

# **UNIFIED ZONING ORDINANCE**

of Randolph County, Indiana

Town of Farmland  
Town of Losantville  
Town of Lynn  
Town of Modoc  
Town of Parker City  
Town of Ridgeville  
Town of Saratoga  
City of Union City  
City of Winchester

Prepared By:

**Area Planning Commission  
of Randolph County, Indiana**

*Revised 2018*

# ARTICLE I

## District

### Districts and Boundaries

#### 1.01 Establishment of Districts

For the purposes of this Ordinance, Randolph County is hereby divided into the zoning districts as listed in Table 1.01.1 below:

| <b>TABLE 1.01.1<br/>Zoning District Classifications and Symbols</b> |                                  |
|---|----------------------------------|
| A-I   | Agricultural, Intensive          |
| A-L   | Agricultural, Limited            |
| A-R   | Residential, Low Density         |
| R-1   | Residential, Medium Density      |
| R-2   | Residential, High Density, Urban |
| R-3   | Residential, High Density        |
| C-1   | Commercial, Neighborhood         |
| C-2   | Commercial, Community            |
| C-3   | Commercial, Regional             |
| M-1   | Industrial, Light                |
| M-2   | Industrial, General              |
| FW  | Floodway                         |
| FF  | Floodway Fringe                  |
| PD <sup>1</sup>   | Planned Development              |

<sup>1</sup>Refer to Article 7.03 for the four symbols used to indicate the nature of PD zoning districts.

| <b>TABLE 1.01.2<br/>Wind Energy Conversion Systems (WECS)</b> |   |
|---|---|
| <b><u>WECS</u></b>  | Article XVI, Wind Energy Conversion Systems, <b><u>Appendix A</u></b> , sets forth for each Zoning District Classification which Zoning Districts permit and which prohibit WECS. If WECS is a permitted use, the type of use a WECS is for such Zoning District and what is required to permit a WECS. |

#### 1.02 Establishment of Boundaries

The Zoning District Classifications and Symbols listed in Table 1.01.1 are hereby adopted and established as designated on the “Zoning Map of Randolph County, Indiana, its two cities and seven towns”, together with all notations, references and other information shown thereon, which map is hereby made a part of this Ordinance and shall remain on file in the Office of the Area Planning Commission of Randolph County, Indiana.

1.03 District Boundaries

The Zoning District boundary lines delineated on the Zoning Map shall be deemed to follow lot or property lines with the following exceptions:

- a. Where the lot or property line coincides with the right-of-way line of a street, alley or railroad, the Zoning District boundary shall be deemed to follow the center line of such right-of-way.
- b. Where the lot or property line coincides with the right-of-way line of a state-owned limited access or interstate highway, the Zoning District boundary shall be deemed to follow such right-of-way.

1.04 Lot Divided - Extension of District

Except as provided in Article III-I, Agricultural Intensive District, where Zoning District boundary lines divide a lot which was a single ownership at the time of the adoption of this Ordinance, the use authorized thereon and the requirements applying to the least restricted portion of said lot shall be considered as extending to the entire lot and the use so extended shall be deemed to be conforming

1.05 Interpretation of Boundaries

All questions concerning the exact location of Zoning District boundary lines shall be determined by the Board of Zoning Appeals of Randolph County, Indiana, by decision, after notice and hearing.

1.06 Annexation and Property Not Included

Except for property designated as limited-access or interstate highway right-of-way, in every case where property has not been specifically included within a district, the same is hereby declared to be in the 'A-L' district. Territory detached from an incorporated city or town subsequent to the effective date of this Ordinance, upon the effective date of such disannexation, shall be declared to be in the 'A-L' district until otherwise changed by the Area Planning Commission, and approved by the legislative body having jurisdiction.

**ARTICLE II**  
**Effects of Districting and General Regulations**

2.01 Conformance Required

Except as hereinafter specified, no land, building, structure or premises shall be hereafter used and no building or part thereof or structure shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

2.02 Permit Required

Unless otherwise specifically provided, no land, building, structure, swimming pool, lake or pond, premises or use shall be hereafter located, erected, moved, reconstructed, extended, enlarged or altered unless and until an Improvement Location Permit has been approved and issued by the Area Planning Commission. Provided, however, and notwithstanding the regulations contained herein, an Improvement Location Permit shall not be required for the construction or erection of a fence or to change the use of land, buildings or structures to another use which is permitted in that zoning district and similar in character and intensity as the previous use. An Improvement Location Permit shall be required in the event of a dispute as to the applicability of this section.

2.03 Nonconforming Structures

Where a legally established structure exists at the effective date of adoption or amendment of the ordinance that could not be built under the terms of the ordinance by reason of restrictions on area, lot width, height, setbacks or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such legally established nonconforming structure may be enlarged or altered in a way which increased its nonconformity but any structure or portions thereof may be altered to decrease its nonconformity. A single-family dwelling may be enlarged and an Improvement Location Permit shall be issued without a variance hearing provided that setbacks and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such a lot is located.
- b. Legally established nonconforming structures may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other disaster provided the damage or destruction does not exceed sixty percent (60%) of the gross floor area of the building, structure or facilities affected.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

2.04 Nonconforming Lot Size

No yard or lot existing at the effective date of adoption or amendment of the ordinance shall be reduced in a dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

2.05 Nonconformity and Discontinuation

The legally established nonconforming use or occupancy of any lot, building or structure existing at the time of the effective date of this Ordinance may be continued as a legally established nonconforming use as such use, building or structure existed before the effective date of this ordinance. Provided, however, if such legally established nonconforming use is discontinued for one year, any future use or occupancy of said land shall be in conformity with the provisions of this Ordinance. As provided by IC 36-7-4-616, any legally established nonconforming agricultural use of land may continue as long as the land is used for agricultural purposes for any three year period in a five year period.

2.06 Substitution and Extension of Nonconforming Uses

A legally established nonconforming use of any lot, building or structure may be substituted with another similar nonconforming use provided such substituted similar nonconforming use is not more objectionable, is operated within the same confines, and does not increase parking and traffic. An existing nonconforming use may be extended consistent with the provisions of this Zoning Ordinance and Indiana law. In all cases involving the substitution of a nonconforming use or the extension of a nonconforming use, the person seeking to substitute or extend the nonconforming use shall file a petition with the Board of Zoning Appeals which shall hold a hearing upon such petition after proper notice of such hearing has been given.

2.07 Nonconforming Use Changed to Conforming Use

Any nonconforming use of a lot, building or structure which changes to a conforming use, the use of such lot, building or structure shall not thereafter be changed to a nonconforming use.

2.08 Nonconformance with Performance Standards

Any use of a lot, building or structure which does not comply with Article IX (Performance Standards) shall adopt necessary measures to conform therewith within three years of the effective date of this Ordinance.

2.09 Nonconforming Use Repair and Alteration

The maintenance and repair of any legally established nonconforming building or building occupied by a legally established nonconforming use may be completed provided no structural alterations or additions may be made except as required by law.

2.10 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record, which was conforming prior to the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership or under control of the same owner. These provisions shall apply even though such lots fail to meet the requirements of area or width, or both, that are generally applicable in the district, provided that setbacks and requirements other than those applying to area or width, or both, of

the lot shall conform to the regulations for the district in which such lot is located. Variance of setbacks shall be obtained only through action of the Board of Zoning Appeals. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership or under the control of single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

#### 2.11 Additional Permitted Uses

Uses other than those specifically mentioned in this Ordinance as permitted uses in each of the Zoning Districts may also be allowed therein, except for uses prohibited in a less restrictive district and provided that, if such other uses are of similar character to those mentioned and will have no adverse influence or no more adverse influence on adjacent properties or the neighborhood or community than permitted uses specifically mentioned for the district. Disputes regarding uses not specifically mentioned as permitted shall be settled by the Board of Zoning Appeals as evidenced by resolution of record.

#### 2.12 Storing of Manufactured Housing

Unless otherwise authorized as a permitted use, the parking, storing or otherwise placing of manufactured housing in any zoning district shall be limited to a total of one hundred twenty (120) days within any twelve month period.

#### 2.13 Additional Requirements for Swimming Pools

If located in any R-District, swimming pools shall be intended and used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests or for the enjoyment of bona fide members of a club and their guests. Pools may be located anywhere on the premises except in required front yards; provided they shall not be located closer than five feet to any property line of the property on which located. The swimming pool, or the entire property on which located, shall be walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light from adjoining properties. No person, firm or corporation shall construct or install a swimming pool or make any alterations thereon or in the appurtenances thereof without first having obtained an Improvement Location Permit for such construction, installation or alteration.



**ARTICLE III**  
**Agricultural *Limited* District**

3.01.A Agricultural Limited District

An **Agricultural Limited District** is hereby created. The **Agricultural Limited District** is an agricultural district which permits Agricultural Primary Uses, Agricultural Accessory Uses, Agricultural Conditional Uses, and Agricultural Special Exception Uses as hereafter provided in tables 3.01.1, 3.01.2, 3.01.3 and 3.01.4, respectively. **Confinement Operations** are prohibited within an **Agricultural Limited District**.

