light industrial use.

h. HEAVY INDUSTRIAL RESTRICTION: FIRE HAZARDS

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials ranging from free or active burning to intense burning is permitted provided the following condition is met:

Said materials shall be stored, utilized or manufactured in a manner approved by the State Fire Marshall and the Department of Fire Prevention and Building Safety.

The storage, utilization or manufacture of flammable liquids or gases[3] which produce flammable or explosive vapors shall be permitted in accordance with Section 403.06(i) (exclusive of storage of finished produced in original sealed containers.

i. TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED, GALLONS[4]

Industries engaged in Storage and Distribution of Such Materials	Above Ground	Under Ground
Materials having a flash point above 190□F	100,000	400,000
From and including 105□F to and including 190□F	50,000	200,000
Materials having a flash point below 105□F	20,000	100,000
Industries engaged in Utilization and Manufacture of flammable materials		
Materials having a flash point above 190□F	50,000	400,000
From and including 105□F to and including 190□F	10,000	200,000
Materials having a flash point below 105□F	5,000	100,000

j. HEAVY INDUSTRIAL RESTRICTIONS: WATER POLLUTION

No industrial operation or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the Stream Pollution Control Law of the State of Indiana (Chapter 214, Acts of 1943 as amended) and the regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval obtained from the Stream Pollution Control Board of the State of Indiana.

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3 When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantity listed above.

4 Same as footnote 3.

404.00 PROVISIONS AND EXCEPTIONS TO TABLE 1a.

404.01 ACCESSORY BUILDINGS

a. Accessory buildings are permitted in all districts, but not prior to the erection to the principal building, except in case of the A-R Zone[5].

b. No accessory building to a residential use shall be located closer to a side lot line than three feet, nor exceed 18 feet in height and, if detached from the principal building shall be set back at least ten (10) feet from the principal.

404.02 ACCESSORY USES

Accessory uses such as walks, driveways, curbs, retaining walls, mail boxes, name plates (not exceeding 12" x 12"), lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard. Fences, lattice-work, screens, hedges or walls not more than 7 feet high, may be located in the required side or rear yard, and a hedge, maintained not to exceed 3 feet in height may be located in any front yard, provided however, nothing contained this ordinance shall be deemed to prohibit the construction or maintenance of a fence of any height in connection with an agricultural use. Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard.

404.03 AREA - WIDTH - A single family dwelling may be located on any lot in any district in which single family dwellings are permitted if the lot was in single ownership or included in a subdivision which was of record in the office of the County Recorded prior to adoption of this ordinance, even though the lot does not have the minimum lot width or the maximum lot area specified for the district but setback requirements must be observed.

404.04 FRONT YARD

a. Where 25% or more of the lots in the block face are occupied by principal buildings, the average set back of such buildings, including porches, determines the dimension of the front yard.

b. Front yard or set back lines established in a recorded subdivision shall establish the dimension of front yard in such subdivisions except when such set back lines are less restrictive that the requirements in Table 1b.

c. Side yard setbacks of the requirements in Table 1b may be reduced if the terms of (a) or (b) can be applied to establish the average setback of principal buildings.

404.05 HEIGHT

a. In the districts limiting height to 30 feet, a single family dwelling may be increased in height not to exceed 40 feet provided the required side yards are increased an additional foot for each two feet such structure exceeds 30 feet in height.

b. The maximum height requirement in commercial and industrial districts may be increased if the minimum yard requirements are increased one foot for each two feet of additional height above the maximum height requirement.

c. Chimneys, cooling towers, spires, church steeples, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may exceed the height requirements of the district by thirty (30) percent.

d. Buildings, towers, smokestacks, electric transmission or receiving towers, and antenna and overhead transmission lines located within the A-R district may exceed the limits of Table 1b subject to state and federal regulations.

404.06 PARKING

a. Vehicle parking requirements may be waved by the Board where 75% or more of the area in a block was occupied by business or industrial structures which do not provide on site parking, at the time of passage of this ordinance.

b. Groups of users requiring parking space may join in establishing group parking area with

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5 SEE SECTION 405.0.4 FOR ADDITIONAL CONDITIONS APPLICABLE TO SEXUALLY OREINTED BUSINESSES

capacity aggregating that required for each participating use and acceptable evidence of an agreement shall be submitted in writing.

c. Open parking area and parking lots and loading and unloading berths shall be paved with a dust proof hard surface.

404.07 BUFFERING AND LANDSCAPING

a. Any part of a lot not used for building, off-street parking, loading and maneuvering areas, drives and pedestrian walks or agricultural purposes shall be landscaped with a lawn or other planted ground cover which may include trees and shrubs.

b. Where a commercial or industrial use or off-street parking area abuts a residential district it shall be screened in such a manner as to prevent any adverse effects to the residential property caused by light, glare, noise, etc. arising from the commercial or industrial use.

c. Screening - the placement, arrangement or use of natural objects, plantings, fences, earth bermes or other appropriate means so as to limit or block visibility of a site or area from road traffic, primary or local, or to define the terms of buffering in a given area.

d. Industrial fencing - Metal chain-link or similar material the height, length, gates, barbed wire toppers, and terms of erection to be regulated by the political subdivision.

404.08 Additional Homes on Family Property

Additional homes on lots, parcels, and family property are permitted in the A/R and UF Districts as an accessory use on a residentially developed tract when and only when the following conditions are met.

a. The applicant for such additional home is a child or parent of any owner of such lot, parcel or family farm;

b. The requested additional home is a mobile home for temporary use only and;

c. In the event the land on which the mobile home is located is offered for sale, the owner shall advise any prospective buyers of the restrictions associated with the mobile home;

d. When the mobile home is no longer occupied by a child or parent of the owner, the mobile home will be removed;

e. There shall be one (1) acre of land volume per dwelling unit placed upon any lot, parcel or family property.

f. At all times a minimum separation of no less than fifty (50') feet shall be maintained between all dwellings on a tract. (Ord. 2012-19)

405.00 Sexually Oriented Businesses

The Harrison County Board of County Commissioner**s** and Advisory Plan Commission find (1) it has been the experience of other communities that sexually oriented businesses which are located near areas zoned for residential use, near schools and public parks, and near malls and similar open spaces that cater to use by family groups and children adversely affect the viability of such nearby properties for their described purposes, (2) Real estate professionals believe that there is a significant negative impact associated with adult oriented businesses on both residential and business properties within 500 feet of those types of businesses and the impact is negligible on properties beyond 1,000' feet of these types of businesses, (3)Studies have demonstrated that the most significant impacts of adult oriented businesses on neighborhoods involve significant number of businesses with live entertainment and/or direct interaction between patrons and entertainers or other employees, and (4) the small closet like rooms or booths at adult amusement arcades in other communities have encouraged loitering for the purposes of engaging in anonymous sex and have created public health hazards by providing quasi- public locations which facilitate the production of bodily fluids by the patrons there in.

405.01 Declaration of Policy -The Harrison County Board of County Commissioners hereby declare as a matter of public policy that in order to preserve surrounding neighborhoods, prevent blight and deterioration of the neighborhood of the County, protect property values, protect children from the deleterious effects or exposure to sexually explicit material, the regulation of adult oriented businesses is a public necessity and is required in the interest of public health, safety, and welfare of the County.

405.02 Purpose -The purpose of this section is to effect the declaration of public purpose set forth in this section as it relates to the forgoing findings and more specifically: to protect neighborhoods from the negative impacts associated with the concentration of adult oriented businesses in an area; to prevent unsanitary conditions which exist at adult amusement arcades, and the discouragement of the casual anonymous sexual activity for which such establishments offer a ready opportunity; and to protect children from the deleterious effects of exposure to sexually explicit matter while such children are shopping for media appropriate for their age a*t* media outlets.

405.03 Standards Applicable for Sexually Oriented Business -for each type of business listed below the associated standards shall be met in order for the use to be considered a permitted use in the district listed in Table 1a. Failure to comply with all applicable standards shall prohibit the use in the particular zoning district even though it may meet the definition of the type of use listed in Table 1a.

a. Adult Cabaret, Adult media store and sex shops -no such establishment shall be located within 1,000' feet of any church, "residence, property zoned Planned Employment Center (PEC), R-1, R-1a, R-2 or R-3, schools K-12, parks and playgrounds, libraries, daycare centers, government buildings, or other sexually oriented business. For the purposes of this section the minimum distance shall be measured from the property line of the protected use to the nearest building wall of the regulated use. Also a nonconforming residence shall not be included as a protected use unless it is located in the R-1, R-1a, R-2 or R-3 zones. When a use regulated under this section is established in compliance with all applicable standards the setback area shall be documented and the maximum limits that the structure housing the regulated use may occupy on the parcel shall be determined based upon the zoning of the property, existing uses and zoning surrounding the site. Once the maximum structure limit has been established the regulated use shall be permitted to occupy all or a portion of the area regardless of any future change in zoning, land use, size or location of protected uses on surrounding parcels. For the purposes of this section the boundaries of a protected zoning district shall coincide with the center of an adjoining road/interstate right-of-way.

b. Lingerie modeling studio, adult arcades and/or video viewing booths -shall be prohibited in all zones.

c. Media shop -Adult media in an establishment to which this section is applicable shall be kept in a separate room or section of the establishment, which room or section shall:

1. Not be open to any person under age of 18;
2. Be physically and visually separated from the rest of the store by an opaque wall of durable material reaching at least eight feet in height or to the ceiling whichever is less;
3. Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
4. Have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain admission and that the general public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel; and
5. Provide signage at the entrance stipulating that persons under age 18 are not permitted inside.

405.04 Co-location -Sexually oriented businesses shall not be permitted as accessory uses to any other use except another sexually oriented business. Any accessory business of this type must be classified as a permitted primary use in the zone in which it is located and must be accessed only through the main entrance of the primary business. Examples that would be permitted would be an adult cabaret that included sexually oriented media sales/rental, or a Sex shop with video sales/rental.

406.00 SIGN REQUIREMENTS

406.01 The purpose of this section is to: encourage the effective use of signs as a means of communication in the county; to maintain and enhance the aesthetic environment and the county's' ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. The intent of this section as more specifically set forth herein, is:

a. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;
b. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
c. To prohibit all signs not expressly permitted by this ordinance; and
d. To provide for the enforcement of the provisions of this ordinance.

406.02 APPLICABILITY
A sign may be erected, placed established, painted, created, or maintained in the County only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

406.03 DEFINITIONS
For the purpose of the sign regulations as contained in this section, certain terms and words used herein shall be interpreted and defined as follows:

a. **Animated sign**: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
b. **Banner:** A sign constructed of pliable material such as cloth or plastic, temporarily attached to a structure.
c. **Building facade**: That portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves the entire width of the building elevation facing a street, and which may also be referred to as the building face.
d. **Commercial message**: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
e. **Copy area**: The sum of the area of the words or numbers included in the sign copy, exclusive of pictorials, trademarks or other advertising symbols.
f. **Display area**: The display area is defined as the total area upon which sign copy may be placed. In computing the total display area of a sign, mathematical formulas for geometric shapes formed by straight lines drawn closest to the extremities of the sign, excluding any structural member or embellishments, shall be used.
g. **Embellishments**: An addition to the display area on which a continuation of a message may be placed. Such addition shall not be a continuous border, which would constitute an increase in the display area. Standard bases and standard trim shall not be considered embellishments.
h. **Farm**: A tract of land more than five (5) acres in size which serves as the base of operations for a bon-a-fide agricultural/ horticultural/ aquaculture/forestry enterprise or which is developed for a confined feeding, dairy, or similar use in which operators or employees visit on a daily basis and which may include one dwelling occupied by the owner of the enterprise as his/her primary residence.
i. **Flag**: Any fabric or similar material containing distinctive colors, patterns, or symbols used as a symbol of a the United States, the state, the county, foreign nations having diplomatic relations with the United States, and any other elected legislative body of competent jurisdiction, temporarily attached to a single freestanding pole and which may be raised and lowered from the ground without any specialized equipment.

j. **Flashing sign**: An illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color.
k. **Freestanding sign**: A rigid sign supported by one or more uprights, poles, columns or braces placed in or upon the ground surface and not attached to any building or structure.
l. Illuminated sign: A sign illuminated by gas, electricity or other artificial lights including reflective or phosphorescent light.
m. **Incidental sign**: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located or a sign, which exceeds three square feet, shall be considered incidental. In all instances, an incidental sign must be located on the same lot as the primary use for which information is being provided. No permit is required and such signs shall be permitted in addition to the total allowable square footage permitted on a lot.
n. **Nonconforming sign**: Any sign that does not conform to the requirements of this ordinance.
o. **Permanent sign**: a sign and supporting structure that cannot be removed by one person within five minutes using only a screwdriver and adjustable wrench.
p. **Pennant**: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
q. **Projecting sign**: A sign, end mounted to an exterior wall of a building or structure and which projects out from the wall more than eighteen (18) inches.
r. **Public information sign**: A sign containing only emergency or legal notices and regulatory information erected by a governmental agency.
s. **Residential sign**: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.
t. **Roof-mounted sign**: A sign erected wholly upon or over a roof of any building and which does not project above the roofline.
u. **Sail Sign**: a piece of cloth or other flexible material, varying in size, shape, color, and design, attached at one edge to a staff or cord for the entire vertical length of the cloth, and used as a means of conveying a message or directing attention.
v. **Sign**: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or text to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public which is designed to be legible at or beyond the property line of the lot on which the sign is located by a individual who meets the Indiana Bureau of motor vehicles visual acuity criteria to be eligibility for a drivers license.
w. **Temporary sign**: A display, informational sign, or other advertising device with or without a structural frame, not permanently attached to a building, structure or the ground, and intended for a limited period of display.
x. **Wall sign**: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of the outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.
y. **Window Sign**: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the panes of glass and is visible from the exterior of the window.

(As Amended by Ord. #2014-05)

406.04 COMPUTATIONS

The following principles shall control the computation of sign area and sign height:

a. **Computation of Area of Individual Signs:** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the

smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

b. **Computation of Area of Multi-faced Signs**: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both sign faces cannot be viewed at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

c. **Computation of Height:** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal structure on the lot, whichever is less. In situations where existing grade is below the crown of the public street that provide access to the property on which the sign is located the height of the crown of the street may be used as the normal grade for the purposes of measuring the height of the sign.

d. **Computation of Maximum Total Permitted Sign Area for a lot:** The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in Table 2, Maximum Total Sign Area, for the zoning district in which the lot is located.