3.01.B The geographical area of the **Agricultural Limited District** shall be as follows, to-wit:

- (1) A distance extended one-mile from the existing corporation limits of any incorporated town or city;
- (2) Those areas which are within a one-half (1/2) mile radii of the existing center of any unincorporated area of Randolph County, Indiana, and those areas which are within the one-half (1/2) mile radii of areas which are designated in the Zoning Map that is incorporated into this Zoning Ordinance by reference, which areas within the above designated one-half (1/2) mile radii were formerly in the **Agricultural Zoning District**. Provided, however, any parts of the areas within such one-half (1/2) mile radii, which were in another zoning classification district other than the Agricultural Zoning District as of the date of this Amendment to the Zoning Ordinance shall remain in such other zoning classification district.
- (3) An area one-half (1/2) mile in width on each side of the following federal highway or state roads:
  - (a) State Road 28 commencing at the Delaware County line traveling east on said road and terminating at the center of the intersection of State Road 28 and State Road 1 in Randolph County, Indiana.
  - (b) State Road 28 commencing at the center of the intersection of Randolph County Road 100 West traveling east on said State Road 28 and terminating (1/2) mile from the center of the unincorporated area of Deerfield, Indiana.
  - (c) State Road 28 commencing at the center of Randolph County Road 600 East and traveling east on said State Road 28 and terminating one (1) mile west of the current existing corporation limit of Union City, Indiana.
  - (d) State Road Highway 227 commencing at the center of Randolph County Road 100 South and traveling north on said State Road 227 and terminating one (1) mile south of the current existing corporation limit of Union City, Indiana.
  - (e) State Road 32 commencing at the center of County Road 300 East and traveling west on said State Road 32 and terminating at the center of the intersection of State Road 32 and Randolph County Road 200 East.
  - (f) State Road Highway 32 commencing one (1) mile west of the current corporation limit of Farmland, Indiana, continuing west on said Road and terminating one (1) mile east of the current corporation limit of Parker City, Indiana.
  - (g) Commencing one-half (1/2) mile from the center of the unincorporated area of Deerfield, Randolph County, Indiana, and traveling south on U.S. Highway 27 and terminating at the center line of the intersection of Randolph County Road 600 North and U.S. Highway 27.



3.01.C Permitted Uses

Permitted uses in the **Agricultural Limited District** shall be according to the following tables. Activities or enterprises not specifically listed thereon may also be permitted if it is of similar character and have no greater adverse influence on adjacent properties, the neighborhood or community than the uses specifically listed. A person who seeks to commence an enterprise or activity not specifically listed in Tables 3.01.1, 3.01.2, 3.01.3, or 3.01.4 may file a Petition with the Board of Zoning Appeals. The Executive Director of the Area Planning Commission, prior to the time of filing of such Petition, shall determine if the same may be within an **Agricultural Limited District** Use Table, and if so which **Agricultural Limited District** Use Table such activity or enterprise is subject, i.e., Table 3.01.1, 3.01.2, 3.01.3, or 3.01.4. In the event the Executive Director determines such activity or enterprise may be within an **Agricultural Limited District** Use Table, the person may file a petition seeking the Board of Zoning Appeals approval for such activity or enterprise as provided by law, Unified Zoning Ordinance of Randolph County, Indiana and Rules of the Board of Zoning Appeals. If the Executive Director determines such activity or enterprise is not within an **Agricultural Limited District** Use Table, the person may appeal the requirement, decision or determination of the Executive Director in the manner prescribed by applicable Rules of the Board of Zoning Appeals, Zoning Ordinance and statute(s).

| <b>TABLE 3.01.1<br/>Agricultural Limited Primary Uses</b>  |
|--|
| Barns, sheds, storage buildings and similar structures utilized in an agricultural enterprise    |
| Commercial greenhouses and plant nurseries, including retail sales of products grown on the site |
| Commercial WECS (Wind Energy Conversion System) <sup>2</sup>                                     |
| Fish hatcheries, lakes and ponds   |
| Forests, forest propagation nurseries, arboretums  |
| Granaries, grain process and milling for seed or feed  |
| Grazing or feeding of livestock <sup>3</sup>   |
| Micro WECS   |
| Production of grains, grasses, plants, vines and orchards  |
| Single family residence, manufactured homes, modular homes and mobile homes                      |
| Stands for the sale of agricultural products   |
| Towers and antennas under 300 feet <sup>1</sup>  |
| Truck gardens and related field crops, mushroom cellars, general gardening and apiaries          |

<sup>1</sup>All such towers and antennas shall comply with the requirements found in Article XVII

<sup>2</sup>All WECS shall comply with the requirements found in Article XVI and are not subject to setback, or height, or lot area and dimensions requirements in this Article

<sup>3</sup>Livestock raised on lots less than five (5) acres is regulated by 3.12

The following accessory uses shall be permitted in an **Agricultural Limited District**, subject to the standards and limitations contained herein:

| <b>TABLE 3.01.2</b>   |
|---|
| <b>Agricultural Limited Accessory Uses</b>  |
| Amateur radio sending and receiving antennas and amateur radio antenna support structures   |
| Barns, silos, granaries and similar agricultural storage buildings  |
| Child care home   |
| Common recreational facilities  |
| Foster family care  |
| Game courts   |
| Grazing or feeding of livestock <sup>1</sup>  |
| Home occupation   |
| Off-street parking areas  |
| Private garages and carports as defined for single family dwelling, porches, decks, awnings, canopies, storage buildings, patios, outdoor fireplaces, porte-cocheres, bathhouses, cabanas, children’s playhouses, swings and other play structures or equipment |
| Private swimming pools  |
| Residential occupancy by domestic employees whose primary duties are performed on the premises  |
| Satellite dish antennas   |
| Signs (See Tables 3.11.1 and 3.11.2)  |
| Storage or parking of accessory vehicles only within enclosed buildings or roofed structures  |
| Underground storage rooms   |

<sup>1</sup>Regulated by Section 3.12

Unless essential to an agricultural enterprise, accessory uses in an **Agricultural Limited District** shall be customarily incidental, accessory and subordinate to and commonly associated with the operation of the residential use of the lot, shall be operated and maintained under the same ownership and on the same building lot as the residential use, and shall be subordinate in area, build, extent, and purpose to the residential use of the building served. The height of an accessory structure not essential to an agricultural enterprise shall be less than, or equal to, that of the primary structure. When a residence or the proposed accessory structure is located within five hundred (500) feet of a neighboring residence the accessory structure, not essential to an agricultural enterprise, shall be located no closer to the front lot line than the primary structure unless attached to said primary structure. See Table 3.04.1. Any “Lots”, whose primary use are residential and which are under the same ownership, which would be contiguous, excepting separation by an alley, shall be considered the same building lot for purposes of determining permitted accessory uses, subject to the following: the accessory use must be approved by the Zoning Administrator. All performance/building standards and above restrictions must be followed for such accessory uses. Both lots will be considered as one building lot and remain so unless both lots can concurrently meet the standards of this ordinance at a future time. A Restrictive Transfer Form must be recorded with both deeds and remain in effect until said time the aforementioned standards can be met allowing the two properties to be considered separate.

The following uses shall be permitted in an **Agricultural Limited District** upon approval of a Conditional Use Permit approved by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 3.01.3</b>   |
|---|
| <b>Agricultural Limited Conditional Uses</b>  |
| Agricultural equipment sales and services   |
| Athletic fields and courts, public and private  |
| Cemetery, crematory, mausoleum  |
| Church, convent, monastery, rectory, parish hall, synagogue                                   |
| Country club, golf course, including commercially operated driving range and miniature golf   |
| Fraternal or religious institution – building and grounds                                     |
| Municipal sewage disposal facilities and water reservoir, excluding accessory lakes and ponds |
| Non-Commercial WECS (Wind Energy Conversion System) <sup>1</sup>                              |
| Parking, off-site for business or industrial uses   |
| Private recreational development  |
| Public park, public playground and public community center                                    |
| School  |

<sup>1</sup>All WECS shall comply with the requirements found in Article XVI and are not subject to setback, or height, or lot area and dimensions requirements in this Article.

The following uses shall be permitted in an **Agricultural Limited District** upon approval of a Petition for Special Exception by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 3.01.4</b>   |
|---|
| <b>Agricultural Limited Special Exception Uses</b>  |
| Advertising or billboard signs <sup>1</sup>   |
| Airports or aircraft landing field and heliports  |
| Art gallery, museum   |
| Child Care Center   |
| Hospital, sanitarium  |
| Institution for children  |
| Land fill   |
| Mobile home park <sup>3</sup>   |
| Nursing home, senior citizen living facilities and center, assisted living center   |
| Private club or lodge   |
| Public library  |
| Public utility or service use, including, but limited to, bus turn-around, fire station, police station, railroad, telephone mechanical or exchange building, water filtration plant, water pumping station |
| Sand and gravel mining  |
| Towers and antennas 300 feet and over <sup>2</sup>  |

<sup>1</sup>Unless otherwise authorized by and then subject to the provisions of the federal Highway Beautification Act of 1965, Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.

<sup>2</sup>All such towers and antennas shall comply with the requirements found in Article XVII

<sup>3</sup>The minimum lot area for a Mobile home park shall be five (5) acres. There shall be no variance granted to reduce said five (5) acres requirement.

3.02 Appurtenances

Appurtenant features, such as walks, drainage installations, mailboxes, lamp posts, bird baths and feeders, central air conditioning units, and improvements similar and comparable in nature and purpose, shall be permitted on any agricultural lot and shall be exempt from the standards set forth in Tables 3.04 and 3.05.

3.03 Lot Area and Dimensions

A lot meeting the requirements contained in the following table shall be provided for each residence constructed in an **Agricultural Limited District**. In addition, certain agricultural uses shall provide minimum areas and dimensions according to the following table:

| <b>TABLE 3.03.1<br/>Minimum Lot Area and Dimensions</b>                      |                   |                        |                              |
|--|-------------------|------------------------|------------------------------|
| <b>Use</b>   | <b>Lot Area</b>   | <b>Street Frontage</b> | <b>Lot Width<sup>1</sup></b> |
| Residence<br>Barns, sheds for agriculture<br>Stands for agriculture products | 2 Buildable acres | 40 feet                | 100 feet                     |
| All other uses provided in<br>Table 3.01.1                                   | 5 acres           | 40 feet                | 100 feet                     |
| All other uses provided in<br>Table 3.01.2                                   | 2 Buildable acres | 40 feet                | 100 feet                     |
| All other uses provided in<br>Tables 3.01.3 and 3.01.4                       | Determined by BZA | 40 feet                | 100 feet                     |

<sup>1</sup>As measured at the front building line.