(As Amended by Ord. #2014-05)

406.05 GENERAL PROVISIONS:

a. All signs shall be constructed, connected, operated and maintained according to the applicable provisions of the Uniform Building Code and the electrical codes of Harrison County.

b. All signs shall be maintained in a good state of repair. Painted faces or structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballasts and transformers shall be kept in good state of repair and in safe condition. The County may order the removal of any sign, which becomes a public hazard due to lack of maintenance or repair.

c. The following provisions shall apply to freestanding signs:

1. The sign, pole or structure shall not extend beyond the property line or into the public right-of-way.

2. Freestanding signs shall be designed so that all framework for the lateral support of the sign shall be contained within the body of the sign or within the structure to which it is attached and shall not be visible. Exposed guy wires chains or other connections shall not be made a permanent part of the sign.

d. When permitted, signs may be illuminated by direct indirect or internal lighting sources, provided that the beam from an indirect or direct source shall be projected from the top of the sign toward the ground and effectively shielded to prevent view of the bulb from property lines. In no case shall external lighting exceed 200 watts per side of sign.

e. Temporary signs shall be permitted, provided, however, that:

1. The total square footage in area of all temporary signs does not exceed thirty-two (32) square feet in area.

2. No more than one temporary sign on a parcel shall exceed sixteen (16) square feet in area.

3. No temporary sign shall exceed thirty-two (32) square feet in area or six (6) feet in

height.

4. Temporary signs shall be for temporary use only and shall not exceed a total of six (6) months of use, per location, during any one calendar year.
5. No temporary sign shall be placed in any portion of the public right-of-way nor shall they be so placed as to obstruct the view of vehicular or pedestrian traffic at intersections or points of ingress and egress onto a public right-of-way.

f. **Banners-** No banner shall exceed 32 square feet in size, be placed in any portion of the public right-of-way or be so placed as to obstruct the view of vehicular or pedestrian traffic at intersections or points of ingress onto a public right-of-way. Only one banner shall be permitted on any lot at any time and shall be permitted in addition to the total allowable permitted for a lot. Any banner, which is not attached to a building, accessory structure, excluding fences and walls, or freestanding sign, shall be classified as a freestanding sign and must comply with the provision for such signs in Table 2.

g. **Platted Subdivision Entrance sign:** Subdivisions which include development of a new street shall be permitted one 15 square foot sign attached to a masonry or stone wall not to exceed 6 feet above grade for each entrance. Illumination shall be determined by the zoning district in which the sign is located. Such signs shall be located on private property and be permitted in addition to any other signage permitted under Table 2.

h. **Sail Signs**: within the B-1, B-2, and B-3 zoning districts up to two(2) sail signs may be placed on a lot provided such signs are setback at least 8 feet from a road right-of-way and do not exceed 12 feet in height.

(As Amended by Ord. #2014-05)

406.06 PERMITS REQUIRED - If a sign requiring a permit under the provision of this ordinance is to be replaced, constructed, erected, or modified on a lot, the owner of the lot or his/her representative shall secure a sign permit prior to construction, placement, erection, or modification of such a sign. Furthermore, the property owner or lessee shall maintain in force, at all times a sign permit for such sign.

Signs shall be permitted in the appropriate zoning districts as set forth in Table 2.

406.07 PROHIBITED SIGNS:

a. All signs which are not specifically permitted within this ordinance.
b. Portable, folding and similar movable signs shall not be permitted, except as a temporary sign.
c. Signs that are structurally unsafe, as determined by the Uniform Building Code.
d. Signs which would interfere with sight distance at any driveway along any public road way or road intersection as determined by the Harrison County Engineer.
e. Signs, which by reason of size, location, content, coloring or illumination violate county or state highway standards.
f. Signs bearing words, phrases, symbols, colors or characteristics, which may mislead, interfere with, or confuse traffic.
g. Signs erected on or attached to any sidewalk, street, or highway right-of-way, curb, curbstone, hydrant, lamppost, tree, barricade, temporary walkway, telephone, telegraph or electric light pole, other utility pole, public or partition fence, or on a fixture of the fire alarm or police system except public information signs or utility identification signs.
h. Signs, not in an approved PUD District ordinance or modification thereto, which involve revolving, flashing or rotating beams of light including animated signs.
i. Permanent signs on undeveloped property.
j. Signs that change wording either electronically or mechanically, excluding however message boards that (1) display a static message (does not scroll, alternate, or require more than 100% of the message board to depict) using LED technology, (2) does not exceed 25% of the sign face, and (3) changes message no more than once during a 24 hour period (numeric characters may change only for the purposes to maintain the accuracy of the static message being displayed such as time/temperature).
k. Signs which bear or contain statements, words, or depictions of an obscene,

pornographic, or immoral character, or which contain subject matter which is untruthful or will offend public morals or decency.

l. Signs displayed on parked vehicles or trailers. Licensed and operable motor vehicles with the primary purpose and regular use for cartage of goods supplies or people are exempt.

(As Amended by Ord. #2009-15)

406.08 EXEMPT SIGNS

a. All signs which are not specifically permitted within this ordinance.

b. Traffic control signs on private property, such as Stop, Yield and similar signs, the face of which must meet the Harrison County Highway Department standards and which contain no commercial message.

c. Legal notices and identification, informational or directional signs erected or required by governmental bodies.

d. Temporary signs which do not exceed 6 square feet in area.

e. One sign that meets the definition of a banner on any parcel and which shall be permitted in addition to the maximum allowable signs specified in Table 2.

f. Signs painted on the wall or roof (not both) of an accessory structure on a farm (see Section 406.03(h)) which is zoned A-R.

g. Window signs not legible from a public street.

h. One illuminated/unilluminated sign not more than 3 sq. ft. in area per business capable of only displaying the word “OPEN”. Such sign may not exceed 3 sq. ft. in area, or involve any flashing, scrolling, or movement.

(As Amended by Ord. #2014-05)

406.085 **Exceptions to Table 2**.(non-residential districts only)- The maximum size and height specified for freestanding signs in Table 2 may be increased for a particular location as follows:

1. Where non-conforming signs exist adjacent to the same public street as a proposed freestanding sign, the size and height permitted for the proposed sign shall be determined by averaging the size and height of all freestanding signs along such street within 1320 feet in each direction measured from the base of the proposed sign.

2. Center identifications signs, official governmental signs, signs exempt from regulation, outdoor advertising structures licensed by the Indiana Department of Transportation, signs in excess of fifty(50’) feet in height and illegal signs shall not be included as part of the average.

(As Amended by Ord. #2014-05)

406.09 Nonconforming Signs and Signs Without Permits

Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this ordinance or for which there is no current and valid sign permit shall be obligated to remove such sign. For any sign existing in the county on the effective date of this ordinance, an application for a sign permit must be submitted within six months. Applications for permits for existing signs shall be exempt from all permit fees provided applications are received within the specified time period. Existing/nonconforming signs that are subject of applications received after the applicable date set forth in this section shall not be eligible for a nonconforming sign permit described in Section 406.12 unless indisputable evidence verifying that the sign was in place before July 6, 2004 is submitted and approved by the Administrator or designee. Any lot on which a nonconforming signs exists shall be ineligible for new or additional signage provided total allowable signage be exceeded.

(As Amended by Ord. #2014-05)

406.095 **Fringe area**: Non-conforming signs- On the date that these requirements take effect on property located within two miles of the Town of Corydon all signs which exist that were erected or installed in conformance with the regulations administered by the Town of Corydon shall be granted non-conforming status under these requirements. All such non-conforming signs shall receive the same benefit described under section 406.09.

Within thirty days of these requirements becoming effective the Plan Commission office shall compile a photographic record of each sign in the area which will serve as the official record of non-conforming signs eligible for consideration for protection under Section 406.09. Property

owners may also complete and file an application for a non-conforming sign permit should they wish to insure that an existing sign is accurately recorded.(Ord.2012-19)

406.10 ADMINISTRATION

No sign, permanent or temporary shall be erected or altered except in accordance with the provisions as set forth in this section.

a. Unless specifically identified in section (b) below or Table 2 the owner or tenant of a lot on which a sign will be placed, constructed, erected, or modified shall secure a sign permit prior any work being performed.

b. The following signs shall not require permits:

1. Ordinary maintenance and repair to existing conforming signs, provided that such work does not affect the structure to a degree greater than fifty (50) per cent of the current replacement cost, exclusive of the structural support of the sign.
2. Change of copy on signs listing current or future programs and events taking place on the premises.
3. Seasonal decorations, and displays, provided they conform to the provisions of this chapter.
4. Residential signs provided they conform to the provisions of this chapter.
5. Street signs required by a governmental agency for the purpose of street identification.
6. Rotations, repainting and posting of copy on signs for which a sign permit was issued provided there is no change in the size or shape of the sign.
7. Development signs provided they conform to the provisions of this chapter.
8. Banners provided they conform to the provisions of this chapter.
9. Incidental signs provided they conform to the provisions of this chapter.
10. Exempt signs.

406.11 APPLICATION FOR SIGN PERMIT- Application for sign permits shall be made through the Administrator and shall include a site plan that includes the following information:

a. Location of the building, structure of land to or on which the sign is to be erected.

b. The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.

c. The dimensions of the sign's structural members.

d. The proposed location of the sign in relation to the face of the building or the lot lines of the property, on which it is to be located, whichever is applicable.

e. The owner of the sign shall agree to maintain the sign by repainting peeled surfaces and replacing inoperative components. Should he fail to maintain the sign as outlined above within a reasonable time, the County shall cause the sign to be removed at the owner's expense after having given the owner of the sign thirty (30) days' written notice to do so.

f. Other such applicable information as the Administrator may require to insure compliance with the provisions of this chapter.

g. A sign permit fee, in accordance with the fee schedule in effect at the time of application shall be paid prior to issuance of a permit.

(As Amended by Ord. #2014-05)

406.12 PROCEDURE-The administrator or designee shall review an application for a sign permit for compliance with this chapter and issue such permit or reject such application within five (5) working days of its receipt.

a. A sign permit shall be valid prior to actual placement of the sign for a period not exceeding six (6) months, provided, however, that when a sign permit is issued in connection with a building permit for the site on which the sign is to be located, the sign permit shall run concurrent with the building permit. A sign permit may be renewed only once, for a period of three additional months, provided the proposed sign conforms to the requirements of this ordinance in effect at the time of renewal, after which time the permit shall be null and void

if construction of the sign has not been completed and final inspection made.

b. Nonconforming sign permit- A sign that would be permitted under this ordinance only with a sign permit, but which was in existence on the effective date of this section, which by reason of its size, height, design, or construction is not in conformance with the requirements of this ordinance, shall be issued a Nonconforming Sign Permit if an application in accordance with Section 405.9 of this ordinance is timely filed. Any such application shall include a recent photo of both sides of the sign and supporting structure.

Such permit shall allow the sign(s) subject to such permit, to remain in place and be maintained provided that no action is taken which increases the degree or extent of the nonconformity and there is no change in the size, shape or height of the sign.

The Administrator shall issue a sign permit for nonconforming signs at no charge.

c. State Permitted Outdoor Advertising Structures- Any sign for which a permit was issued by the Indiana Department of Transportation on or before November 19, 2012 may be erected, maintained, repaired, replaced and/or upgraded in accordance with applicable regulations administered by the Indiana Department of Transportation. Any outdoor advertising structure permit issued by the State of Indiana Department of Transportation after this date for a location at which no sign was previously located shall comply with the applicable regulations of this ordinance.

(As Amended by Ord. #2014-05)

Article 5. SPECIAL EXCEPTION USES AND PROCEDURE AND REQUIREMENTS

500.00 Uses Permitted -Certain land uses, construction and operations are specified as Special Exceptions (on appeals only) in Table la. The Special Exceptions listed in Table 1 a and their accessory buildings and uses, may be allowed or prohibited by the Board of Zoning Appeals in the districts indicated in accordance with the procedure set forth in Section 501.0.

501.00 Procedure-Upon receipt of an application for a Special Exception by the property owner, the Administrator shall refer such application to the Planning Commission for review, and comment. The Plan Commission may forward a recommendation regarding approval or denial of the request and/or recommend conditions that are deemed appropriate to insure the use will be consistent with the Comprehensive Plan. The Commission shall report its recommendations on the proposal to the Board and, the Board may, after public notice and hearing according to the law, grant or deny the permit, including the imposition of conditions, restrictions and requirements on the use, which the Board deems essential to insure that the Special Exception is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of the neighboring property, and will not adversely affect the public, health, safety, morals and welfare.

502.00 Standards for review-In considering a request for a Special Exception, imposing conditions, restrictions and requirements, and approval/denial, the Board shall consider in addition to any other pertinent factors:

a. The recommendations of the Plan Commission.
b. The avoidance of congestion and provision for traffic and other transportation.
c. The insurance from and provision for safety from any hazards associated with the proposal.
d. The avoidance of adverse effects to neighboring property greater than that which may be associated with uses that are permitted by right in the district in which the property is located.
e. The compatibility of the use with the existing uses in the vicinity.
f. The availability and coordination of water, sanitary sewers, storm drainage, and other

utilities.

g. Evidence that the proposed use will create conditions favorable to ., health, safety, convenience and" the harmonious development of the community, without any adverse effects to adjoining property or public facilities that are possible in the area.

h. The impact of proposed signage and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with properties in the area.

503.00 Site Plans-A site plan shall be included in the application for the special exception containing the information outlined in section 801.01b of this ordinance.

504.00 Time limits: Violations;- Approval of all special exceptions shall be valid for one year unless specified otherwise by the Board. In the event the approved use of the property is not established within this period, the board's approval shall be null and void. Once an approved use has been established, it may continue indefinitely, provided all activities are conducted in compliance with the approval by the board. In the event an approved use is conducted in such a manner that is not consistent with the Boards approval such violations shall subject the owner of the site to the same penalties and/or enforcement actions, which, are applicable to any violation of this Zoning Ordinance. Also should non-compliance continue for 365 days the special exception shall become null and void. For the purposes of this section the 365 days shall begin on the first day the Administrator posts notice of the violation on the property and one day shall be subtracted from the total for each day the violation exists until the Administrator determines the site has been brought into compliance or the special exception becomes void. It shall be the proprietor's responsibility to request re-inspection of the site once compliance is achieved. Also in the event non-compliance reoccurs in the future, subtraction of days from the balance shall resume until the special exception shall become void or compliance achieved whichever comes first. Special exceptions that become void due to noncompliance shall immediately cease operation.

505.00 Discontinuance of approved use- Approval of a Special exception shall become null and void in the event an approved use is discontinued for a period, which exceeds 365 consecutive days.

506.00 Notice of Conditional use- Within thirty (30) days after approval of a special exception the Administrator shall prepare a "Notice of Conditional use" which shall be filed with the Harrison County Recorder as a supplement to the deed for the property. Said notice shall specify the type of use approved for the subject property and any conditions/restrictions applicable thereto.

507.00 Reconsideration of application; denial- In the event a special exception is denied, the Board of Zoning Appeals may consider no application for a special exception for the same or similar use until 365 days have lapsed from the date the denial occurs.