<sup>2</sup>The minimum lot area for listed use shall be two (2) buildable acres. There shall be no variance granted to reduce said two (2) buildable acres requirement.

3.04 Minimum Front Setbacks

Minimum front setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in an **Agricultural Limited District** according to the following table:

| <b>TABLE 3.04.1<br/>Minimum Front Setbacks</b>              |          |
|---|----------|
| Limited Access or Interstate Highway                        | 100 feet |
| Primary Arterial HWY 27, 32, 35, 36                         | 50 feet  |
| Secondary Arterial HWY 1, 28, 227                           | 40 feet  |
| Collector Street County Rds. Columbia, Chestnut, Washington | 30 feet  |
| Local Street City Streets, (20-30 mph)                      | 25 feet  |
| Cul-de-sac Street   | 20 feet  |

3.05 Minimum Side and Rear Setbacks

Minimum side and rear setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in an **Agricultural Limited District** in accordance with the following table:

| <b>TABLE 3.05.1<br/>Minimum Side and Rear Setbacks</b>                        |                          |                      |
|---|--------------------------|----------------------|
| <b>Use</b>  | <b>Side Setback</b>      | <b>Rear Setback</b>  |
| Residence   | 15 feet                  | 35 feet              |
| Storage building, residential and agricultural                                | 15 feet                  | 15 feet              |
| Livestock and poultry buildings (excluding confinement buildings of any type) | 15 feet <sup>1</sup>     | 15 feet <sup>1</sup> |
| Lakes and ponds <sup>2</sup>  | 50 feet                  | 50 feet              |
| Structures and Buildings for Conditional and Special Exception Uses           | As determined by the BZA |                      |

<sup>1</sup>The side and rear setback shall be 100 feet if adjacent to a residential zoning district. A lot with an area less than five (5) acres is regulated by 3.12

<sup>2</sup>The setback shall be measured from and perpendicular to the property line to the nearest top of the bank.

3.06 Minimum Floor Area

A minimum ground floor living area of 950 square feet shall be provided for each one-story residence and 600 square feet for each residence of two or more stories constructed within an **Agricultural Limited District**. In the case of residences with two or more stories, the total finished living area of all floors shall equal no less than 950 square feet.

3.07 Maximum Height

The maximum height of buildings shall be in accordance with the following table:

| <b>TABLE 3.07.1<br/>Maximum Height<sup>1</sup></b>                  |                          |
|---|--------------------------|
| Residences  | 35 feet                  |
| Detached garages and storage buildings <sup>2</sup>                 | 20 feet                  |
| Structures and Buildings for Conditional and Special Exception Uses | As determined by the BZA |

<sup>1</sup>The height of buildings and structures essential to an agricultural enterprise shall be limited to the height necessary to serve their intended purpose.

<sup>2</sup>Excluding storage buildings used in an agricultural enterprise.

3.08 Parking

Off-street parking, which may include garages and carports, shall be provided in all agricultural zoning districts according to the following table:

| <b>TABLE 3.08.1<br/>Agricultural Parking</b>              |  |
|---|--|
| <b>Use</b>  | <b>Requirement</b>   |
| Residence   | 2 per dwelling unit  |
| Truck Gardens and open produce stands                     | 3  |
| Covered and Enclosed or partially enclosed produce stands | The greater of three (3) or one (1) for each 100 square feet covered, enclosed or partially covered or partially enclosed area |
| Conditional and Special Exception Uses                    | As determined by the BZA   |

### 3.09 Landscaping

In agricultural zoning districts, at least one tree and three shrubs shall be provided for each dwelling unit on the lot. Trees and shrubs may be either deciduous or coniferous. Trees shall measure at least one and one-half inches in caliper, as measured at six inches above the root ball, at the time of planting and have a characteristic mature height of at least twenty feet. Shrubs shall measure at least twelve inches in height at the time of planting and have a characteristic mature height of at least three feet. Existing trees and shrubs, meeting the criteria above-stated for trees and shrubs, whether growing naturally or planted prior to development, shall be counted to comply with this section.

### 3.10 Fencing

Fencing shall be permitted in an **Agricultural Limited District** provided it is not located within any clear-sight triangle, for the premises or adjacent properties. Fencing on the lot of any residence shall be limited to a maximum height of four feet if located in front of the established front building line for the lot; or, six feet in height if located behind the established front building line. Said maximum heights may be reasonably exceeded by up to two feet in additional height for a maximum lineal distance of eight feet to accommodate variations in grade elevations. Height issues, disputes, and other matter regarding fencing shall be resolved by the Board of Zoning Appeals by decision, after notice and hearing, which decision shall apply only to the fencing issue, dispute, other matters and premises involved in such hearing. A decision of the Board of Zoning Appeals shall be binding and enforceable by the provisions of the Unified Zoning Ordinance of Randolph County as now provided or as the same may from time to time be amended. For agricultural uses and activities, fences shall be limited in height to that which is necessary and essential to such use or activity, provided no fencing shall exceed the provisions of this subsection.

### 3.11 Signs

Signs shall be permitted in an **Agricultural Limited District** only for activities listed and in accordance with the following table:

| <b>Activity</b>                  | <b>Front Setback<sup>1</sup></b> | <b>Area<sup>2</sup></b> | <b>Height</b> |
|----------------------------------|----------------------------------|-------------------------|---------------|
| Greenhouse, plant nursery        | 15 feet                          | 32 square feet          | 10 feet       |
| Home Occupation                  | 5 feet                           | 4 square feet           | 4 feet        |
| Seed advertising <sup>3</sup>    | 2 feet                           | 1 square foot           | 2 feet        |
| Truck garden, produce stand      | 5 feet                           | 9 square feet           | 4 feet        |
| Temporary real estate            | 15 feet                          | 9 square feet           | 3 feet        |
| Weekend directional <sup>4</sup> | 2 feet                           | 1 square foot           | 2 feet        |

<sup>1</sup>Unless otherwise specifically provided, no portion of a sign shall be located within the minimum required setback or any clear-sight triangle, as defined herein, for the premises or adjacent properties.

<sup>2</sup>Only one side of a double-faced sign shall be used in calculating the permitted area.

<sup>3</sup>Signs advertising seeds, fertilizers and herbicides, etc., shall be permitted only along the frontage of crop fields and shall advertise only for those products used in the crop field where they are located.

<sup>4</sup>Weekend directional signs for new home developments, real estate open houses, and garage/yard sales may be installed, only with the consent of the property owner, no sooner than 12:00 noon on Friday and shall be removed no later than 9:00 a.m. the following Monday.

Signs in an **Agricultural Limited District** shall not be lighted in any manner and shall be located no closer to a side or rear property line than fifteen feet. Only one sign, either attached to a building or free-standing, shall be permitted for each activity listed in Table 3.11.1, Permitted Agricultural Limited Signs. Temporary signs shall be removed within twelve months of their erection or as hereinafter provided. The Board of Zoning Appeals may approve, upon petition by decision after notice and hearing, extension(s) not exceeding twelve months each provided such request is made prior to the expiration of the temporary period or extensions thereof. Temporary signs shall be removed immediately upon the cessation of the activity served, regardless of the time remaining on the temporary period or extensions thereof.

The signs listed in the following table shall be prohibited in an agricultural zoning district:

| <b>TABLE 3.11.2<br/>Prohibited Agricultural Limited Signs</b>   |
|---|
| Beacon, strobe and similar flashing or animated light devices   |
| Portable and/or flashing signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>1</sup>                         |
| Signs affixed to utility poles, light standards, and public transportation or school bus shelters or benches  |
| Signs which obstruct or otherwise interfere with official signs and traffic devices   |
| Signs which resemble official signs and traffic devices unless such signs are necessary for internal traffic circulation on the site                        |
| Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>2</sup> |
| Signs on natural features such as trees and rocks   |
| Statuary utilized and intended for commercial advertising purposes  |

<sup>1</sup>This section is not intended to prohibit signs painted on or otherwise affixed to commercial or business vehicles, but does prohibit the parking or storing of such vehicles for the sole purpose of advertising a business or activity.

<sup>2</sup>Projecting signs, awnings and canopies located within the public right-of-way shall be covered by at least 300,000 of general liability insurance. A current Certificate of Insurance, naming Randolph County, Indiana, it's employees, appointed and elected officials, as additional insured and containing a thirty day cancellation clause, shall be on file with the Area Planning Commission of Randolph County for the duration of the encroachment of such structures. An updated Certificate of Insurance shall be filed with the Area Planning Commission prior to the expiration of the current Certificate of Insurance.

### 3.12 Restrictions on the Keeping of Farm Animals

#### 3.12.1 Restriction on the Keeping of Farm Animals below the threshold numbers defined for a MFO on lot sizes less than five (5) acres (required for a "farm").