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ARTICLE 6 PLANNED UNIT DEVELOPMENT

600.00 PURPOSE

600.01 Planned Unit Development ("PUD") shall be permitted only in areas designated as PUD Districts by adoption of a PUD District Ordinance by the Board of Commissioners of Harrison County ("Commissioners") in the same manner as a zone map change that is initiated under I.C. 36-7-4-602 (c)(1)(B).

600.02 The purpose of establishing a PUD District is to encourage improved land development and building site design, to encourage and allow a variety of uses, building types and arrangements, and to allow development of land areas so planned, located or situated as to merit and justify consideration as a PUD District.

600.03 A PUD District shall be subject to all requirements of I.C. 36-7-4 1500 series. The terms "Development Requirement", "Planned Unit Development District" and "PUD District Ordinance" shall have the same meaning in this Ordinance as defined in I.C. 36-7-4-1501, 1502 and 1503.

601.00 PRELIMINARY DEVELOPMENT PLAN

601.01 An applicant for a PUD District shall first consult the Administrator of the Harrison County Plan Commission (Administrator"), and submit two (2) copies of a proposed development plan ("Development Plan") for all of the land to be included in the PUD District. The Development Plan shall contain, at a minimum, the following items for review:

a. The proposed layout, in relationship to site conditions, streets, buildings, lots and other elements basic to the proposed use.
b. The proposed location of residential, commercial, industrial, parking, school, recreational, and other public facilities to be developed as well as existing adjacent land uses.
c. The proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply and other site development features.
d. The Development Plan shall be superimposed upon a print of a topographic survey of the area proposed to be developed, with contour lines a maximum of 10 feet apart, and may include other graphic media for explaining the features to be contained in the development.

601.02 The Development Plan shall also consist of and include the following items:

a. A detailed site plan as outlined in Section 801.01 (b) of this Ordinance.
b. The legal description of the property to be included.
c. Any written commitment which the owner of the real estate included in the proposed PUD District would be willing to execute. Such written commitment shall contain a provision which describes the specially affected persons and class of specially affected persons who may enforce a written commitment.

602.00 PROCEDURES

602.01 In addition to the requirements contained in this Article 6 and the requirements contained in the PUD District Ordinance, the proposed development in a PUD District must also comply with the other requirements of this Ordinance.

602.02 Upon conclusion of the consultation prescribed by section 601.01, the Administrator shall note in writing on the Development Plan his unofficial agreement or disagreement with the Development Plan. If the Administrator's disagreement is noted, a statement of the administrator's reasons for disagreement shall be attached to the Development Plan. One copy of the Development Plan shall be kept by the Administrator and one copy shall be returned to the Developer.

602.03 Upon the return of the Development Plan, the applicant for a PUD District may then submit a PUD District application to the Harrison County Plan Commission ("Plan Commission"). The application shall comply with Section 605.2, and be submitted with 10 copies of the Development Plan which shall include a detailed site plan as required under Section 801.01 (b) of this Ordinance, proposed written commitments, if any, a statement indicating financial responsibility sufficient in light of the proposed public improvements shown on the development plan, and all of the supporting documents which may reasonably be required, from time to time, by the Plan Commission.

602.04 In considering the Development Plan and the formation of the PUD District Ordinance, the Plan Commission shall pay due regard to the requirements of I.C. 36-7-4-603. The Commission shall also carefully consider the Development Plan and the recommendations of the Administrator.

602.05 The Plan Commission shall then provide notice and conduct a public hearing pursuant to the terms of I.C. 36-7-4-604. After the public hearing, the Plan Commission shall certify the application and Development Plan to the Commissioners with a favorable recommendation, and unfavorable recommendation or no recommendation. A copy of the Development Plan shall be retained by the Plan Commission office, one copy shall be forwarded to the Commissioners, and one copy furnished to the applicant. if a favorable recommendation was given by the Plan Commission, the Development Plans so delivered shall be stamped "Conditionally Approved Development Plan" and be signed by the officers of the Plan Commission.

602.06 The Plan Commission's recommendations shall be recorded in the minutes of the Plan Commission meeting, together with a finding as to whether the proposed development is consistent with the spirit and intent of the Comprehensive Plan of Harrison County. The Plan Commission's recommendation shall also state:

a. Whether the Development Plan states all development requirements in detailed terms, whether the development requirements as stated are acceptable to the Plan Commission and whether the PUD District Ordinance should be eligible for final approval; or

b. Whether the Development Plan states the development requirements in general terms and secondary review and approval should be required. In the event the Plan Commission recommends secondary review, the recommendation also (I) may specify the general development requirements for which additional detail must be provided, (ii) may state limits or parameters, if any, for the satisfaction of any or all of the general development requirements, and (iii) shall specify any plan documentation or supporting information that must be supplied in connection with secondary review.

The minutes and the recommendations included in them shall be filed with the Commissioners. Within ten (10) business days after the Plan Commission determines its recommendation, the Plan Commission shall certify its proposal to the Commissioners pursuant to I.C. 36-7-4-605 and 608.

602.07 Upon receipt of the certified proposal under Section 602.06 of this Ordinance, the Commissioners body shall vote on the proposal within ninety days. The Commissioners shall approve, deny or amend the proposal pursuant to I.C. 36-7-4-608 and shall not be bound by the Plan Commission's recommendations.

602.08 Any final approval of a PUD District Ordinance by the Commissioners must express either in general or in detailed terms the Development Requirements that apply to the PUD District. If the Commissioners find that the Development Requirements are expressed in detailed terms and adopt the PUD District Ordinance on such basis, there shall be no Secondary Review and no authority delegated under Section 603 of this ordinance. The Development Requirements which must be addressed by the commissioners are those listed in I.C. 36-7-4-1403. It shall be

sufficient for the Commissioners to note that a Development Requirement for a PUD is as shown on the approved Development Plan. The Commissioners' approval of a PUD District Ordinance must also specify any plan documentation or supporting information that must be supplied to the Administrator either before an improvement location permit may be issued for development of real property in the PUD District, or with an application for secondary review pursuant to Section 603.00.

603.00 SECONDARY REVIEW

603.01 If the PUD District Ordinance adopted by the Commissioners expresses in general terms the Development Requirements, this Section 603.01 and the requirements of 603.2 shall apply. The PUD District Ordinance may express criteria in general terms for the Development Requirements specified in 605.04.

603.02 If the Commissioners choose to approve the expression of the Development Requirements in general terms for the PUD District, the secondary review requirements contained in this Section 603.02 shall apply. The Commissioners shall determine whether to retain Secondary Review or delegate it pursuant to the terms of Section 603.02. If the Commissioners choose to delegate Secondary Review, it shall be delegated to the Plan Commission and conducted as follows:

a. Secondary Review shall commence with the submission of plan documentation and supporting information to the Plan Commission by the owners of at least 50% of the real estate in the PUD District. The plan documentation and supporting information shall comply with the requirements of this Ordinance, the PUD District Ordinance, or rules adopted by the Plan Commission pursuant to I.C.36-7-4-1511(j). The Plan documentation and supporting information must be sufficient to allow the Plan Commission to ensure that the applicable Development Requirements expressed in general terms are satisfied, and that the applicable requirements in this Ordinance are satisfied.

b. Within 30 days of receipt of all required plan documentation and supporting information, the Plan Commission shall schedule the secondary review for public hearing and give notice in accordance with I.C.36-7-4-604 (b). When conducting its secondary review, the Plan Commission shall consider the general Development Requirements contained in the PUD District Ordinance. If the applicable Development Requirements and the applicable provisions of this Ordinance have been satisfied the Plan Commission shall grant secondary approval of the PUD District Ordinance. The Plan Commission's approval shall be in writing, and shall include the following:

1. Any Development Requirements, which shall be expressed in detailed terms, in addition to those adopted by the Commissioners, and

2. A detailed list of any plan documentation or supporting information which must be supplied before an Improvement Location Permit may be issued for any development of real property in the PUD District.

c. Any decision made by the Plan Commission pursuant to this Section 603.00 or pursuant to Section 604.02 shall be appealable to the Commissioners. Such appeal must be brought within thirty (30) days of the Plan Commission's final decision by providing written notice of such appeal to the Plan Commission. Such notice shall contain the specific basis for the appeal. Those persons entitled to an appeal shall be the Applicant or landowners contained in the area to be covered by the PUD District Ordinance or an interested property owner located adjacent to such area. Upon receipt of the notice of appeal, the Commissioners shall then schedule the appeal for its next regularly scheduled public meeting at which it will conduct a public hearing regarding the appeal. Notice of the appeal shall be given in the same manner, as the notice required pursuant to I.C.5-3-1. After the public hearing is concluded, the Commissioners shall make a final determination regarding the appeal, which decision shall be final.

603.03 Pursuant to I.C.36-7-4-1509 (d), if the applicable Development Requirements are expressed in

general terms and the applicable requirements in this ordinance are satisfied, the secondary approval and other necessary permits shall be granted.

604.00 MODIFICATIONS/AMENDMENTS

604.01 A PUD District Ordinance may be modified, including the permitted uses or Development Requirements contained in the PUD District Ordinance, by application filed by the property owners of at least 50% of the land which comprises the PUD District. The application shall be accompanied by supporting documents sufficient to accurately depict the portion of the original PUD District Ordinance, which the applicant desires to modify.

604.02 Within 30 days of receipt of the application to modify the PUD District Ordinance, the Plan Commission shall provide notice and conduct a public hearing regarding the proposed modifications or amendments pursuant tot he procedures contained in I.C.36-7-4-604 for notice and public hearing. The decision of the Plan Commission regarding any modifications or amendments of a PUD District Ordinance shall be appealable to the Commissioners pursuant to the same procedure for Secondary Review in Section 603.00 of this Ordinance.

604.03 Pursuant to I.C.36-7-4-1511 (i), the Commissioners shall, upon request of the applicant, state in the PUD District Ordinance that certain modifications or amendments are minor and may be made without a public hearing.

605.00 LIMITATIONS ON PUD DISTRICTS

605.01 The PUD District may contain residential, commercial, industrial, professional or Special Exceptions as an integral part of the PUD District. No more than fifty (50%) of the land area within a PUD District may consist of residential uses unless the residential portion of the district has an average density no greater than one dwelling per five acres gross land area. The PUD District Ordinance adopted by the Commissioners shall specify the uses or range of uses permitted in the PUD District. All special exceptions shall require approval of the Board of Zoning Appeals pursuant to this Ordinance and applicable state statute, unless such special use is expressly permitted in the PUD District Ordinance.

605.02 The land involved in an application under this Article 6 for a PUD District must be either in one ownership or the subject of an application filed by the property owners who own at least 50% of the land involved in the application.

605.03 In approving a PUD District Ordinance, the Plan Commission and the Commissioners shall consider the intent and principles of the Comprehensive Plan, the compatibility of the development with the surrounding land uses, the availability and coordination of water, sanitary sewers, storm drainage, and other utilities, the management of traffic in a manner that creates conditions favorable to health, safety, convenience and the harmonious development of the community, and any adverse effects to the property of public facilities in the area.

605.04 The Development Plan submitted with an application for a PUD District must be designed in accordance with accepted engineering practice, and must specify the location and/or character of the following Development Requirements:

a. Existing and proposed primary structures and accessory structures, including the nature and intensity of uses.
b. Utilities, including but not limited to, water, sanitary sewers and storm water drainage.
c. Signage.
d. Setback lines for buildings, signs or other structures.
e. Building coverage.
f. Building separation.
g. Vehicle and pedestrian circulation, including the condition, size and location of private and

public roads and thoroughfares.

h. Parking.
i. Landscaping.
j. Height, scale, materials, and style of improvements.
k. Recreation space, if any, and outdoor lighting.
l. Other information considered appropriate by the Plan Commission or Commissioners in accordance with I.C.36-7-4-1508.

605.05 When adopting or amending a PUD District Ordinance, the Commissioners may impose reasonable conditions which may include any of the following:

a. A financial guarantee that satisfactory maintenance will be provided for any common facilities and that the facilities will be operated and maintained at no expense to Harrison County or any other governmental unit.
b. The furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of proposed public improvements.
c. Allowing or requiring an owner of real property in the PUD District to make a written commitment in a manner authorized under I.C. 36-7-4-615.

606.00 ISSUANCE OF IMPROVEMENT LOCATION PERMIT

606.01 No Improvement Location Permit or Certificate of Occupancy may be issued unless all requirements, conditions and specifications required by the PUD District Ordinance and this Article 6 have been met. In order to obtain an Improvement Location Permit for any portion of the real estate included in the PUD District, the owner of such real estate, which may be less than all of the real estate included in the PUD District, shall submit to the Administrator the plan documentation and supporting information required by this Ordinance, the PUD District Ordinance, and, if applicable, the Plan Commission or Commissioners as a result of secondary review of the PUD District Ordinance.

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ARTICLE 6.5 PLANNED EMPLOYMENT CENTER DISTRICT (PEC)

650.00 Intent of the Planned Employment Center District

650.01 To provide sufficient space in an appropriately located, attractive, landscaped planned Center Park.

650.02 To insure compatibility between a variety of industrial, professional office and commercial uses within a well planned center.

650.03 To provide opportunities for employment and services for the community's residents and reduce commuting times.

650.04 To protect future economic development opportunities from incompatible land uses.

651.00 Permitted Uses, Special Exceptions, and Exemptions

651.01 Permitted Uses-The following uses shall be permitted by right:

- **a.** All uses in the B-4 Zoning Classification District,
- **b.** All uses in the 1-1b Zoning Classification District-All operations, including storage must be confined within a building,
- **c.** Governmentally owned and operated buildings or uses,
- **d.** Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel,
- **e.** Automobile service stations with no more than 2 bays and with services no more than a commercial establishment supplying motor fuel or lubricating oil or conducting minor repair and routine maintenance of automobiles including tune-ups, oil-changes, tire replacement and puncture repair, brake repair, brake drum turning provided that no more than two brake lathes are present on-site, muffler repair, car wash and similar operations,
- **f.** Automobile parking areas, public or private,
- **g.** Hotels and Motels, and
- **h.** Expansion of non-conforming residences including new accessory structures provided all facade requirements are satisfied.

651.02 Special Exceptions- Certain uses may be permitted in this district upon the granting special exception permit by the Board of Zoning Appeals. Among these uses are:

- **a.** Airports, heliports,
- **b.** Hospitals and institutions,
- **c.** Temporary Mobile Home on property developed for residential purposes, *and*
- **d.** Home occupations within residences existing at the time of classification under the PEC District provided, no more than 25% of the dwelling is used for the business and the use is conducted solely within the dwelling.

651.03 Prohibited uses- **the following uses are specifically prohibited in addition to all uses not specifically permitted**:

- **a.** Partial conversion of nonconforming residences other than permitted home occupations,
- **b.** Additions to temporary mobile homes,
- **c.** mini- warehouse storage,
- **d.** convenience stores, and
- **e.** all residential uses.

651.04 Exemptions for single family dwelling and temporary mobile homes- In order to address existing vacant lots which may exist within an area that is placed within this district for which no

specific development plans have been made, the establishment of a single family residence and associated accessory buildings shall be permitted as follows:

a. Any vacant conforming tract of record existing at the time of reclassification under this district shall be eligible for use and development for a single-family residence provided all minimum yard and facade requirements are observed,
b. Temporary mobile homes permitted, as a special exception shall be exempt from the development plan, landscaping, parking and facade requirements of the district,
c. Development permitted under this section shall be exempt from the development plan, landscaping and parking requirements of the district however no structures may be located within an area in which landscaping would be required should the property be converted to non-residential use,
d. In the event a tract eligible for this exemption is divided after classification under this district the exemption shall apply to the first part of the original tract in which an improvement location permit application is submitted for a dwelling. Once an exemption has been used the remaining area of the original tract may only be developed in compliance with all requirements of the District, and
e. Residences, excluding singlewide manufactured homes, existing at the time of classification under the PEC District may be expanded up to 50% in square footage using the same building materials as the original structure. Any expansion in excess of 50% must comply with Section 652.11 Building Facade.

652.00 Property Development Regulations

652.01 Minimum Lot and Dimension

a. Area 1 Acre
b. Width, at the front line or building limit line 100 feet
c. Minimum District Area
  1. Minimum District size 50 acres
  2. Minimum District addition adjoining a PEC District: 2 acre except for expansion of an existing occupant, which expansion of the PEC District area shall have no required minimum size.

652.02 Minimum Yard Requirements

a. Front Yard 35 feet- But not less than 100 feet from the right-of-way of an existing or planned Expressway or 50 feet from the street right-of-way line or proposed street right-of-way line of a major or minor arterial level street.
b. Side Yard 15 feet- But not less than 25 feet when a PEC District abuts a residential district or 100 feet from a right-of-way line of an existing or planned expressway.
c. Street Side Yard same as front yard
d. Rear Yard same as side yard

Corner lots and double frontage lots shall observe a street side yard setback equal to the minimum front yard setback of 35 feet.

652.03 Permissible Encroachments into Required Yards

a. Sidewalks leading from parking areas may encroach into a ten- (10) foot portion of the required front yard farthest from the public right-of-way line. Such encroachment is for the sole purpose of providing pedestrian access from parking areas to a building's doorways.
b. Any driveway entrance originating on the public street may encroach in the required front yard for the purpose of providing vehicular access from the public right-of-way to the lot. Such driveway entrance shall not include turnarounds, parking lanes, or parking areas.

652.04 Maximum Building Height -Two times the width of the street right-of-way adjacent to the front yard. Additional height may be added provided that yards are increased 1 foot for every 4

additional feet in building height. When abutting residential districts all yard requirements shall be increased 1 foot for each story over 3 stories or 45 feet.

652.05 Maximum Density or FAR

a. Floor Area Ratio 1.0

b. Structural Density: Not more than 60% of the lot may be covered by structures, including main building, accessory buildings and/or structures.

652.06 Parking area standards- Location and design of parking and loading:

a. Front yard and street side yards: No loading, parking or maneuvering areas are permitted in any required front yard or street side yard, nor in any required yard abutting a residential district or an existing or planned expressway.

b. No parking or loading permitted within the 15-foot landscape strip along the side and rear property line.

c. All employee and visitor parking are restricted to the premises.

d. All parking surfaces, including driveway entrances and any approved outside storage areas, shall be paved with a bituminous asphalt or concrete material.

e. Parking surfaces shall be installed within 90 days of the completion of the building construction or prior to building occupancy. Parking surfaces shall be continuously maintained in a state of good condition and repair.

f. All loading areas, including overhead doors, shall be oriented towards the side or rear property line. Loading areas oriented toward the front property line are prohibited. Loading docks are not permitted in the front or street side yards unless the Plan Commission finds that the dock(s) will comply with the spirit and intent of these lot development standards, and is designed with proper screening, buffering arid setbacks. No development plan may be approved until the County Engineer has approved the proposed loading area design.

g. All parking areas shall be landscaped in accordance with applicable regulations. Parking areas shall provide interior landscape areas of at least 5% of the total parking/vehicle use area square footage. One tree for every 250 square feet shall be provided in the interior parking area.

652.07 Street access

a. Vehicular access to a PEC District or any lots therein shall be permitted only from a major or minor arterial, from/or through another industrial or commercial district, or from a street located entirely within the PEC district. No access shall be permitted to or from a residential street.

b. All public or private streets in the PEC District shall meet minimum County standards in regard to pavement and right- of -way width.

652.08 Exterior Lighting -All exterior site lighting shall not be more than 0.5-foot candle at the property line. No light source shall be visible at the property line. Exterior site lighting shall be located outside of the required side or rear yards adjoining residentially zoned areas and lighting shall be directed away from such adjoining residential areas and shall not be no more than 0.5 foot candle at the property line.

652.09 Landscaping

a. **Front Yard/street side yard** - The required 35-foot yard shall be landscaped with a continuous cover of grass or other type of ground cover. At a minimum, one (1) tree per every 40 feet of lot width shall be required and such trees shall have a minimum 2" caliper at the time of planting. Trees may be equally spaced or planted in-groups. All parking areas, maneuvering areas must provide a 3-foot tall continuous hedge, wall, fence or berm or a decrease of 3 foot in elevation from the adjoining property or street. Loading and unloading areas shall provide screening from street or adjacent properties in the form of a continuous hedge or evergreen screening to a height which prohibits viewing of loading docks and vehicles from adjoining properties.

b. **Side Yard-** The required 15-foot side yard shall be landscaped with a continuous cover of

grass or other type of ground cover. Trees, minimum of 2 inch caliper, shall be placed in all side and rear yards in numbers equal to 1 tree/ 75 lineal feet of boundary. Trees do not have to be equally spaced, but may be grouped for aesthetic appearance provided spacing does not inhibit the natural growth rate of the trees utilized. All side and rear yards shall provide a 15-foot landscape strip that must be continuously maintained in a state of good condition and repair and be free of buildings and structures.

c. Yards Adjoining Residentially Zoned Areas- Side or rear yards adjoining residentially zoned properties shall be landscaped with a combination of earthen berms and evergreen tree plantings. Such earthen berms shall be a minimum of four (4) feet in height with evergreen tree plantings equally spaced at minimum every eight- (8) feet on top of the earthen berm. The required earthen berm shall be landscaped with a continuous cover of grass or other type of ground cover and the required evergreen trees shall have a minimum 2" caliper at the time of planting. White pine trees are not an allowable evergreen tree type. Property zoned Agricultural/Residential shall not be considered residentially zoned unless the adjoining property is developed for residential use and is less than 10 acres in size.

d. A 100 foot landscaped strip must be maintained along expressways and shall meet the same requirements as front and street side yard requirements.

e. Landscaping Completion & Maintenance- Landscaping shall be installed within 90 days of the completion of the building's construction. Landscaping shall be continuously maintained in a state of good condition and repair.

652.10 Signage - Freestanding signs shall be designed and installed as a monument style sign. There shall be only one (1) sign per street frontage per lot. For lots that have double street frontage or more than 400 feet of lineal frontage on a right-of-way then there shall be a total of no more than two (2) freestanding signs per lot. Developments that have more than one use on the lot may be allowed a larger sign as a center identification sign. Approval of a center identification sign is required during development plan review.

a. Free Standing Sign Minimum Setbacks

1. Front Yard/Street Side Yard 20 feet
2. Side Yard 15 feet

A freestanding sign cannot obstruct the view of vehicular traffic at street intersections or driveway entrances. Freestanding signs shall not encroach into any determined clear sight triangle. No part of a freestanding sign shall encroach upon or over a required yard.

b. Center Identification signs. The Plan Commission shall have complete discretion regarding the size, height, location and approval or denial of a center identification sign.

c. Free Standing Sign Size

1. Maximum Sign height 6 feet
2. Maximum Sign Area 60 square feet per side (120 Square feet total)

Sign height shall be measured from at grade level and total sign height shall include any raised landscaped bed or foundation the sign may rest upon.

d. Wall Mounted Signs -A wall-mounted sign may be installed per building facade facing a public right-of-way. Wall signs shall not extend above the roofline of the building facade in which they are located. An attached sign mounted parallel to the exterior walls of a building may project up to eighteen (18) inches from the surface to which it is mounted. An attached sign mounted to a slanted (inclined) exterior surface may be mounted in the vertical upright position as long as the sign does not project beyond eighteen (18) inches at the point of attachment. No such sign shall extend more than five (5) feet above the highest point of the exterior wall to which is attached. No such sign shall extend to a height greater twenty-five (25) feet above ground.

e. Prohibited Signs-The following types or style of signs shall be prohibited:

1. Electronic signs with changing advertisements or display faces,
2. Flashing Signs,
3. Mechanical signs with movement,
4. Portable signs,

5. Roof signs, and
6. An "outdoor advertising sign" commonly known as a "billboard" or an "off-premise sign".

f. **Exemptions-**The following signs shall also be permitted on any tract:
   1. One banner not to exceed 32 square feet in area attached flush to the primary structure.
   2. Up to three (3) flags -each flag may not to exceed three (3') feet by five (5') feet in size.

652.11 Building Facade

a. The first floor of any building oriented towards the front property line shall have a facade comprised of one or a series of the following materials:
   1. Textured Concrete Block
   2. Painted Scored Concrete Block
   3. Brick
   4. Tilt Up Concrete,or
   5. Stucco/Dryvit

c. The second floor of any building oriented towards the front property line shall have a facade comprised of the same material as the first floor or architectural metal.

d. Accessory or auxiliary buildings shall be constructed of architectural metal or the same material as the principal building.

652.12 Storm water runoff- Storm Water runoff from all development shall not exceed pre-development rates. Standards and Submittals are as follows:

a. Storm water runoff/detention plan shall be submitted which must show the location, size, capacity and material of all storm water facilities.

b. Calculations for projected runoff/detention shall be submitted and shall be based upon the following criteria:
   1. Pre-development runoff shall be calculated, assuming the, land use is meadow under fair cover.
   2. Post-development runoff shall be calculated using the planned land use for the area.
   3. Waters being outletted via karst systems:
      a. Shall have flood easements recorded protecting the basin whether it is onsite or offsite capable of storing the entire runoff entering the basin expected from a 100 year - 24 hour storm assuming an infiltration rate of zero, or
      b. Shall be detained so that post development runoff from a 100- year 24-hour storm is release at a rate equal to 50% of the predevelopment rate.

   4. Waters being outletted off-site shall detain a post development runoff of a 25-year 24-hour storm and release it at the pre-development rate of a 10-year 24-hour peak discharge.
   5. Any structure proposed to maintain runoff at the pre-development rate shall be capable of passing a 100-year -24-hour storm without over topping.

c. All Storm water runoff plans shall be submitted for review as part of the development plan and shall be approved by the Harrison County Engineer prior to issuance of any improvement location permit. The County Engineer shall have the authority to approve any and all modifications to an approved drainage plan.(Ord.2014-1)

653.00 Conversion or expansion of preexisting structures and/or uses

a. Prior to conversion or enlargement of any non residential structure and/or use, which existed at the time of classification of a site under this district a development plan must be submitted and approved which will upon completion bring the site into compliance to the extent possible without necessity of demolition or modification of the existing structure.

b. Prior to conversion of any residential structure to non-residential use a development plan

shall be submitted and approved which will upon completion bring the site into compliance to the extent possible without necessity of demolition of the existing structure.

c. Any expansion to a structure, regardless of age or standards in effect at the time of original construction, within the district shall comply with the standards in effect when application for development plan approval is made.

654.00 Development Plan - Approval of a development plan by the Plan Commission shall be required prior to the issuance of any improvement location permit for a lot in the PEC District unless the proposed improvements are exempt from this requirement. Development plan review shall follow the procedure described in Article 6 Section 601.00-602.05 with the Plan Commission having final approval authority. The filing fee for development plan review shall be the same as that required for a change of zone application.

655.00 Subdivision of tracts

a. The division of a tract by means other than the recording of a minor or major subdivision plat shall not be permitted.

b. All subdivision plats proposed shall include adequate information to prove that each parcel created will be in compliance with applicable district requirements.

c. All subdivision plats shall include dedication of rights- of-ways equal to that required for the classification of the existing roadway as indicated in the Harrison County Comprehensive Plan as well as all proposed rights-of way for which the proposed roadways centerline has been established.

d. All lot configurations shall be designed to the greatest extent possible so as to permit dedication of all rights- of way and construction of new proposed roadways without necessitating removal of any structure or required landscaping.

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Article 7. NONCONFORMING USE, SPECIFICATIONS

700.00 The lawful use of a building or premises, existing at the time of passage of this ordinance, may be continued although such use does not conform to all provisions of this ordinance, except as hereafter provided.

700.01 A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

700.02 A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted one.

700.03 No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with regulations of this ordinance.

700.04 The Board may authorize, by written permit, in a residentially-zoned district for a period of not more than one (1) year from the date of such permit, a temporary building for institutional, commercial or industrial use incidental to the residential construction and development of said district.

700.05 Nothing herein contained shall require any change in the plans, construction or designated use of a building for which an Improvement Location Permit has been heretofore issued, and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit, and which entire building shall be completed according to such plans filed within three (3) years from the date of passage of this ordinance.

700.06 In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

700.07 Any nonconforming open use of land shall be discontinued within five (5) years from the date of original adoption of this ordinance.

700.08 These provisions apply is the same manner to a use which may become a nonconforming use due to a later amendment to this ordinance.

Article 8. ADMINISTRATION

800.00 ADMINISTRATION - The Administrator is hereby designated and authorized to enforce this ordinance.

801.00 IMPROVEMENT LOCATION PERMITS

801.01 Any person, persons, firms or corporations which shall make application for an Improvement Location Permit shall, at the time of making such application furnish the Administrator with a plot plan, (in case of single-family or two-family buildings), or a detailed site plan (for all other uses) of the real estate upon which said application for an Improvement Location Permit is made. Such application shall be made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) day period may be waived by the Administrator. Said plot plan or detailed site plan**s** are described more completely as follows:

a. PLOT PLAN: provides basic information necessary to determine proposed construction will

be in compliance with applicable zoning regulations Plot plans are not required to be drawn to scale however must provide adequate information for the administrator to determine compliance. Such plans typically include the following items however the Administrator may at his/her discretion add additional items deemed necessary to determine compliance:

1. A copy of a recorded deed or recorded land contract describing the property involved.
2. Location and size of all buildings and structures including distances to property lines.
3. Location and length of all entrances and exits to and from said real estate.
4. All adjacent and adjoining roads and highways.

b. DETAILED SITE PLAN: The Site Plan shall be drawn to scale and shall indicate clearly and with full dimensions the following information:

1. Lot dimensions, where applicable,
2. All buildings and structures: location, elevations, size, height, proposed use,
3. Yards and distance between buildings,
4. Walls, fences and landscaping: location,
5. Off-street parking: location, number and size of spaces and dimensions of parking area, internal circulation pattern,
6. Access- pedestrian, vehicular, service: Points of ingress and egress, internal circulation.
7. Signs: location, dimensions, number of spaces, internal circulation,
8. Loading: location, dimensions, number of spaces, internal circulation,
9. Lighting: location, and general nature; hooding devices,
10. Common facilities and open spaces: location, and dimensions,
11. Public and private roads: location, dimensions, circulation,
12. Sewage and drainage: evidence of a satisfactory means of sewage disposal and surface drainage,
13. Fire hydrants: location (if provided).

c. SEWAGE DISPOSAL PERMIT - Prior to issuance of an Improvement Location Permit the applicant shall obtain a permit from the County Health Department and shall observe all requirements of that department concerning said permit.

d. DRIVEWAYS AND ENTRANCES - A road cut-in permit issued by either the state highway commission, county supervisor, or town shall be submitted upon application for an Improvement Location Permit.