#### 3.12.A Purpose. The regulations of this section are established to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

1) In an A-L district, on lots less than five (5) acres, animal numbers per "pasture/animal housing" lot size shall follow the regulations in the following Table:

**TABLE 3.12.1  
ANIMAL HOUSING AND REQUIRED LOT SIZE  
(less than 5 acres)**

| Animal  | Horse   | Bovine  | Pig <sup>2</sup>                | Goat/Sheep                            | Chicken <sup>1</sup>            | Turkey/Geese <sup>1</sup>       |
|---|---------|---------|---------------------------------|---------------------------------------|---------------------------------|---------------------------------|
| Unit  | 1       | 1       | 1                               | 1                                     | 1                               | 1                               |
| Pasture/Animal Housing (acres)                          | 1       | 1       | .0045<br>(200 ft <sup>2</sup> ) | .3<br>(13,068 ft <sup>2</sup> )       | .0092<br>(400 ft <sup>2</sup> ) | .0138<br>(600 ft <sup>2</sup> ) |
| Additional Pasture size need for each additional animal | .5 acre | .5 acre | 200 ft <sup>2</sup>             | 1,200 ft <sup>2</sup><br>(.0275 acre) | 10 ft <sup>2</sup>              | 100 ft <sup>2</sup>             |
| On lot < 5 acres Maximum #                              | 5       | 5       | 3/acre                          | 15                                    | 50                              | 25                              |

<sup>1</sup> May be free ranged on owners property and bantams are counted as 1/2 a standard breed.

<sup>2</sup> Pigs raised as a project for a youth organization is exempt from the 3 pigs per acre limit. Pigsties are prohibited closer than 300' from a property line.

- 2) Setback to animal housing shall be the greater of 50' from the property line or 100' from the nearest residence. The owners residence is excluded from this requirement. Animal housing shall be closer to the owner/operator residence than to neighboring residences. A pigsty is prohibited any closer than 300' to a property line.
- 3) Lots without a Residence. Farm animals may be kept on a lot that is vacant or has no occupied residence but only if the operator of such demonstrates that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions and is contiguous to the operator's residence.
- 4) Sanitation and Nuisances: Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

### 3.13 Miscellaneous Provisions

- (a) The Executive Director of the Area Planning Commission shall prescribe and prepare form(s) which shall become part of petitioner's application information packet or the appeal packet from any order, requirement, decision, or determination of the Executive Director of the Area Planning Commission for all matters subject to a hearing before the Area Planning Commission of Randolph County, Indiana or the Board of Zoning Appeals of Randolph County, Indiana, when the property, in whole or in part, subject to such hearing is situated in or adjoining or adjacent to an **Agricultural Limited District, the Agricultural Intensive District, or both.** such form(s) shall include any information deemed necessary and appropriate by the Executive Director of the Area Planning Commission to place the petitioner, person appealing action, as above set forth, of said Executive Director and any



interested person as defined by the Unified Zoning Ordinance of Randolph County, Indiana, or by rule of said Area Planning Commission or by rule of said Board of Zoning Appeals that the provisions of **Article III Agricultural Limited District** and/or **Article III.I. Agricultural Intensive District** is/are or may be applicable to the property or a part of such property or related to the issue(s) subject to the hearing. Said form(s) shall include, but not be limited to, a statement that the **Agricultural Intensive District** permits **Confinement Operations: Confined Feeding Operations (CFO) and Concentrated Animal Feeding Operations (CAFO)** to exist, may permit expansion, enlargement or intensification of a **CFO or CAFO**, or other **CFOs and CAFOs** may come to exist. The form(s) prescribed by the Executive Director pursuant to this subsection shall be included as part of the notice which is mailed to each interested person, as above defined. It shall be the duty and responsibility of the person required to give notice to see that each interested person is provided with proper notice of hearing.

**The form(s) prescribed by said Executive Director may be amended as deemed necessary or appropriate from time to time as determined by the Executive Director, the Area Planning Commission of Randolph County, Indiana or the Board of Zoning Appeals of Randolph County, Indiana.**

- (b) The Area Planning Commission of Randolph County, Indiana, its Executive Director, employees, and members, and members of the Board of Zoning Appeals of Randolph County, Indiana shall have no duty nor responsibility to determine that any person who receives notice of hearing, described in part (a), above, reads any information furnished to such person or reads the Unified Zoning Ordinance of Randolph County, Indiana.

## ARTICLE III-I

### **Agricultural *Intensive* District**

#### 3.I-01.A Agricultural Intensive District

An **Agricultural Intensive District** is hereby created. The **Agricultural Intensive District** is an Agricultural District which permits Agricultural Primary Uses, Agricultural Accessory Uses, Agricultural Conditional Uses and Agricultural Special Exception Uses as hereafter provided in Tables 3.I-01.1., 3.I-01.2., 3.I-01.3. and 3.I-01.4., respectively. **Confinement Operations** are permitted within the **Agricultural Intensive District**.

#### 3.I-01.B Geographic Area

The geographical area of the **Agricultural Intensive District** in Randolph County, Indiana is any area not otherwise within another zoning district classification as provided by the Zoning Map which is incorporated into this Zoning Ordinance by reference.

#### 3.I-01.C General Setbacks

All setbacks of this Article shall be subject to the one hundred (100') foot general setback provided by Section 3.I-13. (j) when applicable.

#### 3.I-01.D Permitted Uses

Permitted uses in the **Agricultural Intensive District** shall be according to the following tables. An activity or enterprise not specifically listed thereon may also be permitted if it is of similar character and has no greater adverse influence on adjacent properties, the neighborhood or community than the uses specifically listed. A person who seeks to commence an enterprise or activity not specifically listed in Tables **3.I-01, 3.I-01-2, 3.I-01-3, or, 3.I-01-4** may file a Petition with the Board of Zoning Appeals. The Executive Director of the Area Planning Commission, prior to the time of filing such petition, shall determine if the activity or enterprise may be within the **Agricultural Intensive District**, and if so which **Agricultural Intensive District** Use Table such activity or enterprise is subject, i.e. Table **3.I-01-1, 3.I-01-2, 3.I-01-3, or, 3.I-01-4**. In the event the Executive Director determines such activity or enterprise may be within the **Agricultural Intensive District**, the person may file a petition seeking the Board of Zoning Appeals approval for such activity or enterprise as provided by law, the Unified Zoning Ordinance of Randolph County, Indiana and Rules of the Board of Zoning Appeals. If the Executive Director determines such activity or enterprise is not within the **Agricultural Intensive District**, the person may appeal the requirement, decision or determination of the Executive Director in the manner prescribed by applicable Rules of the Board of Zoning Appeals, the Unified Zoning Ordinance and statute(s).

| <b>TABLE 3.I-01.1</b><br><b>Agricultural Intensive Primary Uses</b>   |
|---|
| Single-family residence, modular homes, manufactured homes and mobile homes   |
| Barns, sheds, storage buildings and similar structures utilized in an agricultural enterprise   |
| Commercial greenhouses and plant nurseries, including retail sales of products grown on site fish hatcheries, lakes and ponds                                 |
| Commercial WECS (Wind Energy Conversion System) <sup>2</sup>  |
| Confinement Operations: Moderate Feeding Operation, Confined Feeding Operations & Concentrated Animal Feeding Operations (as defined by the Zoning Ordinance) |
| Forests, forest propagation nurseries, arboretums   |
| Granaries, grain process and milling for seed or feed   |
| Grazing or feeding of livestock <sup>3</sup>  |
| Micro WECS (Wind Energy Conversion System)  |
| Production of grains, grasses, plants, vines and orchards   |
| Satellite Manure Storage Structure  |
| Stands for the sale of agricultural products  |
| Towers and antennas under 300 feet <sup>1</sup>   |
| Truck gardens and related field crops, mushroom cellars, general gardening and apiaries   |

<sup>1</sup>All such towers and antennas shall comply with the requirements found in Article XVII.

<sup>2</sup>All WECS shall comply with the requirements found in Article XVI and are not subject to setback, or height, or lot area and dimensions requirements in this Article.

<sup>3</sup>Livestock raised on lots less than five (5) acres is regulated by 3.I-12

The following accessory uses shall be permitted in the Agricultural Intensive Zoning District, subject to the standards and limitations contained herein:

| <b>TABLE 3.I-01.2</b><br><b>Agricultural Intensive Accessory Uses</b>  |
|--|
| Amateur radio sending and receiving antennas and amateur radio antenna support structures  |
| Barns, silos, granaries and similar agricultural storage buildings   |
| Child care home  |
| Foster family care   |
| Game courts  |
| Grazing or feeding of livestock <sup>1</sup>   |
| Home occupation  |
| Off-street parking areas   |
| Private swimming pools   |
| Private garages and carports as defined for single-family dwelling, porches, decks, awnings, canopies, storage buildings, patios, outdoor fireplaces, porte-cocheres, bathhouses, cabanas, children's playhouses, swings and other play structures or equipment. |
| Residential occupancy by domestic employees whose primary duties are performed on the premises   |
| Satellite dish antennas  |
| Signs (See Tables 3.I-11.1. and 3.I-11.2)  |
| Storage or parking of accessory vehicles only within enclosed buildings or roofed structures   |
| Underground storage rooms  |

<sup>1</sup>Regulated by Section 3.I-12

Unless essential to an agricultural enterprise, accessory uses in the **Agricultural Intensive** Zoning District shall be customarily incidental, accessory and subordinate to and commonly associated with the operation of the residential use of the lot, shall be operated and maintained under the same ownership and on the same building lot as the residential use, and shall be subordinate in area, build, extent, and purpose to the residential use of the building served. When a residence or the proposed accessory structure is located within five hundred (500) feet of a neighboring residence the accessory structure, not essential to an agricultural enterprise, shall be located no closer to the front lot line than the primary structure unless attached to said primary structure. Any “Lots”, whose primary use are residential and which are under the same ownership, which would be contiguous, excepting separation by an alley, shall be considered the same building lot for purposes of determining permitted accessory uses, subject to the following: the accessory use must be approved by the Zoning Administrator. All performance/building standards and above restrictions must be followed for such accessory uses. Both lots will be considered as one building lot and remain so unless both lots can concurrently meet the standards of this ordinance at a future time. A Restrictive Transfer Form must be recorded with both deeds and remain in effect until said time the aforementioned standards can be met allowing the two properties to be considered separate. See Table 3.I-04.1

The following uses shall be permitted in the **Agricultural Intensive District** upon approval of a Conditional Use Permit approved by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 3.I-01.3<br/>Agricultural Intensive Conditional Uses</b>                             |
|---|
| Agricultural equipment sales and service  |
| Athletic fields and courts, public or private   |
| Cemetery, crematory, mausoleum  |
| Church, convent, monastery, rectory, parish hall, synagogue                                   |
| Common recreational facility, private recreational development                                |
| Country club, golf course, including commercially operated driving range and miniature golf   |
| Fraternal or religious institution – buildings and grounds                                    |
| Municipal sewage disposal facilities and water reservoir, excluding accessory lakes and ponds |
| Non-Commercial WECS (Wind Energy Conversion System) <sup>1</sup>                              |
| Parking, off-site for business or industrial uses   |
| Public park, public playground and public community center                                    |
| School  |

<sup>1</sup>All WECS shall comply with the requirements found in Article XVI and are not subject to setback, or height, or lot area and dimensions requirements in this Article.