801.02 No construction, alterations or additions of any kind may begin without an Improvement Location Permit issued by the Administrator.

801.03 Plans so furnished to the Administrator shall be filed by the Administrator and shall become a permanent record.

801.04 The Administrator may require the relocation of any proposed building, structure, exit, entrance, landscaping or buffering shown on said plan and/or the location of new exits, entrances, landscaping or buffering not shown on said plan before issuing an Improvement Location Permit when such action is necessary to carry out the purpose and intent of this ordinance.

801.05 The Administrator shall issue an Improvement Location Permit for a Special Exception Use only following receipt of notice from the Board that the application thereof has been approved by the Board.

801.06 If an application for an Improvement Location Permit relates to an institutional, commercial, or industrial use, it must be accompanied by a certificate of compliance, subscribed by a registered professional engineer of this state, stating that the use will meet the performance standards, as set forth in Section 403.00 of the district concerned or a construction release issued by the Indiana Department of Homeland Security Division of Fire and Building Safety.

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

802.00 CERTIFICATE OF OCCUPANCY:

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

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

802.03 A Certificate of Occupancy shall be applied for coincidentally with the application for any Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building shall have been completed.

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

803.00 BOARD OF ZONING APPEALS - A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with Chapter 174 of the Acts of Indiana General Assembly of 1947 and all acts now or hereafter amendatory thereto.

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

803.02 The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.

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

803.04 Any decision of the Administrator in enforcement of this ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.

803.05 The Board shall have the following powers and it shall be its duty to:

- **a.** Hear and determine appeals from and review any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.
- **b.** Approve or deny variances of use from the terms of the zoning ordinance.The board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:
  1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

3. The need for the variance arises from some condition peculiar to the property involved;
4. 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; and
5. The approval does not interfere substantially with the comprehensive plan;

c. Approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. A variance may be approved under this section only upon a determination in writing that:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in unnecessary hardship.

For the purposes of this section unnecessary hardship is defined as significant economic injury that:

a. Arises from the strict application of this ordinance to the conditions of a particular existing parcel of property;

b. Effectively deprives the parcel owner of all reasonable economic use of the parcel;

c. Is clearly more significant than compliance cost; and

d. Arises as a result of factors other than actions voluntarily made by the current or previous owner(s) of the property.

803.06 In the case of an application for a special exception or variance from the terms of the zoning ordinance, the board of zoning appeals may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel.
a. The board of zoning appeals may:
1. Adopt rules governing the creation, form, recording, modification, enforcement, and termination of commitments; and
2. Adopt rules designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

b. Commitments shall be recorded in the office of the county recorder and take effect upon the approval of the exception or variance. Unless modified or terminated by the board of zoning appeals, a commitment is binding on (1) the owner of the parcel, (2) all subsequent owners of the parcel and (3) a person who acquires an interest in the parcel.
c. A commitment may be modified or terminated only by a decision of the board made at a public hearing after notice as provided by rule.
d. By permitting or requiring commitments, a board of zoning appeals does not obligate itself to approve or deny any request.
e. Conditions imposed on the granting of an exception, a use, or a variance are not subject to the rules applicable to commitments.
f. This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

804.00 **<u>AMENDMENTS</u>** - All amendments to this ordinance shall be in conformance with Chapter 174 of the Acts of the Indiana General Assembly of 1947 as amended. When a zoning map amendment is requested the Plan Commission shall consider the request and after public hearing forward a favorable, unfavorable or no recommendation to the Board of County Commissioners. In the event an unfavorable or no recommendation is made the Commission shall have the authority to forward a favorable recommendation for a more restrictive zoning classification for the property involved which shall be considered by the Board of County Commissioners as a change of zone

initiated by the Plan Commission which cannot be withdrawn from consideration by the owner/applicant of the property.

805.00 FILING FEES - Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees herein specified.

805.01 For each application for an Improvement Location Permit, the fee to be paid to and collected by the administrator shall be determined by Section 9.1 of the Building Ordinance of Harrison County, IN.

805.02 For each petition for appeal from the decision of the administrator to the Board, a fee of twenty-five dollars ($25.00) - to be paid to and collected by the Administrator, the receipt for which shall accompany the petition. In the event the Administrators decision is reversed by the Board the applicant shall be entitled to a refund of the required filing fee.

805.03 For each application for a Special Exception, Variance, or Zone Map Amendment, a fee of seventy-five dollars ($75.00) - to be paid to and collected by the Administrator, the receipt for which shall accompany the application.

805.04 Unless otherwise specified, no part of any filing fee paid pursuant to this section shall be returnable to the applicant once the Administrator has incurred costs associated with the publication of an application described in Section 805.02 or 805.03 or performed any inspection associated with an application described in Section 805.01 of this Ordinance.

805.05 For each application for a sign permit (unless fee is specified as waived in Section 406.00) the fee paid shall include a base fee of fifteen ($15.00) dollars plus ten ($10.00) for each freestanding sign(new electric service for sign shall require a separate Improvement location permit in addition to a sign permit). Also the re-inspection fee for a sign found to be in violation of the permit issued shall be fifteen ($15.00) dollars which shall be paid prior to re-inspection.

806.00 <u>REMEDIES:</u>

806.01 The Commission, the Board, the Administrator, or any designated enforcement official, may bring an action in the circuit or superior court of the county to invoke any legal, equitable, or special remedy for the enforcement of this Ordinance

806.02 The Commission or the Board may also institute a suit for mandatory injunction directing any individual, a corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance.

806.03 VIOLATIONS- Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by State law.

a. Development Inconsistent With Permit- To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

b. Violation by Act or Omission- To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the Plan Commission or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

c. Use in Violation-To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Ordinance or any other regulation made under the authority conferred thereby.

d. Continuation<u>s</u> of a Violation-To continue any of the above violations is a separate and distinct offense. Also the re-occurrence of any violation within 2 years of imposition of a civil

penalty for the same violation shall be considered a continuation of the previous violation.

806.04 INSPECTIONS AND INVESTIGATIONS

a. **Inspections:** The Administrator or his agent shall have the right upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the Jurisdiction of the Harrison County Advisory Plan Commission at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement action.
b. **Investigations:** The Administrator shall have the power to conduct such investigations as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.
c. **Supporting Documentation:** The Administrator shall have the power to require written statements, certificates, certifications, or the filing of reports with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

806.05 ENFORCEMENT PROCEDURE- When the Administrator or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

a. **Notice of Violation-** If the owner or occupant of the land, building, structure, sign, or use in violation fails to take prompt corrective action, the Administrator shall give the owner or occupant written notice (by certified or registered mail to his last known address, by personal service, or by posting conspicuously on the property) of the following:
    1. That the land, building, structure, sign, or use is in violation of this ordinance;
    2. The nature of the violation, and citation of the Section(s) of the ordinance violated;
    3. The measures necessary to remedy the violation;
    4. The deadline for bringing the site into compliance; and
    5. The date and time of the meeting at which the Plan Commission will determine the type of remedy(s) that will be used to correct the violation in the event the deadline for compliance is not met.

b. **Appeal** - Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Administrator to the Board of Zoning Appeals within fourteen (14) days following the date of the Notice of Violation. The Board of Zoning Appeals shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal the decision of the Administrator shall be final.
c. **Notice of Decision**- The decision of the Board of Zoning Appeals may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested. In the event the aggrieved party is present at the meeting in which the Board of Zoning Appeals makes it decision no notice of decision shall be required.
d. **Failure to Comply with Order** -If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or a final decision by the Board of Zoning Appeals following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by State law or by Section 806.06 (Remedies). The specific remedy used for a particular violation shall be determined by a majority vote of the Plan Commission at a public meeting.
e. **Effect of Appeal** - An appeal of a Notice of Violation shall cause the following Remedies to be suspended until such time as the Board of Zoning Appeals has made a decision:
    1. Civil Penalties.
    2. Revocation of Permits or Certificates

    All other remedies shall remain in full force and effect until the violation is remedied or the Board of Zoning Appeals overturns the Administrators decision.

806.06 REMEDIES-Any or all of the following procedures may be used to enforce the provisions of this

Ordinance:

a. **Injunction-** Any violation of this Ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to State law.
b. **Civil Penalties-** Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty in the amounts specified in Section 806.07(d).
c. **Denial of Permit or Certificate-** The Administrator shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, sign, or use in which there is an uncorrected violation of a provision of this ordinance, or of a condition, or qualification of a permit, certificate, or other authorization previously granted.
d. **Conditional Permit or Temporary Certificate-** The Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a performance bond approved by appropriate governmental authority.
e. **Stop Work Orders -** Whenever a building, structure, sign, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with Ordinance 1989-12 Harrison County Building Ordinance.
f. **Revocation of Permits or Certificates-** The Administrator may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable State or local law may also be revoked.

806.07 CIVIL PENAL TIES -ASSESSMENTS AND PROCEDURES

a. **Responsible Parties-**The owner or occupant of any land, building, structure, sign, use of land, or part thereof, and any architect, builder, contractor, agent, or other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies provided herein.
b. **Notice-** No civil penalty shall be assessed until the person alleged to be in violation has been notified in accordance with Section 806.05(a)(Notice of Violation). If after receiving a notice of violation, the owner or other violator fails to take corrective action within fourteen (14) days after, notice was sent, served, or posted, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the same manner as of a Notice of Violation. The citation shall state the nature of the violation, shall state the civil penalty imposed upon the violator, and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the citation.
c. **Continuing Violation-** For each day a violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty. Also any violation, which recurs within two (2) years of a Notice of Violation for the same type of violation, shall be considered a continuation of the previous violation for the purposes of determining the civil penalty to be imposed.
d. **Penalties-** Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty in the amount of $25.00 for the first violation, $50.00 for the second violation, $150.00 for the third violation, and $300.00 for the fourth and each succeeding violation not to exceed a total of twenty five hundred dollars ($2,500) as authorized under IC 36-1-3-8.
e. **Demand for Payment-** The Administrator shall make written demand for payment upon the owner or the person in violation and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

f. Nonpayment- If payment is not received or equitable settlement reached within thirty- days (30) after demand for payment is made, the matter shall be referred to legal counsel to institute a civil action for recovery of the civil penalty.

807.00 INVALIDITY OF PORTIONS- Should any Section or provision of this ordinance by declared to be invalid, such decisions shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.

808.00 REPEALER - All prior ordinances that conflict with either the goals, objectives, policies or provisions of this Ordinance, are hereby expressly repealed, with the legislative intent that this ordinance shall contain all regulations pertaining to zoning, land use, and planning in this county.

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ARTICLE 9. ORDINANCE FOR FLOOD HAZARD AREAS FOR HARRISON COUNTY, INDIANA (Ord. 2014-19)

100.00. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

Section A. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the County Commissioners of Harrison County, Indiana does hereby adopt the following floodplain management regulations.

Section B. Findings of Fact.

(1) The flood hazard areas of unincorporated Harrison County and the Towns of Crandall, Elizabeth, Lanesville, Mauckport, New Amsterdam, and Palmyra are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

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

Section C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(6) Make federal flood insurance available for structures and their contents in unincorporated Harrison County and the Towns of Crandall, Elizabeth, Lanesville, Mauckport, New Amsterdam, and Palmyra by fulfilling the requirements of the National Flood Insurance Program.

Section D. Objectives.

The objectives of this ordinance are:

(1) To protect human life and health.

(2) To minimize expenditure of public money for costly flood control projects.

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) To minimize prolonged business interruptions.

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

200.00. Definitions.

Unless specifically defined below, words or phrases used in Article 9 shall be interpreted so as to give them the meaning they have in common usage and to give Article 9 its most reasonable application.

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

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

Accessory structure (appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and

roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Boundary River means the part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary River Floodway means the floodway of a boundary river.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate including but not limited to:

(1) construction, reconstruction, or placement of a structure or any addition to a structure;

(2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

(5) mining, dredging, filling, grading, excavation, or drilling operations;

(6) construction and/or reconstruction of bridges or culverts;

(7) storage of materials; or

(8) any other activity that might change the direction, height, or velocity of flood or surface waters.

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

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

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

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police

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

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structures means any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest elevation described among the following:

(1) The top of the lowest level of the structure.

(2) The top of the basement floor.

(3) The top of the garage floor, if the garage is the lowest level of the structure.

(4) The top of the first floor of a structure elevated on pilings or pillars.

(5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;

b) the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,

c) such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

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

Non-boundary river floodway means the floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

Physical Map Revision (PMR) is an official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Public safety and nuisance means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community’s participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in 300.00. General Provisions, Section B of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood”, “One-Percent Annual Chance Flood”, and “100-Year Flood”.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of Harrison County and the Towns of Crandall, Elizabeth, Lanesville, Mauckport, New Amsterdam, and Palmyra subject to inundation by the regulatory flood. The SFHAs of Harrison County and the Towns of Crandall, Elizabeth, Lanesville, Mauckport, New Amsterdam, and Palmyra are generally identified as such on the Harrison County, Indiana and Incorporated Areas Flood Insurance Rate Map dated October 16, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

300.00. <u>General Provisions.</u>

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of Harrison County and the Towns of Crandall, Elizabeth, Lanesville, Mauckport, New Amsterdam, and Palmyra.

Section B. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Harrison County and the Towns of Crandall, Elizabeth, Lanesville, Mauckport, New Amsterdam, and Palmyra shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Harrison County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated October 16, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Harrison County and the Towns of Crandall, Elizabeth, Lanesville, Mauckport, New Amsterdam, and Palmyra, delineated as an "A Zone" on the Harrison County, Indiana and Incorporated Areas Flood Insurance Rate Map dated October 16, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the communities' known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(4) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

Section D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

Section G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

(1) Considered as minimum requirements.

(2) Liberally construed in favor of the governing body.