The following uses shall be permitted in the Agricultural Intensive Zoning Districts upon approval of a Petition for Special Exception by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 3.I-01.4<br/>Agricultural Special Exception Uses</b>  |
|--|
| Advertising or billboard signs <sup>1</sup>  |
| Airports or aircraft landing field and heliports   |
| Art Gallery, museum  |
| Child Care Center  |
| Hospital, sanitarium   |
| Institution for children   |
| Land fill  |
| Public Library   |
| Mobile home park <sup>3</sup>  |
| Nursing home, senior citizen living center or facility, assisted living center   |
| Private club or lodge  |
| Public utility or service use, including but not limited to, bus turn-around, fire station, police station, railroad, telephone mechanical or exchange building, water filtration plant, water pumping station |
| Sand and gravel mining   |
| Towers and antennas 300 feet and over <sup>2</sup>   |

<sup>1</sup>Unless otherwise authorized by and then subject to the provisions of the federal Highway Beautification Act of 1965, Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.

<sup>2</sup>All such towers and antennas shall comply with the requirements found in Article XVII.

<sup>3</sup>The minimum lot area for a Mobile Home Park shall be five (5) acres. There shall be no variance granted to reduce said five (5) acres requirement.

### **3.I-02 Appurtenances**

Appurtenant features, including, but not limited to, walks, drainage installations, mailboxes, lamp posts, bird baths and feeders, central air conditioning units, and improvements similar and comparable in nature and purpose, shall be permitted on any agricultural lot and shall be exempt from the standards set forth in Tables 3.I-04. and 3.I-05.

**3.I-03 Lot Area and Dimensions**

A lot meeting the requirements contained in the following table shall be provided for each residence in the Agricultural Intensive District. In addition, certain agricultural uses shall provide minimum areas and dimensions according to the following table:

| <b>TABLE 3.I-03.1<br/>Minimum Lot Area and Dimensions</b>   |                                |                 |                        |
|---|--------------------------------|-----------------|------------------------|
| Use   | Lot Area                       | Street Frontage | Lot Width <sup>1</sup> |
| Residence <sup>2</sup><br>Barns, sheds for agriculture,<br>Stands for agriculture products  | 2 Buildable acres <sup>2</sup> | 40 feet         | 100 feet               |
| <b>Moderate Feeding Operation<sup>3</sup> or<br/>Confined Feeding Operation<sup>3</sup> or<br/>Concentrated Animal Feeding Operation<sup>3</sup><br/>Satellite Manure Storage Structure<sup>3</sup></b> | 40 acres                       | 40 feet         | 100 feet               |
| All other uses provided by Tables 3.I-01.1 <sup>5</sup>   | 5 acres                        | 40 feet         | 100 feet               |
| All other uses provided by Table 3.I-01.2 <sup>5</sup>  | 2 Buildable acres              | 40 feet         | 100 feet               |
| All other uses provided by Table 3.I-01.3 and Table 3.I-01.4 <sup>2,4</sup>   | Determined by BZA              | 40 feet         | 100 feet               |

<sup>1</sup>As measured at the front building line.

<sup>2</sup>The minimum lot area for residence use shall be two (2) acres. There shall be no variance granted to reduce said two (2) buildable acres requirement.

<sup>3</sup>The minimum lot area allowed to be granted by variance by the Board of Zoning Appeals for a Moderate Feeding Operation, Confined Feeding Operation or Concentrated Animal Feeding Operation or Satellite Manure Storage Structure shall be no less than ten (10) acres. **There shall be no variance granted to reduce said ten (10) acres requirement.**

<sup>4</sup>The minimum lot size, except as otherwise provided herein, allowed to be granted for all other uses provided in Table 3.I-01.3 and 3.I-01.4 shall be determined by the Board of Zoning Appeals consistent with all provisions of Article III-I.

**3.I-04 Minimum Front Setbacks**

Minimum front setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in agricultural zoning districts according to the following table:

| <b>TABLE 3.I-04.1<br/>Minimum Front Setbacks</b>            |          |
|---|----------|
| Limited Access or Interstate Highway                        | 100 feet |
| Primary Arterial HWY 27, 32, 35, 36                         | 50 feet  |
| Secondary Arterial HWY 1, 28, 227                           | 40 feet  |
| Collector Street County Rds. Columbia, Chestnut, Washington | 30 feet  |
| Local Street City Streets, (20-30 mph)                      | 25 feet  |
| Cul-de-sac Street   | 20 feet  |

**3.I-05 Minimum Side and Rear Setbacks**

Minimum side and rear setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in the **Agricultural Intensive District** in accordance with the following table:

| <b>TABLE 3.I-05.1<br/>Minimum Side and Rear Setbacks<sup>1</sup></b>  |  |                      |
|---|--|----------------------|
| <b>Use</b>  | <b>Side Setback</b>                          | <b>Rear Setback</b>  |
| Residence   | 15 feet                                      | 35 feet              |
| Storage building, residential and agricultural  | 15 feet                                      | 15 feet              |
| Non-Moderate Feeding, Non-Confined Feeding or Non-Concentrated Animal Feeding Livestock and poultry buildings | 15 feet                                      | 15 feet <sup>2</sup> |
| Lakes and ponds <sup>1</sup>  | 50 feet                                      | 50 feet              |
| Structures and Buildings for Conditional and Special Exception Uses   | As determined by the Board of Zoning Appeals |                      |

<sup>1</sup>The setback shall be measured from and perpendicular to the property line to the nearest top of the bank.

<sup>2</sup>The side and rear setback shall be one hundred (100) feet if adjacent to a residential zoning district. A lot with an area less than five (5) acres is regulated by 3.I-12

**3.I-06 Minimum Floor Area**

A minimum ground floor living area of 950 square feet shall be provided for each one-story residence and 600 square feet for each residence of two or more stories constructed within the **Agricultural Intensive District**. In the case of a residence with two or more stories, the living area of all floors shall equal at no less than 950 square feet.

**3.I-07 Maximum Height**

The maximum height of buildings shall be in accordance with the following table:

| <b>TABLE 3.I-07.1<br/>Maximum Height<sup>1</sup></b>                |  |
|---|--|
| Residences  | 35 feet                                      |
| Detached garages and storage buildings <sup>2</sup>                 | 20 feet                                      |
| Structures and Buildings for Conditional and Special Exception Uses | As determined by the Board of Zoning Appeals |

<sup>1</sup>The height of buildings and structures essential to an agricultural enterprise shall be limited to the height necessary to serve their intended purpose.

<sup>2</sup>Excluding storage buildings used in an agricultural enterprise.

### 3.I-08 Parking

Off-street parking, which may include garages and carports, shall be provided in all agricultural zoning districts:

| <b>TABLE 3.I.08.1<br/>Agricultural Parking</b>                                 |  |
|--|--|
| <b>Use</b>   | <b>Requirement</b>   |
| Residence  | 2 per dwelling unit  |
| Truck Gardens and open produce stands  | 3  |
| Covered and Enclosed or partially covered or partially enclosed produce stands | The greater of three (3) or one (1) for each 100 square feet covered or enclosed or partially covered or partially enclosed area |
| Conditional and Special Exception Uses   | As determined by the Board of Zoning Appeals   |

### 3.I-09 Landscaping

In all agricultural zoning districts, at least one tree and three shrubs shall be provided for each dwelling unit on the lot. Trees and shrubs may be either deciduous or coniferous. Trees shall measure at least one and one-half inches in caliper, as measured at six inches above the root ball, at the time of planting and have a characteristic mature height of at least twenty feet. Shrubs shall measure at least twelve inches in height at the time of planting and have a characteristic mature height of at least three feet. Existing trees and shrubs, meeting the criteria above-stated for trees and shrubs, whether growing naturally or planted prior to development, shall be counted to comply with this section.