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the

part of Harrison County, the Town of Crandall, the Town of Elizabeth, the Town of Lanesville, the Town of Mauckport, the Town of New Amsterdam, the Town of Palmyra, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Ordinance for Harrison County.

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The Harrison County Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(3) Nothing herein shall prevent Harrison County and the Towns of Crandall, Elizabeth, Lanesville, Mauckport, New Amsterdam, and Palmyra from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

400.00. <u>Administration.</u>

Section A. Designation of Administrator.

The Plan Commission Administrator shall administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application Stage.

a) A description of the proposed development.

b) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.

c) A legal description of the property site.

d) A site development plan showing existing and proposed development locations and existing and proposed land grades.

e) Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.

f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.

g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See 400.00. Administration, Section C (6) for additional information.)

(2) Construction Stage.

Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.
Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

(3) Finished Construction.

Upon completion of construction, an elevation certification which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification is required to be submitted by the applicant to the Floodplain Administrator.

Section C. Duties and Responsibilities of the Floodplain Administrator.

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

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

(1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.

(2) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to 500.00. Provisions for Flood Hazard Reduction, Section E and G (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

(5) Maintain and track permit records involving additions and improvements to residences located in the floodway.

(6) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

(7) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.

(8) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

(9) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(10) Review certified plans and specifications for compliance.

(11) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with 400.00. Administration, Section B.

(12) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with 400.00. Administration, Section B.

(13) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized County officials shall have the right to enter and inspect properties located in the SFHA.

(14) Stop Work Orders

a) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

b) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(15) Revocation of Permits

a) The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

500.00. Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.

(10) Accessory structures shall not be used for human habitation, shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in 500.00. Provisions for Flood Hazard Reduction, Section B (4), and be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

Section B. Specific Standards.

In all SFHAs, the following provisions are required:

(1) In addition to the requirements of 500.00. Provisions for Flood Hazard Reduction, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

a) Construction or placement of any structure having a floor area greater than 400 square feet.

b) Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).

c) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.

d) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

f) Reconstruction or repairs made to a repetitive loss structure.

g) Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.

(2) **Residential Structures.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of 500.00. Provisions for Flood Hazard Reduction, Section B (4).

(3) **Non-Residential Structures.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of 500.00. Provisions for Flood Hazard Reduction, Section B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in 400.00. Administration, Section C (12).

b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(4) **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

a) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

b) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

d) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

e) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

f) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

g) Where the interior height of the enclosure exceeds 6 feet, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy. The community will have the right to inspect the enclosed area.

(5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test. The results of the test showing compliance shall be retained in permit file.

b) The fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.

c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

e) The top of the lowest floor including basements shall be at or above the FPG.

(6) **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

a) These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

(i) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in 500.00. Provisions for Flood Hazard Reduction, Section B (4).

(iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

b) These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

(i) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in 500.00. Provisions for Flood Hazard Reduction, Section B (4).

(iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

c) Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days and be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(ii) meet the requirements for “manufactured homes” as stated earlier in this section.

(7) **Above Ground Gas or Liquid Storage Tanks.** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

Section C. Standards for Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.

(5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(7) All Subdivision proposals shall insure public and private roadways within the development are constructed at or above the base flood elevation.

Section D. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Section E. Standards for Identified Floodways.

Located within SFHAs, established in 300,00. General Provisions, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in 500.00. Provisions for Flood Hazard Reduction of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) the Floodplain Administrator shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

Section F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in 500.00. Provisions for Flood Hazard Reduction of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

Section G. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.

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

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

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in 500.00. Provisions for Flood Hazard Reduction of this ordinance have been met.

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

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

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in 500.00. Provisions for Flood Hazard Reduction of this ordinance have been met.

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

Section H. Standards for Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per 500.00. Provisions for Flood Hazard Reduction.

600.00. <u>Variance Procedures.</u>

Section A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

Section B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this

ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Harrison County Circuit Court.

Section C. Variance Procedures.

In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

(1) The danger of life and property due to flooding or erosion damage.

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(3) The importance of the services provided by the proposed facility to the community.

(4) The necessity to the facility of a waterfront location, where applicable.

(5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(6) The compatibility of the proposed use with existing and anticipated development,

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section D. Conditions for Variances.

(1) Variances shall only be issued when there is:

a) A showing of good and sufficient cause.

b) A determination that failure to grant the variance would result in exceptional hardship.

c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway subject to 500.00. Provisions for Flood Hazard Reduction, Section E or Section G (1) of this ordinance may be granted.

(3) Any variance granted in a floodway subject to 500.00. Provisions for Flood Hazard Reduction, Section E or Section G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.

(4) Variances to the Provisions for Flood Hazard Reduction of 500.00. Provisions for Flood Hazard Reduction, Section B, may be granted only when a new structure is to be located on a lot of

one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

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

(6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See 600.00. Variance Procedures, Section E).

(8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See 600.00. Variance Procedures, Section E).

Section E. Variance Notification.

Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

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

(2) Such construction below the flood protection grade increases risks to life and property.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.

Section F. Historic Structure.

Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.

Section G. Special Conditions.

Upon the consideration of the factors listed in 600.00. Variance Procedures, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

700.00. <u>Severability.</u>

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

800.00. <u>Effective Date.</u>

This ordinance shall be in full force and effect on October 16, 2014.

Passed and enacted by the County Commissioners of Harrison County, Indiana on the 15th day of September 2014.(Ord. 2014-19)

Article 10. THE HARRISON COUNTY, INDIANA MANUFACTURED HOME ORDINANCE

(Ordinance 1994-10)

1000.00 PURPOSE AND GENERAL PROVISIONS

1000.01 **PURPOSE** - The regulations as set forth herein are made in order that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion on public roads may be controlled; and that the public health, safety, comfort, morals, convenience and general welfare may be promoted.

1000.02 **INTENT-** It is the intent of this ordinance to encourage provision of alternative modest housing in general areas by permitting the use of certain manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been, or might be, constructed under these and other lawful regulations on adjacent or nearby lots in the same zoning district.

1000.03 **SHORT TITLE-** This ordinance shall be known and cited as the “Harrison County Manufactured Home Ordinance”.

1001.00 DEFINITIONS

1001.01 **ADD A ROOM-** an approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure the manufactured home or mobile home.

1001.02 **ANCHORING SYSTEM-** an approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure the manufactured home or mobile home.

1001.03 **APPROVED** Acceptable to the appropriate authority having jurisdiction, by reason of investigation, acceptable principles, or test by nationally recognized organizations.

1001.04 **INDIANA STANDARD FOR THE PERMANENT INSTALLATION OF MANUFACTURED HOMES-** A standard regulating and controlling the design, construction and quality of materials for permanent foundation systems and building service equipment connections which are necessary to provide for the permanent installation of one and two family manufactured homes. This standard is hereby adopted with this ordinance.

1001.05 **IMPROVEMENT LOCATION PERMIT-** an Improvement Location Permit is required PRIOR to the location, relocation or establishment of a manufactured or mobile home. The homeowner or authorized representative SHALL obtain an Improvement Location Permit in accordance with the standards, conditions and fees of this Ordinance.

1001.06 **MANUFACTURED HOME** - A dwelling unit fabricated on or after June 15, 1976 in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standard Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Fire and Building Service Commission.

1001.07 **MANUFACTURED HOME INSTALLATION** -That construction which is required for permanent installation of a manufactured home including construction of the foundation

system and required connections thereto, and the installation and connection of the on-site water, gas, electrical and sewer, which are necessary for the normal operation of a manufactured home. Compliance may be accomplished by the following:

a. Compliance with the state standards for the installation of manufactured homes as found in the Indiana One and Two Family Dwelling Code (675 IAC-14) Appendix C and the Indiana Standard for the Permanent Installation of Manufactured Homes, which are hereby adopted with this ordinance.

b. Compliance with the following specific standards:

1. The manufactured unit shall be placed on a solid pier system consisting of individual piers 24" x 24" x 24" deep, spaced a maximum of 10' (feet) on center (or as per manufacturers specifications).
2. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations (This section does not apply to homes which have factory installed straps).
3. Frame ties be provided at each corner of the home with two additional ties per side at intermediate locations. (This section does not apply to homes which have factory installed frame ties).
4. All components of the anchoring system must be capable of carrying a force of 4,800 pounds.
5. Underpinning or skirting installed.
6. All steps and landing in place.
7. The unit shall be completely set-up in accordance with the above standards before an electrical hook-up inspection will be made.

1001.08 **MOBILE HOME-** A transportable structure larger than 320 square feet, designed to be used as a permanent year around dwelling unit and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 15,1976.

1001.09 **MOBILE HOME PARK** - A tract of land upon which two or more manufactured homes are placed and is duly licensed to operate by the Indiana Department of Health.

1001.10 **NON-CONFORMING HOMES-** A manufactured or mobile home placed and maintained on a tract of land and deemed to be a non-conforming use prior to the adoption of this ordinance, shall continue to be a lawful use. If the non-conforming use is discontinued, the land must thereafter be in conformity with the provision of this ordinance.

1001.11 **OFF STREET PARKING SPACE-** An area at least ten (10) feet by twenty (20) feet for the parking of a vehicle.

1001.12 **INDIANA ONE AND TWO FAMILY DWELLING CODE-** The mandatory state wide building code prepared by the Council of American Building Officials and promulgated by the Indian Fire and Building Services Commission for enforcement by local authorities.

1001.13 **PERMANENT FOUNDATION ENCLOSURE-** A permanent perimeter structural system completely enclosing the space between the floor joints and the earth.

1001.14 **PERMANENT FOUNDATION-** Any structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the soil.

1001.15 **PUBLIC LAW 360 ACTS OF 1971-** Enabling legislation requiring the Fire and Building Services Commission to adopt rules and regulations for the construction, repair or maintenance of factory constructed one and two family dwellings.

1001.16 **RECREATION VEHICLE-** A portable vehicular structure not constructed to the Federal manufactured Housing Construction and Safety Standards Code and designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to travel trailers, camping trailers, truck campers and motor homes and are not permitted as permanent dwellings.

1001.17 **REPLACEMENT OF NON-CONFORMING HOMES-** Thereafter, upon application to the designated Administrator and subsequent approval thereof, a manufactured or mobile home, deemed a lawful non-conforming use, may be replaced by a manufactured home, provided the replacement of the home conforms to the requirements of this ordinance.

1001.18 **SCREENING-**Trees or shrubs, fences of suitable materials used to enclose a mobile home park to afford privacy and security of the resident and neighbors.

1001.19 **SINGLE FAMILY DWELLINGS**- A building or portion of a building which contains living facilities, including provisions for sleeping, cooking, eating and sanitation for not more than one family.

1001.20 **SPECIAL EXCEPTION-** A device for permitting a use within a zoning district other than a principally permitted one after due advertisement and public hearing by the Harrison County Board of Zoning Appeals.

1001.21 **STAND-**The area set aside for the location of a manufactured or mobile home on any given site.

1001.22 **STRUCTURAL ALTERATION-** Additions made to a manufactured home SHALL conform to the following:

1. The addition must be designed and constructed in conformance with the codes adopted by Harrison County for all new construction.
2. Additions shall be structurally separated from the manufactured home, except that a structural separation need not be required when structural calculations provided by a licensed engineer or architect are provided.
3. Upon application for an Improvement Location Permit, the applicant must provide a detailed plan showing the type of work to be done. These plans must be approved by the designated Administrator and placed on the site at the time of inspection.
4. All construction must comply with the provisions of the One and Two Family Dwelling Code as for new construction. All electrical, heating, plumbing and energy conservation codes are to be complied with as in new construction.

1001.23 **SUPPORT SYSTEM-** A pad or combination of footings, piers, caps, plates, and shims, when properly installed, support the mobile or manufactured home.

1001.24 **TIP-OUT AND EXPANDO UNITS-** Units which are designed to be a part of the manufactured or mobile home and are installed and supported at the time the manufactured or mobile home is set.

1002.00 **TEMPORARY USE, CIRCUMSTANCES FOR PERMIT ISSUANCE** - Subject to conditions, fees and standards otherwise required by this ordinance, a temporary use permit shall be issued:

a. To an applicant in the process of constructing a conventional dwelling; such permit shall not be issued until the permit for the dwelling has been issued. All regulations governing the placement of manufactured or mobile homes on private property must be complied with.

b. To an applicant for use as a caretaker's residence or construction office at a construction site.

c. To an applicant whose own health or the health of another necessities care, and when

the facts show that an unnecessary hardship could occur if not permitted to locate a manufactured home adjacent to the residence of one who is capable of providing such care or is need of such care. Applicant must provide the Administrator with supporting documentation showing the need for such temporary use and must make application to the Harrison County Board of Zoning Appeals for a Special Exception.

d. To an applicant, for the period of one year, to be renewed annually by the Applicant, for the purpose of providing residence for a parent or child of the property owner. There shall be one (1) acre volume per dwelling unit placed on the property and when the parent or child no longer requires the use of the home it is to be removed. Any mobile or manufactured home placed under this section must comply with all requirements of this ordinance.

1003.00 STANDARDS FOR MANUFACTURED HOMES

1003.01 PERMITTED PLACEMENT- The establishment, location and use of manufactured or mobile homes as scattered site residences, shall be permitted in any zone permitting installation of a dwelling unit subject to requirements and limitations applying to such residential use in the zoning district in which it is placed.

1003.02 No mobile homes are permitted in the R-1 residential district or any district where specifically prohibited by the Harrison County Zoning Ordinance.

1003.03 No mobile or manufactured home of less than 320 square feet of living space shall be permitted as permanent residence in any zoning district.

1003.04 No mobile or manufactured home may be placed on property in Harrison County and used as a residence until the designated Administrator has inspected, or caused to be made, an inspection of the home as to the safety of the electrical, heating and plumbing systems.

1004.00 MOBILE HOME PARKS

1004.01 GENERAL- Mobile home parks shall be considered a Special Exception in the A-R district as established in Table 1a, Permitted and Special Exceptions Uses, of the Harrison County Zoning Ordinance.

1004.02 SIZE- No tract of land containing less than five (5) acres will be considered for a mobile home park.

1004.03 LANDSCAPE- Upon review of a plan for a mobile home park, the Harrison County Board of Zoning Appeals may require that landscaping or other screening devices be incorporated into the plans to assure privacy and protection to adjoining properties.

1004.04 SETBACKS- No mobile home in any mobile home park shall be located closer to the public right-of-way of an adjoining road than fifty (50) feet and no mobile home shall be closer to the park boundary than twenty five (25) feet.

1004.05 STANDS - Every mobile home shall be provided with a stand.

1004.06 STORAGE TANKS- Fuel storage tanks in a mobile home park shall meet the requirements of the State Fire Marshall's Office.

1004.07 OFF-STREET PARKING- Every mobile home park shall provide two (2) off-street parking spaces for each mobile home site.

1004.08 LIGHTING- All exterior park lights shall be so located and shielded so as to prevent direct illumination of any areas outside the park.

1004.09 **UTILITY LINES-** All utility lines serving the mobile home park shall be installed in accordance with all existing codes.

1004.10 **SANITARY SEWERS-** Design of sanitary sewers for a mobile home park shall be approved by the Indiana State Board of Health and the Harrison County Health Department and inspected for compliance prior to use. Sewage disposal systems requiring the use of lateral fields or absorption beds shall not be permitted unless specifically approved by the State and local health agencies responsible for said approval process.

1004.11 **STREETS-** All interior streets must be able to accommodate two (2) lanes of traffic at all times and be a minimum of twenty-two (22) feet in width. On street parking, if provided, must be in excess of the minimum road width.

1004.12 **WATER** - When there is no public water source or system and a private water system is proposed the Indiana State Board of Health and the Harrison County Health Department must approve said system.

1004.13 **MOBILE HOME PARKS**

a. **PROCEDURE**- Any person wishing to develop a lot, site or parcel of land for the purpose of creating a mobile home park the request must first be submitted to the Harrison County Board of Zoning Appeals as a Special Exception and then to the Indiana State Board of Health.

b. **REQUIREMENTS**- An application for a Special Exception to establish a mobile home park shall comply with Section 501.00 of the Harrison County Zoning Ordinance

1005.0 **REMEDY-** Any person or corporation who shall violate any provision of this ordinance or fail to comply therewith shall, for each and every violation and non-compliance, be guilty of a misdemeanor and, upon conviction, shall be fined not less than $10.00 and not more than $50.00 and each day that such violation for non-compliance shall be permitted to exist shall constitute a separate offense.

1006.0 **VALIDITY, ADOPTION AND REPEAL**

1006.01 **SEVERANCE CLAUSE-** If any section, clause of portion of this ordinance shall be held to be invalid or unconstitutional in any court of competent jurisdiction, such decision shall not affect any other provision of this ordinance.

1006.02 **EFFECTIVE DATE-** This ordinance shall take effect upon its passage and approval by the Harrison County Board of County Commissioners and publication as according to law.(October 17,1994)

1006.03 **REPEALER** - All ordinances or parts thereof that are in conflict with the terms of this ordinance are hereby repealed.

(Intentionally left blank)

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Accessory use in connection with agriculture, including stables	A														
Accessory uses to principal permitted uses.											A	A			
Additional homes on family property(see Section 404.09)	A														A
Agriculture	P														
Airport, private use	S														
Airport, public											S	S	S		
Amusement enterprises								P							
Animal burial grounds	S														
Antique shops							P	P		P					
Appliance sales, major							P	P		P					
Art shop							P	P		P					
Arts and crafts, instruction and sale of articles made onsite	S														
Automobile Accessory sales										P					

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Automobile/truck repair-Major								S			P		P		
Automobile/truck repair as accessory to truck & auto sales								A							
Automobile, truck, & motorcycle sale/rental/display								P							
Automobile service station								P	P						
Automobile wrecking	S												P		
B-1 through B-2 uses, excluding Special Exception uses, when secondary to principle use											A	A			
Bakeries							P	P		P					
Banks							P	P		P					
Barber shops							P	P		P					
Beauty salons							P	P		P					
Beauty salon, one chair	A**														A**
Boarding or lodging houses					P										

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Boat docks, ramps, and marinas	P														
Bowling alleys								P		P					
Campsite, personal	S	S													S
Cemeteries	S														S
Churches and parish homes	P	P	P	P	P										P
Clothing stores							P	P		P					
Coal yards													P		
Cold storage							P	P		P	P		P		
Columbariums	S														
Commercial use related to light industry												P			
Concrete and ready mix plants													P		
Conditional use	S	S													
Confined feeding	P												P		
Contractors office								P			P		P		
Crematory	S														

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Dance halls								P							
Deer processing	A**														
Department stores								P		P					
Dormitories					P										
Dog kennels	S														S
Drive-in restaurant								P	P						
Drug stores							P	P		P					
Dry cleaners							P	P		P					
Electric generation facility	P														
Ethanol plant	P														
Extraction of crude petroleum or natural gas	P														P
Farm machinery sales, repair											P		P		
Filling station							S								
Fire station /EMS	P	P	P	P	P		P	P	P	P	P		P		P
Firewood processing and sales	P														P

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Florist							P	P		P					
Forestry	P														P
Fuel oil and bottled gas sales	S														S
Fuel oil and bottled gas distribution											P		P		
Fur shops							P	P		P					
Furniture stores								P		P					
Garden Supplies	A						P	P		P					A
Government garages and storage											S	S	P		
Grain elevator											P		P		
Greenhouse	P														P
Grocery							P	P		P					
Gunsmith/dealer of firearms	S						P	P							S
Handicrafts	S	S													
Handicrafts, associated with a single family residence			S	S	S										

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Hardware stores							P	P		P					
Health club										P					
Home occupation	S	S													S
Home occupation, associated with a single family dwelling			S	S	S										
Horse race track	S														S
Horticulture service	P														P
Hospitals	S	S						P							S
Hotels								P	P						
Industry, heavy – as defined in section 403.06													P		
Industry, light- as defined in section 403.05											P	P	P		
Insurance and real estate agencies							P	P		P					
Jewelry stores							P	P		P					
Laboratory											P	P	P		

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Land fills	S														
Launderette							P	P		P					
Libraries	P	P	P	P	P		P	P							P
Locksmith							P	P		P					
Lounges								P	P	P					
Lumber yard								P							
Mausoleum	S														
Meat and poultry processing													P		
Meat market							P	P		P					
Media Shop (subject to Section 404.10.03)							P	P	P						
Millwork and foundries													P		
Mini-warehouse storage											P				
Mobile home	P		P												P
Mobile home parks	S														S
Model home	S														P
Mortuary							S								

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Motel								P	P						
Nursery schools, day nurseries & child care centers		S		S			A	A							
Nursing homes, convalescent homes, and rest homes	S	S	S		S										S
Office, in-home(no sign, not open to the public)	A**	A**		A**	A**										A**
Office equipment/supplies							P	P		P					
Paint store							P	P		P					
Parking areas							A	A	A	A					
Pet store							P	P		P					
Photographic studios							P	P		P					
Pool halls								P							
Pottery	S														
Printing and duplication non-industrial								P	P						

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Private garages storage sheds and parking areas(see section 404.01)	A	A	A	A	A										A
Processing petroleum and/or natural gas	S														
Professional offices							P	P		P		P			
Public parks or playgrounds	P	P	P	P	P										P
Public or private camps	S														S
Public utilities-storage yards, substations and transmission facilities	S										S	S			S
Quarrying of non-metallic minerals	S														S
Radio or t.v. transmitting or relay facilities	S														S
Recreational facilities-including playgrounds, golf courses, country clubs, riding stables & fishing lakes	S	S	S												S

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Refinery													P		
Residential, duplex (two-family)				P	P										
Residential, multi-family (more than two family)					P										
Residential, single-family	P	P	P	P	P	P									P
Residential, single family for owner of permitted use provided dwelling shall be an integral part of the commercial structure							A	A							
Restaurants								P	P	P					
Retail business or service for sole convenience of neighborhood residents							P	P		P					
Roadside stands offering for sale on a seasonal basis agricultural products grown on the premises	A														A
Sawmills													P		

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Schools and colleges	P	P													P
Sewage treatment/disposal plants	S										S	S			S
Sexually Oriented Business (subject to Section 405.03)								P	P		P		P		
Shoe repair shops							P	P		P					
Skating rinks								P							
Slaughter house													P		
Specialty shops							P	P		P					
Sporting goods							P	P		P					
Sportsman clubs	S														
Storage and resale of Anhydrous ammonia	P														
Storage industrial (outdoor)											S	S	P		
Storage wholesaling and warehousing in connection with a permitted use								A							

Table 1a
PERMITTED AND SPECIAL EXCEPTION USES
Harrison County, Indiana

P- Principal Uses S- Special Exception A- Accessory Use

PROPERTY USE	A-R	R-1	R-1a	R-2	R-3	SF*	B-1	B-2	B-3	B-4	I-1a	I-1b	I-2	PEC see Article 6.5	UF
Taverns								P							
Taxidermy shop	A**														A**
Temporary real estate sale office for the sale of lots onsite.		S													
Theater, indoor							S	P		P					
Tire recapping											P		P		
Town Hall	S	P		S	S		P	P							
Truck & freight terminal											S	S	P		
Truck stop									S						
Variety stores							P	P		P					
Warehousing											P	P	P		
Wholesale business								S							

***** The underlying zone determines accessory and special exception uses.
** Permitted when 1) accessory to the owners primary residence and 2) the property owner is the proprietor of the business.

(As amended by Ord. #2009-12, Ord. #2011-23, 2012-19 and Ord.#2013-18)

SUMMARY OF TABLE 1a - all uses listed are the same as the matrix style table.

ZONE	Types of uses
A/R	1. **Principle uses**- Agriculture, Boat Docks, ramps and marinas, Churches and parish homes, Confined Feeding, Ethanol plant, Electric generation facility, Extraction of crude petroleum or natural gas, Fire station/EMS, Firewood processing and sales, Forestry, Greenhouse, Horticulture service, , Libraries, Mobile home, Public parks and playgrounds, Residential- single-family, Schools and colleges, Storage and resale of Anhydrous ammonia. 2. **Special exceptions**- Airport, private use, Animal burial grounds, Arts and crafts-instruction and sale of articles made on-site, Automobile wrecking , Campsite-personal, Cemeteries, Columbarium, Conditional use, Crematory , Dog kennels, Fuel oil and bottled gas sales, Gunsmith/dealer of firearms, Handicrafts, Home occupation, Horse race track, Hospital, Landfills, Mausoleum, Mobile home parks, Model home, Nursery schools, day nurseries & childcare centers, Nursing homes, convalescent homes, and rest homes, Pottery, Processing petroleum and/or natural gas, Public or private camps, Public utilities- storage yards, substations and transmission facilities , Quarrying of non-metallic minerals, Radio or t.v. transmitting or relay facilities, Recreational facilities-including playgrounds, golf courses, country clubs, riding stables & fishing lakes , Sewage treatment/disposal, Sportsman clubs, and Town Halls. 3. **Accessory uses**- Accessory use in connection with agriculture, including stables, Additional homes on family property(see Section 404.09), Beauty salon(one chair)**, Deer Processing**, Garden supplies, In-home office(no sign, not open to the public), Private garages, storage sheds and parking areas(see section 404.01) , roadside stands offering for sale on a seasonal basis agricultural products grown on the premises and Taxidermy shop**.
R-1	**1. Principle uses-** Churches and parish homes, Fire station/EMS , Libraries, Public parks and playgrounds, Residential- single-family, Schools and colleges, Town Halls. **2. Special exception-** , Campsite-personal, Conditional use, Handicrafts, Home occupation, Hospital, Nursing homes, convalescent homes, and rest homes , Nursery schools, day nurseries & child care centers, Recreational facilities-including playgrounds, golf courses, country clubs, riding stables & fishing lakes, and Temporary real estate sale office for the sale of lots on-site. **3. Accessory-** In-home office (no sign, not open to the public)**, Private garages storage sheds and parking areas(see section 404.01).

ZONE	Types of uses
R-1a	**1. Principle uses-** Churches and parish homes, Fire station /EMS, Libraries, Mobile Home, Public Parks and Playgrounds, Residential-Single-family. **2. Special exceptions-** Handicrafts(associated with a single family residence), Home occupation(when associated with a single family residence), Nursery schools, day nurseries & childcare centers Nursing homes, convalescent homes, and rest homes and Recreational facilities-including playgrounds, golf courses, country clubs, riding stables & fishing lakes. **3. Accessory**- Private garages storage sheds and parking areas (see section 404.01).
R-2	1. **Principle uses-** Churches and parish homes, Fire station/EMS, Libraries, Public parks and playgrounds, Residential- duplex(two-family), Residential, single-family **2. Special exceptions-** Handicrafts (when associated with a single family residence), Home occupations (when associated with a single family residence), Nursery schools, day nurseries & child care centers, and Town Halls. **3. Accessory-** In-home office (no sign, not open to the public) **, Private garages storage sheds and parking areas (see section 404.01).
R-3	1. **Principle uses-** Boarding or lodging houses, Churches and parish homes, Dormitories Fire station/EMS, Libraries, Public Parks and playgrounds, , Residential, duplex (two-family), Residential, multifamily (more than two family) Residential, single-family . **2. Special exceptions-** Handicrafts (when associated with a single family residence), Home occupations (when associated with a single family residence), Nursery schools, day nurseries & childcare centers, Nursing homes, convalescent homes, and rest homes and Town Halls. **3. Accessory-** In-home office (no sign, not open to the public) **, Private garages storage sheds and parking areas(see section 404.01).
SF	**1 Principle uses-** Residential, single-family. **2. Special exceptions**- Same as underlying zone. **3. Accessory-** Same as underlying zone

ZONE	Types of uses
UF	**1. Principle uses-** Churches and parish houses, Extraction of crude petroleum or natural gas, Fire Stations/EMS, Firewood Processing and sales, Forestry, green house, Horticulture service, Libraries, Mobile Home, Model Home, public parks or playgrounds, Residential, Single family, Schools and Colleges. **2. Special exception uses-** Campsite Personal, Cemeteries, Dog kennels, Fuel oil and Bottled gas sales, gunsmith dealer of firearms, home occupation, horse race track, Hospital, Mobile Home Park, Nursing homes, convalescent homes, and rest homes Public or private camps, public utilities-storage yards, substations and transmission facilities, quarrying of non-metallic minerals, Radio or t.v. transmitting or relay facilities, Recreational facilities-including playgrounds, golf courses , country clubs, riding stables & fishing lakes, Sewage treatment/Disposal plants. **3. Accessory-** additional homes on family property(see Section 404.08)Beauty Salon One chair**, garden supply's, Office, in home(no sign, not open to the public)**, Private garages, storage sheds and parking areas(see section 404.01) Roadside stands offering for sale on a seasonal basis agricultural products grown on the premises, Taxidermy shops**. **(Ord.2012-19)**
B-1	1. **Principle uses-** Antique shops Appliance sales-Major, Art shop, Bakeries, Banks, Barber shops, Beauty salons, Clothing stores, Cold storage, Drug stores, Dry cleaners, Fire station /EMS, Florist, Fur shops, Garden supplies, Grocery, Gunsmith/dealer of firearms, Handicrafts, Hardware stores, Insurance and real estate agencies, Jewelry stores, Launderette, Library, Locksmith, Meat market, Media Shop (subject to Section 404.10.03), Nursery schools, day nurseries & childcare centers, Office equipment/supplies, Paint store, Pet store, Photographic studios, Printing and duplication non-industrial, Professional offices, Retail business or service for sole convenience of neighborhood residents, Shoe repair shops, Specialty shops, Sporting goods, Town Halls, and Variety stores. 2. **Special exceptions-** Filling station, Mortuary, Theater, indoor. 3. **Accessory**- Nursery schools, day nurseries & child care centers, Parking areas, Residential- single family for owner of permitted use provided dwelling shall be an integral part of the commercial structure.