### 3.I-10 Fencing

Fencing shall be permitted in the Agricultural Intensive Zoning District provided it is not located within any clear-sight triangle for the premises or adjacent properties. Fencing on the lot of any residence shall be limited to a maximum height of four feet if located in front of the established front building line for the lot, or, six feet in height if located behind the established front building line. Said maximum heights may be reasonably exceeded by up to two feet in additional height for a maximum lineal height of eight feet to accommodate variations in grade elevations. For Agricultural uses and activities, fences shall be limited in height to that which is necessary and essential to such use or activity. Height issues, disputes, and other matters regarding fencing shall be resolved by the Board of Zoning Appeals by decision, after notice and hearing, which decision shall apply only to the fencing issue, disputes, other matters and premises involved in such hearing. A decision of the Board of Zoning Appeals shall be binding and enforceable by the provisions of the Unified Zoning Ordinance of Randolph County as now provided or as the same may from time to time be amended. For agricultural uses and activities, fences shall be limited in height to that which is necessary and essential to such use or activity.



### 3.I-11 Signs

Signs shall be permitted in agricultural zoning districts only for activities listed and in accordance with the following table:

| <b>TABLE 3.I-11.1<br/>Permitted Agricultural Signs</b> |                                  |                         |               |
|--|----------------------------------|-------------------------|---------------|
| <b>Activity</b>  | <b>Front Setback<sup>1</sup></b> | <b>Area<sup>2</sup></b> | <b>Height</b> |
| Home Occupation  | 5 feet                           | 4 square feet           | 4 feet        |
| Greenhouse, plant nursery                              | 15 feet                          | 32 square feet          | 10 feet       |
| Temporary real estate                                  | 15 feet                          | 9 square feet           | 3 feet        |
| Truck garden, produce stand                            | 5 feet                           | 9 square feet           | 4 feet        |
| Seed advertising <sup>4</sup>                          | 2 feet                           | 1 square foot           | 2 feet        |
| Weekend directional <sup>3</sup>                       | 2 feet                           | 1 square foot           | 2 feet        |

<sup>1</sup>Unless otherwise specifically provided, no portion of a sign shall be located within the minimum required setback or any clear-sight triangle, as defined herein, for the premises or adjacent properties.

<sup>2</sup>Only one side of a double-faced sign shall be used in calculating the permitted area.

<sup>3</sup>Weekend directional signs for new home developments, real estate open houses, and garage/yard sale may be installed, only with the consent of the property owner, no sooner than 12:00 noon on Friday and shall be removed no later than 9:00 a.m. the following Monday.

<sup>4</sup>Signs advertising seeds, fertilizers and herbicides, etc., shall be permitted only along the frontage of crop fields and shall advertise only for those products used in the crop field where they are located.

Signs in agricultural zoning districts shall not be lighted in any manner and shall be located no closer to a side or rear property line than fifteen feet. Only one sign, either attached to a building or free-standing, shall be permitted for each activity listed in Table 3.I-11, Permitted Agricultural Signs. Temporary signs shall be removed within twelve months of their erection or as hereinafter provided. The Board of Zoning Appeals may upon petition approve, by decision, after notice and hearing, extension(s) not exceeding twelve months each provided such request is made prior to the expiration of the temporary period or extension(s) thereof. Temporary signs shall be removed immediately upon the cessation of the activity served, regardless of the time remaining on the temporary period or extension(s) thereof.

The signs listed in the following table shall be prohibited in all agricultural zoning districts:

| <b>TABLE 3.I-11.2<br/>Prohibited Agricultural Signs</b>   |
|---|
| Beacon, strobe and similar flashing or animated light devices   |
| Portable and/or flashing signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>1</sup>                         |
| Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>2</sup> |
| Signs which obstruct or otherwise interfere with official signs and traffic devices   |
| Signs which resemble official signs and traffic devices unless such signs are necessary for internal traffic circulation on the site                        |
| Signs affixed to utility poles, light standards, and public transportation or school bus shelters or benches  |
| Signs on natural features such as trees and rocks   |
| Statuary utilized and intended for commercial advertising purposes  |

<sup>1</sup>This section is not intended to prohibit signs painted on or otherwise affixed to commercial or business vehicles, but does prohibit the parking or storing of such vehicles for the sole purpose of advertising a business or activity.

<sup>2</sup>Projecting signs, awnings and canopies located within the public right-of-way shall be covered by at least \$300,000 of general liability insurance. A current Certificate of Insurance, naming Randolph County, Indiana, it's employees, appointed and elected officials, as additional insured and containing a thirty day cancellation clause, shall be on file with the Area Planning Commission of Randolph County for the duration of the encroachment of such structures. An updated Certificate of Insurance shall be filed with the Area Planning Commission prior to the expiration of the current Certificate of Insurance.

**3.I-12 Restrictions on the keeping of farm animals**

3.I-12.1 Restriction on the keeping of farm animals below the threshold numbers defined for a MFO on lot sizes under five (5) acres (required for a “farm”).

**A. Purpose.** The regulations of this section are established to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

1. In an A-I district, on lots less than five (5) acres, animal numbers per “pasture/animal housing” lot size shall follow the regulations in the following Table:

| <b>TABLE 3.I-12.1<br/>ANIMAL HOUSING AND REQUIRED LOT SIZE<br/>(less than 5 acres)</b> |         |         |                              |                                    |                              |                              |
|--|---------|---------|------------------------------|------------------------------------|------------------------------|------------------------------|
| Animal   | Horse   | Bovine  | Pig <sup>2</sup>             | Goat/Sheep                         | Chicken <sup>1</sup>         | Turkey/Geese <sup>1</sup>    |
| Unit   | 1       | 1       | 1                            | 1                                  | 1                            | 1                            |
| Pasture/Animal Housing (acres)   | 1       | 1       | .0045 (200 ft <sup>2</sup> ) | .3 (13,068 ft <sup>2</sup> )       | .0092 (400 ft <sup>2</sup> ) | .0138 (600 ft <sup>2</sup> ) |
| Additional Pasture size need for each additional animal                                | .5 acre | .5 acre | 200 ft <sup>2</sup>          | 1,200 ft <sup>2</sup> (.0275 acre) | 10 ft <sup>2</sup>           | 100 ft <sup>2</sup>          |
| On lot < 5 acres Maximum #   | 5       | 5       | 3/acre                       | 15                                 | 50                           | 25                           |

<sup>1</sup>May be free ranged on owners property and bantams are counted as ½ a standard breed.

<sup>2</sup>Pigs raised as a project for a youth organization is exempt from the 3 pigs per acre limit. Pigsties are prohibited closer than 300' from a property line.

2. Setback to animal housing shall be the greater of 50' from the property line or 100' from the nearest residence. The owners residence is excluded from this requirement. Animal housing shall be closer to the owner/operator residence than to neighboring residences. A pigsty is prohibited any closer than 300' to a property line.

3. Lots Without a Residence. Farm animals may be kept on a lot that is vacant or has no occupied residence but only if the operator of such demonstrates that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions and is contiguous to the operator's residence.

4. Sanitation and Nuisances: Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

**3.I-13** Local Permitting Standards for Satellite Manure Storage Structures (SMSS) and Confinement Operations: Moderate Feeding Operation (MFO), Confined Feeding Operation (CFO) and Concentrated Animal Feeding Operation (CAFO)

1. Local Standards

The local permitting standards for SMSSs, **MFOs**, **CFOs** and **CAFOs** shall include provisions of Article III.I, including, but not limited to, the following:

- (a) **Confinement Operations** with deep pit manure storage and/or any silage storage that is not within an enclosed structure shall have a setback requirement that such deep pit manure storage, together with any improvement or structure, not fully enclosed, in any way utilized in conjunction with, or to house, said manure pit or silage structure(s) shall be a minimum setback of 1320 feet from the property line upon which such pit or silage is situated and the property line of the property upon which a public gathering place or a protected use is situated
- (b) No **Confinement Operation** is allowed to be sited within one mile of the existing incorporated areas of Randolph County, Indiana.
- (c) The primary residence of the owner of a confined operation is exempt from the residence setbacks in 1U. (d), 1. (e), 1. (f), 1. (g), 1. (h) and 1. (i).
- (d) No Moderate Feeding Operation (MFO) is allowed to be sited within seven hundred fifty (750) feet of a residence. If this setback is in conflict with the Animal Unit calculation and corresponding setback the greater setback shall apply.
- (e) No **Confinement Operation** of 340 to 519 animal units is allowed to be sited within 870 feet of a residence.
- (f) No **Confinement Operation** of 520 to 699 animal units is allowed to be sited within 1000 feet of a residence.
- (g) No **Confinement Operation** of 700 to 1400 animal units is allowed to be sited within 1500 feet of a residence.
- (h) No **Confinement Operation** of 1401 or more animal units is allowed to be sited within 2000 feet of a residence.
- (i) No **Confinement Operation** using an open lagoon for manure storage is allowed to be sited within 1.5 times the setback distance provided hereinabove in subsections 1.(d), 1.(e), 1.(f),1.(g) and 1.(h).
- (j) No **Confinement Operation** for finishers and gilts, according to the (see: Animal Unit Calculation Table), which utilizes naturally ventilated barn(s) is allowed to be sited within 1.5 times the setback distance provided hereinabove in subsections 1.(d), 1.(e), 1.(f), 1.(g) and 1.(h). A naturally ventilated barn is defined as a barn for finishers and gilts in which the barn's fan(s) move less than 25,000 cubic feet per minute of air per 300 animal units.
- (k) A **Confinement Operation** with a lagoon, open manure storage, deep pit manure storage and/or any silage storage that is not within an enclosed structure shall have a minimum setback requirement for such lagoon, open manure storage, deep pit

manure storage and/or any silage storage that is not within an enclosed structure of 2640 feet from any school. For purposes of this subsection i.e. (k), school shall mean the structure(s) which is the improvement situated upon school property and is the primary structure utilized for classroom academic pursuits. This part of the definition of “school” shall apply only to **Article III.I** and is to apply only for the determination of what structure of a school shall be used to determine the setback and reciprocal setback requirements. “School” as otherwise defined in **Article XIII** shall have its meaning set forth therein.

- (l) **General Setback Requirement for Confinement Operations: A Confinement Operation** shall have a general setback of one hundred (100’) feet from the property line of any adjoining or adjacent property regardless of the zoning classification in which such adjoining or adjacent property is situated. This setback requirement includes any structure or improvement utilized in carrying on of a **Confinement Operation**, together with any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage building or structure and deep pit manure storage area. This setback requirement shall be applied in conjunction with all other setback requirements provided by this Zoning Ordinance.
- (m) No Satellite Manure Storage Structure which is under 1 million gallon capacity, or 5,000 cubic yards, is permitted to be sited within 1,000 feet of a residence.
- (n) No Satellite Manure Storage Structure with a capacity in excess of 1 million gallons or 5,000 cubic yards is permitted to be sited within 1,500 feet of a residence.
- (o) No Satellite Manure Storage Structure using an open lagoon is permitted to be sited within 1.5 times the setback distance provided herein in subsections 1. (m) and 1.

## 2. Reciprocal Setbacks

- (a) The setback requirements for a public gathering place and a protected use shall be the same setback requirements for a **Confinement Operation** which operates in the manner described in subsection 3.I-13.1. (a).
- (b) The setback requirements for a residence shall be the same as the setback requirements for a **Confinement Operation** which operates with the number of animal units provided by subsection 3.I-13.1.(d),1.(e), 1.(f), 1.(g), and 1.(h) respectively.
- (c) The setback requirements for a residence shall be the same setback requirements for a **Confinement Operation** which operates in the manner described in subsection 3.I-13.1.(i).
- (d) The setback requirements for a residence shall be the same setback requirements for a **Confinement Operation** which operates in the manner described in subsection 3.I-13.1.(j).
- (e) The setback requirements for any school shall be the same setback requirements for a **Confinement Operation** which is operated in the manner described in 3.I-13.1.(k).

## 3. Setback/Setback Line/Setback Requirement And Reciprocal Setback/Reciprocal Setback Line/Reciprocal Setback Requirement For Agricultural Intensive District

- (a) Mean all setback requirements and reciprocal setback requirements which may be applicable to the **Agricultural Intensive District**, each separate or individual **Confinement Operation** within the **Agricultural Intensive District** and a use or property in any other zoning classification district by which the provisions of this Ordinance make such use or property subject to the setback requirement(s) or

reciprocal setback requirement(s). In the application of the setback requirement(s) and reciprocal setback requirement(s) if one or more setback requirement(s) or reciprocal setback requirement(s) applies to, or by reason of, the use of the property, including, but not limited to, a particular **Confinement Operation**, such use or **Confinement Operation** shall comply with all applicable setback requirements and all applicable reciprocal setback requirements.

- (b) Setback requirement(s) and reciprocal setback requirement(s) for any use, including, but not limited to, a **Confinement Operation**, except as otherwise provided in this Zoning Ordinance, include, but are not limited to, any structure or improvement utilized in the carrying on of the **Confinement Operation**, together with any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage area, silage storage building or structure and deep pit manure storage area.
  - (c) Property in the **Agricultural Intensive District** shall be subject to the **Agricultural Intensive District** setback requirements and reciprocal setback requirements notwithstanding that some or all of the adjoining or adjacent property(ies) is in the **Agricultural Intensive District**. A use and property within any other zoning classification district adjoining or adjacent to property within the **Agricultural Intensive District** or by reason of any other provision of the Ordinance shall be subject to all applicable setback requirements and reciprocal setback requirements.
  - (d) Setback, setback line and setback requirement shall have the same meaning; and, reciprocal setback, reciprocal setback line and reciprocal setback requirement shall have the same meaning.
4. Where a **Confinement Operation** is situated on property with frontage on more than one road, the **Confinement Operation** shall be designed so that the primary access to the **Confinement Operation** structure(s) is onto the road that will link it most directly with a Rural Local Road (as defined in the Comprehensive Plan of Randolph County, Indiana, see p. 32 of said Plan).
5. Any driveway cut to serve a **Confinement Operation** shall be located no less than 250 feet from any existing residential driveway, provided, however, if the existing residential driveway serves a residence upon which a **Confinement Operation** is situated and the distance from the existing driveway is less than 250 feet and more than 50 feet, then the driveway to be cut may be cut no less than 50 feet from the existing driveway. In all cases, except as above provided, when a driveway to be cut to serve a **Confinement Operation** is less than 250 feet from an existing residential driveway, the person seeking to cut the driveway or to have the driveway cut shall file a petition with the Board of Zoning Appeals of Randolph County, Indiana seeking a variance as provided by Article XVIII of this Ordinance.
6. A **Confinement Operation** shall be designed to allow trucks to leave the premises without backing onto any public way of any description whatsoever. Any proposed turn-around which contemplates T-turns or has a turn-around with a diameter of less than 120 feet shall be shown by the applicant to be adequate to comply with the requirements of this Zoning Ordinance. Driveway, truck turn-around and truck parking must have an all weather surface. An applicant shall take all reasonable steps to prevent mud, manure, gravel and other foreign substances from trucks and other equipment being deposited on any public road. The burden shall be on the applicant to demonstrate that the proposed turn-around and egress complies with the requirements herein.

7. Manure applied on the soil in accordance with the conditions of the **Confinement Operation** operator's permit shall be incorporated into the soil within 24 hours of application.
8. The applicant shall obtain County Drainage Board approval of applicant's storm water management plan before the land-use permit is issued.
9. Miscellaneous Provisions
  - (a) No **Confinement Operation** is permitted in an **Agricultural Limited District**. In the event that property owned by a person is partially situated in an **Agricultural Limited District** and the **Agricultural Intensive District**, that portion within the **Agricultural Limited District** shall be subject to **Article III** of this Ordinance; and, that portion within the **Agricultural Intensive District** shall be subject to **Article III-I** of this ordinance. In the event that the part of such person's property which is situated in the **Agricultural Intensive District** is less than ten (10) acres such acreage shall be subject to **Article III** as no **Confinement Operation** shall exist on less than ten (10) acres and no variance shall be granted for operation of the same on less than ten (10) acres. (See **Article III-I**, Table 3-I.03. Footnote 3) In the event such person acquires additional acreage so as to increase the person's property or property interest within the **Agricultural Intensive District** to ten (10) acres or more, such property or property interest shall be subject to **Article III-I**. In the event the property or property interest is subsequently reduced to less than ten (10) acres, notwithstanding the type, value or use of any improvements thereon, no **Confinement Operation** shall be operated thereon. Any continued use as a **Confinement Operation** after such reduction to less than ten (10) acres shall be subject to any and all legal and equitable remedies, including, but not limited to, injunctive relief, fines and all other remedies under federal state or local laws, regulations and ordinances.
  - (b) The Executive Director of the Area Planning Commission shall prescribe and prepare form(s) which shall become part of petitioner's application information packet or the appeal packet from any order, requirement, decision, or determination of the Executive Director of the Area Planning Commission for all matters subject to a hearing before the Area Planning Commission of Randolph County, Indiana or the Board of Zoning Appeals of Randolph County, Indiana, when the property, in whole or in part, subject to such hearing is situated in, or adjoining or adjacent to, an **Agricultural Limited District**, the **Agricultural Intensive District**, or **both**. Such form(s) shall include any information deemed necessary and appropriate by the Executive Director of the Area Planning Commission to place the petitioner, person appealing action, as above set forth, of said Executive Director and any interested person as defined by the Unified Zoning Ordinance of Randolph County, Indiana, or by rule of said Area Planning Commission or by rule of said Board of Zoning Appeals that the provisions of **Article III Agricultural Limited District** and/or **Article III-I. Agricultural Intensive District** is/are or may be applicable to the property or a part of such property as related to the issue(s) subject to the hearing. Said form(s) shall include, but not be limited to, a statement that the **Agricultural Intensive District** permits **Confinement Operations: Moderate Feeding Operation (MFO), Confined Feeding Operations (CFO) and Concentrated Animal Feeding Operations (CAFO)** to exist, may permit expansion, enlargement or intensification of a **MFO, CFO or CAFO**, or other **MFOs, CFOs and CAFOs** may come to exist. The form(s) prescribed by the Executive Director pursuant to

this subsection shall be included as part of the notice which is mailed to each interested person, as above defined. It shall be the duty and responsibility of the person required to give notice to see that each interested person is provided with proper notice of hearing. The form prescribed by said Executive Director may be amended as deemed necessary or appropriate from time to time as determined by the Executive Director, the Area Planning Commission of Randolph County, Indiana or the Board of Zoning Appeals of Randolph County, Indiana.

- (c) The Area Planning Commission of Randolph County, Indiana, its Executive Director, employees, and members, and members of the Board of Zoning Appeals of Randolph County, Indiana shall have no duty nor responsibility to determine that any person who receives notice of hearing described in part (b) above, reads any information furnished to such person or reads the Unified Zoning Ordinance of Randolph County, Indiana.

**ARTICLE III-I**  
**APPENDIX AU**

- A.
1. Determine the total number of animals by type (column one) and record that number in column two.
  2. Multiply the number in column two by the “animal unit factor” in column three to give the number of animal units by animal type. Record this number in column four.
  3. If more than one animal type is maintained at a single **Confinement Operation**, all animal units are combined to obtain total animal units for such **Confinement Operation**.
  4. Add all the numbers from column four to get the total number of animal units for your facility.