ZONE	Types of uses
B-2	1. **Principle uses**- Amusement enterprises, Antique shops Appliance sales- major, Art shop, Automobile, truck & motorcycle sale/rental/display, Automobile service station, Bakeries, Banks, Barber shops, Beauty salons, Bowling Alleys, Clothing stores Cold storage, Contractors office, Dance halls, Department stores ,Drive-in restaurant, Drug stores, Dry cleaners , Fire station /EMS, Florist, Fur shops, Furniture stores, Garden supplies, Grocery, Gunsmith/dealer of Firearms, Handicrafts, Hardware stores, Hospitals, Hotels, Insurance and real estate agencies, Jewelry stores, Launderette, Library, Locksmith, Lounges, Lumber yard, Meat market, Mortuary, Motel, Media Shop (subject to Section 404.10.03), Nursery schools, day nurseries & childcare centers, Office equipment/supplies, Paint store, Pet store, photographic studios, Pool halls, Printing and duplication non-industrial, Professional offices, Retail business or service for sole convenience of neighborhood residents, Restaurants, Sexually Oriented Business,(subject to Section 405.03)Shoe repair shops , Skating rinks, Specialty shops, Sporting goods, Taverns ,Theater, indoor, Town Halls, Variety stores,. **2. Special exceptions-** Automobile/truck repair-Major, and Wholesale business. **3**. **Accessory-** Automobile/truck repair as accessory to truck & auto sales , Parking areas, Residential- single family for owner of permitted use provided dwelling shall be an integral part of the commercial structure, Storage wholesaling and warehousing in connection with a permitted use.
B-3	**1. Principle uses**- Automobile service station, Drive-in restaurant, Fire station/EMS, Hotels, Lounges, Media Shop(subject to Section 404.10.03), Motel, Restaurants, and Sexually Oriented Business (subject to Section 405.03). **2. Special exceptions-** Truck stop. **3. Accessory-** Parking areas.

ZONE	Types of uses
B-4	1. **Principle uses-** Antique Shops, Appliance Sales, Major, Art Shops, Automobile Accessory sales, Bakeries, Banks, Barber Shops, Beauty Salons, Bowling Alleys, Clothing Store, Cold storage ,Department stores, Drug stores Dry cleaners , Fire station /EMS, Florist Fur shops, Furniture Stores, Garden supplies, Grocery, Hardware stores, Health club, Insurance and real estate agencies, Jewelry stores, Launderette, Lounges, Locksmith, Meat market, Office equipment/supplies, Paint store, Pet store, Photographic studios, Printing and duplication- non-industrial, Professional offices, Restaurants, Retail business or service for sole convenience of neighborhood residents, Shoe repair shops, Specialty shops, Sporting goods, Theater-indoor, Variety stores. **2. Special exceptions**- none. **3. Accessory-** Parking areas.
I-1a	**1. Principle uses-** Automobile/truck repair-Major, Cold storage, Contractors office, , Farm machinery sales, repair, Fire station /EMS, Fuel oil and bottled gas distribution, Grain elevator, Industry light- as defined in section 403.05, Laboratory, Mini-warehouse storage, Sexually Oriented Business (subject to Section 405.03), Tire recapping, Warehousing. **2. Special exceptions-** Airport- public, Fire station/EMS , Government garages and storage, Public utilities- storage yards, substations and transmission facilities, Sewage treatment/disposal plants, Storage industrial (outdoor) and Truck & freight terminal. **3. Accessory**- Accessory uses to principal permitted uses. B-1 through B-2 uses, excluding Special Exception uses, when secondary to principle use.
I-1b	**1. Principle uses-** Commercial use related to light industry, Industry, light- as defined in section 403.05, Laboratory, Professional offices, and Warehousing. **2. Special exceptions**- Airport, public, Government garages and storage, Public utilities- storage yards, substations and transmission facilities, Sewage treatment/disposal plants, Storage industrial (outdoor) and Truck & freight terminal. **3. Accessory-** Accessory uses to principal permitted uses, B-1 through B-2 uses, excluding Special Exception uses, when secondary to principle use.

ZONE	Types of uses
I-2	1. **Principle uses-** Automobile/truck repair-Major, Automobile wrecking, Coal yards, Cold storage, Concrete and ready mix plants, Confined Feeding, Contractors office, Farm machinery sales/ repair, Fire station /EMS, Fuel oil and bottled gas distribution, Government garages and storage, Grain elevator, Industry, heavy – as defined in section 403.06, Industry, light- as defined in section 403.05, Laboratory, Meat and poultry processing, Millwork and foundries, Refinery, Sawmills, Sexually Oriented Business (subject to Section 405.03), Slaughter house, Storage industrial (outdoor), Tire recapping, Truck & freight terminal, and Warehousing. **2. Special exceptions**- Airport- public. **3. Accessory**- None.

(as amended by Ord. #2011-23 and Ord.#2013-18)

Table 1b DIMENSIONAL STANDARDS

MINIMUM						MAXIMUM	
ZONE	LOT SIZE	LOT FRONTAGE*	FRONT YARD	EACH SIDE YARD	REAR YARD	LOT COVERAGE	HEIGHT OF STRUCTURES
A-R	1 Acre	150'	50'	25'	25'	20%	30'
R-1	10,800 square feet (one-acre if not on approved sewage collection system)	80' feet (120' feet if not on an approved sewage collection system).	35'	8'	25'	30%	30'
R-1a	Same as R-1	Same as R-1	35'	8'	25'	30%	30'
R-2	6,000 square feet for single family dwelling on public wastewater disposal(sewer)** 7,500 square feet for a duplex on public wastewater disposal(sewer)***	60'	30'	6'	20'	30%	30'
R-3	6,000 square feet for single family on public wastewater disposal(sewer)** 1,500 square feet for each additional unit beyond 1****	50'	30'	6'	20'	40%	35'
SF	Same as underlying zone(UZ)	Same as UZ	Same as UZ	Same as UZ	Same as UZ	Same as UZ	Same as UZ
UF	1 Acre	100'	30/50 *****	12'	25'	30%	35'

* The minimum frontage required along a road right-of-way for lots located on a culdesac shall be thirty-five (35') feet provided the minimum frontage distance required in Table 1b can be met at the minimum front yard setback line.

** 32,670 square feet (3/4 –acre) for a single family dwelling using onsite wastewater disposal (septic).****

*** 1-acre for a duplex using onsite wastewater disposal (septic).****

**** A parcel located in excess of one mile (travel distance by roadway) from a public wastewater disposal system shall maintain adequate undisturbed land area in which to provide 100% replacement of required Lateral Lines for the structure(s) constructed onsite.

***** 30 feet adjacent to a 60 ft. or wider right of way, 50 feet adjacent to a right of way less than 60 feet in width.

(As amended by Ord. 2012-19)

Table 1b DIMENSIONAL STANDARDS

MINIMUM						MAXIMUM	
ZONE	LOT SIZE	LOT FRONTAGE*	FRONT YARD	EACH SIDE YARD	REAR YARD	LOT COVERAGE	HEIGHT OF STRUCTURES
B-1	9,000 square feet	60'	15'	15'	15'	50%	30'
B-2	9,000 square feet	60'	20'	5'	15'	90%	75'
B-3	1 acre	150'	40'	20'	20'	50%	60'
B-4	5 acre	150'	40'	20'	20'	50%	60'
PEC	See article 6.5 for all standards for this zone	"	"	"	"	"	"
I-1a	No restrictions	None	15'	15'	15'	75%	50'
I-1b	No restrictions	None	40'**	60'**	60'**	75%	50'
I-2	No restrictions	None	40'	30'	30'	75%	80'

* The minimum frontage required along a road right-of-way for lots located on a culdesac shall be thirty-five (35') feet provided the minimum frontage distance required in Table 1b can be met at the minimum front yard setback line.

** Setbacks apply to the boundary of the entire Industrial District. For interior lot and yard see requirements for the I-1a district.

TABLE 1 c
PARKING REQUIREMENTS*

TYPE OF USE	REQUIRED PARKING SPACES
Automobile, trailer, boat or farm implement sales and repair (outdoor)	1 per 1,000sq. Ft. Used for retailing or storage
Automobile, trailer, boat or farm implement sales and repair (indoor)	1 per 200 sq. ft. of floor area
Banks, business offices, professional offices similar business uses, postal stations, telegraph offices, and similar uses	1 per 500 sq ft of floor area
Boarding or lodging house or fraternity sorority, or student cooperative house	1 per 3 occupants
Bowling Alley	3 per lane plus 1 per 6 spectator seats
Church or Temple	1 per 4 seats in main auditorium
Clinic	1 per 2 employees plus 5 per doctor
College, university or trade or business school	1 per 3 students plus staff members
funeral home or mortuary	1 per 250 sq ft floor area
Hospital	1 per 4 beds plus 1 per doctor plus 1 per 3 Employees plus 1 per hospital Vehicle**
Industrial, wholesale, Warehousing and storage	1 per 2 employees**
Motel or Hotel	1 per sleeping
Multi-family dwelling	2 per dwelling unit
Nursing home or home for the aged	1 per 7 persons in residence
Outdoor commercial recreational use	1 per 3 employees plus 1 per 500
Police Station or Fire Station	1 per 3 employees on a shift

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* Parking space requirements are determined by calculating the used building area unless otherwise indicated. Used building area is the total ground floor area plus the actively used space above the first floor.

** apply the requirement to the combined employment of the two largest successive shifts.

TABLE 1c
PARKING REQUIREMENTS (continued)

Private Club or Lodge	1 per 6 active members
Public Library, Museum or Municipal or Gov. Bldg.	1 per 300 sq. ft of floor area
Retail Sales and Service	1 per 150 sq. ft
School (driving age students)	1 per 3 students plus staff members
School (non-driving age students)	1 per 3 employees plus 1 per 5 children
Shopping Center (Regional)	1 per 75 sq. ft sales area
Single Family Dwelling	2 per dwelling unit *
Stadium, Coliseum and Auditorium	3 or 4 employees plus 1 per 4 seats
Telephone exchange or public utility substation	1 per employee at or working out of site
Truck Freight Terminal	1 per 2 employees plus 4 for Customers
For any use not otherwise listed	As determined by the board

A minimum of three (3)-parking spaces shall be provided for any non-residential active use. For any combined use the total requirement is equal to the sum of the individual parking-use requirements that occur concurrently. If the uses are non-concurrent in nature the larger of the requirements shall be used.

Each parking space required by this Section must be at least 9 feet wide and 18 feet long.

* Driveway may be considered as parking area.

TABLE 1d
COMMERCIAL & INDUSTRIAL LOADING REQUIREMENTS

TYPE OF USE .	GROSS FLOOR AREA (in sq. ft.)	LOADING & UNLOADING BERTHS
Retail, Wholesale Storage and other Business uses	5,000 to 25,000	1
	3,000 to 10,000	2
	For each additional 80,000	1 additional
Office Buildings	5,000 to 100,000	1
	100,00l to 335,000	2
	For each additional 200,000	1 additional
Industrial	5,000 to 25,000	1
	25,001 to 75,000	2
	75,001 to 125,000	3
	For each additional 80,000	1 additional

The minimum size of each loading berth required shall be 12 feet by 35 feet, with a height clearance of 14 feet.

TABLE 2- SIGN REGULATIONS								
Districts	**A-R/UF**	**All R**	**B-1, B-2**	**B-3**	**B-4**	**PEC**	**PUD**	**all I**
Total area of all signs permitted (square feet) Per Lot (b)	96 (a)	16	N/A	N/A	N/A	(c)	(c)	N/A
Total allowable signage attached to a structure = Percentage of building façade facing a street(k)(m)	N/A	N/A	20%	20%	10%	(c)	(c)	10%
Lighting								
Internal/ External Illumination (d)	SE	SE	P	P	P	P(c)	P(c)	P
Freestanding signs								
Number permitted per lot	(e)	1	1	1	1	(c)	(c)	1
Maximum area per individual sign	32(a)	16	32(l)	64	32(l)	(c)	(c)	32(l)
Maximum Height	6	6	25	36	6	(c)	(c)	6
Permits required (i)								
Freestanding (h)	P (j)	X	P	P	P	P	P	P
wall/roof (g)	X	X	P	P	P	P	P	P
Banner/ incidental	X	X	X	X	X	X	X	X
Temporary	X	X	X	X	X	X	X	X
Flags (f)	X	X	X	X	X	X	X	X

P = Permit required X = Permit not required SE = May be Permitted for Special Exception use only

(a) Lots developed solely for single family and two family dwelling purposes (including home occupations) shall be limited to sixteen (16) square feet in area.
(b) In the A-R and R zoning districts all adjoining parcels of land in common ownership shall be considered to be one lot for the purposes of determining total area of signs permitted. The only exception to this standard shall be when two or more parcels are developed as individual, stand alone and distinct principle uses in which case each stand alone parcel shall be considered an individual lot.
(c) See Section 652.10 for standards applicable in the Planned Employment Center (PEC) or PUD District ordinance for the parcel involved.
(d) Signs on vacant property shall not be illuminated.
(e) There is no limit on the number of freestanding signs permitted on a parcel in the A-R zone provided the total of all freestanding signs does not exceed the permitted freestanding square footage.
(f) No flag shall exceed 60 square feet in area and shall not be flown from a pole the top of which is more than the 40 feet in height or the maximum height of building permitted in the applicable zoning district whichever is less. Flag's must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes (CFR Title 4 Chapter 1 The Flag). Flags meeting this criteria shall be permitted in addition to any permitted sign on a property. Any flag not meeting any one or more of these criteria shall be considered a banner sign and shall be subject to regulation as such.
(g) Signs painted directly on the siding or roofing shall not require a permit.

(h) Includes banners not attached to a building or other specified structure.
(i) Regardless of whether or not a permit is required all signs must meet applicable standards. In order to avoid prosecution it is recommended that compliance be determined before any sign is established, constructed or purchased.
(j) Permit shall not be required for a farm or single family use including home occupations.
(as amended Ord.2012-19)
(k) Signs may be placed on any wall however in no case shall the total allowable area permitted on a structure be exceed or more than 20% of a particular wall be covered by signs.
(l) In the event wall signage placed on a structure is less than the maximum permitted, the additional square footage may be used to enlarge a permitted freestanding sign. In no case however shall a freestanding sign exceed 64 sq. ft. in area.
(m) When one or more walls face the same adjoining street (building oriented at an angle to the street) the total area of permitted building signage shall be based on the larger façade face.

(As Amended by Ord. #2014-05)