**DEFINITION (from Article XIII): Confinement Operation**

The confined feeding of animals for foods, fur, or pleasure purposes on lots, pens, ponds, sheds, or buildings where:

1. Animals are confined, fed and maintained for at least 45 days (does not have to be consecutive days) during any 12 month period (does not have to be a calendar year); and
2. Ground cover or vegetation is not sustained over at least 50% of the animal confinement area.

**DEFINITION (from Article XIII): Moderate Feeding Operation (MFO)**

Any existing or proposed Confinement Operation or an expansion of an existing Confinement Operation on which there are livestock numbers exceeding:

1. 100 Cattle or Horses
2. 300 Swine or Sheep
3. 500 Fowl or Ducks

Where a Confinement Operation involves less than one hundred (100) cattle or horses, three hundred (300) swine or sheep, five hundred (500) fowl or duck, but if there is more than one species of animal, the total number of animals in each category shall be divided by 100 in the case of cattle or horses, 300 in the case of swine or sheep, 500 in the case of fowl or ducks, then multiplied by 100 to get percentages for each. The resulting percentages shall be added together. If the total of such percentages equals or exceeds 100, then the operation is a Moderate Feeding Operation.

**DEFINITION (from Article XIII): Confined Feeding Operation (CFO)**

Any existing or proposed Confinement Operation or an expansion of an existing Confinement Operation on which there are livestock numbers exceeding:

1. Three hundred (300) mature cow under 1000 pounds, whether milked or dry;
2. Six hundred (600) swine
3. Six hundred (600) sheep;
4. Thirty thousand (30,000)



DEFINITION (from Article XIII): Concentrated Animal Feeding Operation (CAFO)

Any existing or proposed Confinement Operation or an expansion of an existing Confinement Operation with any of the following:

1. Seven hundred (700) mature dairy cow, over 1000 pounds, whether milked or dry;
2. One thousand (1,000) calves;
3. One thousand (1,000) cattle other than mature dairy cows over 1,000 pounds or calves. Cattle includes but is not limited to heifers, steers, slaughter or other; bulls; feeder cattle; stock cows; mature dairy cows under 1,000 pounds, whether milked or dry; and cow/calf pairs;
4. Two thousand five hundred (2,500) swine each weighing 55 pounds or more;
5. Ten thousand (10,000) swine each weighing less than 55 pounds;
6. Five hundred (500) horses;
7. Ten thousand (10,000) sheep or lambs;
8. Fifty-five thousand (55,000) turkeys;
9. Thirty thousand (30,000) laying hens or broilers, if the CAFO uses a liquid manure handling system;
10. One hundred twenty-five thousand (125,000) chickens (other than laying hens), if the CAFO uses other than a liquid manure handling system;
11. Eighty-two thousand (82,000) laying hens, if the CAFO uses other than a liquid manure handling system;
12. Thirty thousand (30,000) ducks if the CAFO uses other than a liquid manure handling system;
13. Five thousand (5,000) ducks if the CAFO uses a liquid manure handling system.

**B. Animal Unit Calculation Table:**

| 1. ANIMAL TYPE                                       | 2. # OF ANIMALS | 3. ANIMAL UNIT FACTOR                               | 4. # OF ANIMAL UNITS |
|--|-----------------|---|----------------------|
| <b>A. Dairy Cattle</b>                               |                 |   |                      |
| 1. Mature cow or bull                                |                 | 1.27  |                      |
| 2. Heifer  |                 | 0.7   |                      |
| 3. Calf  |                 | 0.2   |                      |
| <b>B. Beef Cattle</b>                                |                 |   |                      |
| 1. Slaughter steer or stock cow                      |                 | 1.1   |                      |
| 2. Feeder cattle or heifer                           |                 | 0.7   |                      |
| 3. Cow and calf pair                                 |                 | 1.3   |                      |
| 4. Calf  |                 | 0.2   |                      |
| <b>C. Swine</b>                                      |                 |   |                      |
| 1. Boars or Sows, including litters                  |                 | 0.34  |                      |
| 2. Finishers or Gilts                                |                 | 0.136   |                      |
| 3. Nursery pigs                                      |                 | 0.0273  |                      |
| <b>D. Horse</b>                                      |                 |   |                      |
|  |                 | 1   |                      |
| <b>E. Sheep and lambs</b>                            |                 |   |                      |
|  |                 | 0.1   |                      |
| <b>F. Chickens</b>                                   |                 |   |                      |
| 1. Laying Hen or broiler (liquid manure system)      |                 | 0.011   |                      |
| 2. Laying Hen or broiler (dry manure system)         |                 | 0.005   |                      |
| <b>G. Turkeys</b>                                    |                 |   |                      |
| 1. Over 5 pounds (Finishers)                         |                 | 0.018   |                      |
| 2. Under 5 pounds (Starters)                         |                 | 0.005   |                      |
| <b>H. Ducks</b>                                      |                 |   |                      |
|  |                 | 0.01  |                      |
| <b>I. Animal not listed in item A to H</b>           |                 | Avg. weight of animal in lbs. divided by 1,100 lbs. |                      |
| <b>Total # of Animal Units (Add all in column 4)</b> |                 |   | Animal Units =       |

### C. Application Of Appendix AU To Determine Animal Units

For the purposes of determining the number of animal units for animals not specifically listed *in the definition of CFO or CAFO*, as defined in this Ordinance, reference shall first be made to the most similar animal type set forth in parts A. through H. of **Appendix AU**; and, if no part thereof is applicable, animal units shall be determined under part I.

It shall be the responsibility of the Executive Director of the Area Planning Commission of Randolph County, Indiana to determine the number of animal units and the applicable part or parts of **Appendix AU**, parts A. through I., as the same apply to a **Confinement Operation** and any issue regarding animal type and animal units.

Any person aggrieved by a determination of said Executive Director under **Appendix AU** may file a petition with the Board of Zoning Appeals of Randolph County, Indiana, which shall resolve the issue or issues after proper notice of hearing and a hearing before said Board.

**ARTICLE IV**

**Residential Districts**

4.01 Permitted Uses

Primary uses shall be permitted in residential zoning districts according to the following table. Uses not specifically listed may also be permitted as primary uses if they are of similar character and have no adverse influence or no more adverse influence on adjacent properties, the neighborhood or community than those specifically listed. Disputes regarding uses not specifically listed as permitted shall be settled by the Board of Zoning Appeals, after notice, hearing and decision.

| <b>TABLE 4.01.1<br/>Residential Primary Uses and Districts</b> |   |
|--|---|
| <b>District</b>  | <b>Primary Uses</b>   |
| A-R  | One-family residences, manufactured homes, mobile homes, Micro WECS, Commercial WECS (Wind Energy Conversion System) <sup>1</sup> |
| R-1  | One-family residences <sup>2</sup>  |
| R-2  | One-family residences <sup>2</sup><br>Two-family residences <sup>2</sup>  |
| R-3  | One-family residences <sup>2</sup><br>Two-family residences <sup>2</sup><br>Multiple-family residences (Apartments) <sup>2</sup>  |
| All  | Manufactured housing as defined by Article XIII   |

<sup>1</sup>All such towers and antennas shall comply with the requirements found in Article XVI.I

<sup>2</sup>All Types of WECS will not be allowed in R-1, R-2 or R-3.

The following accessory uses shall be permitted in all residential zoning districts, subject to the standards and limitations contained herein:

| <b>TABLE 4.01.2<br/>Residential Accessory Uses</b>   |
|--|
| Amateur radio sending and receiving antennas   |
| Child care home  |
| Common recreational facilities   |
| Foster family care   |
| Furniture upholstery, as a home occupation   |
| Game courts  |
| Garages, carports, porches, decks, awnings, canopies, storage buildings, patios, outdoor fireplaces, porte-cocheres, bathhouses, cabanas, children’s playhouses, swings and other play structures or equipment |
| Home occupations, as defined herein  |
| Lakes and ponds  |
| Livestock in Unincorporated Randolph County <sup>1</sup>   |
| Locksmith, as a home occupation  |
| Management office for multiple-family and manufactured housing developments only   |
| Off-street parking areas   |
| Private swimming pools, hot tubs, spas and Jacuzzis  |
| Residential occupancy by domestic employees whose primary duties are performed on the premises   |
| Satellite dish antennas  |
| Signs, (See Tables 4.11.1 and 4.11.2)  |
| Storage or parking of accessory vehicles   |
| Towers and antennas under 300 feet   |
| Travel agent, as a home occupation   |
| Underground storage rooms  |

<sup>1</sup>Livestock is regulated by Section 4.12

Accessory uses in all residential zoning districts shall be customarily incidental, accessory and subordinate to and commonly associated with the operation of the residential use of the lot, shall be operated and maintained under the same ownership and on the same building lot as the residential use, and shall be subordinate in area, build, extent, and purpose to the residential use of the building served. The height of accessory buildings and structures shall be less than or equal to that of the primary structure and shall be located no closer to the front lot line than the primary structure.

Any “lots”, whose primary use are residential and which are under the same ownership, which would be contiguous, excepting separation by an alley, shall be considered the same building lot for purposes of determining permitted accessory uses, subject to the following: the accessory use must be approved by the Zoning Administrator. All performance/building standards and above restrictions must be followed for such accessory uses. Both lots will be considered as one building lot and remain so unless both lots can concurrently meet the standards of this ordinance at a future time. A Restrictive Transfer Form must be recorded with both deeds and remain in effect until said time the aforementioned standards can be met allowing the two properties to be considered separate.

The following uses shall be permitted in residential zoning districts upon approval of a Conditional Use Permit approved by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 4.01.3<br/>Residential Conditional Uses</b>  |
|---|
| Cemetery, crematory, mausoleum  |
| Church, convent, monastery, rectory, parish house   |
| Country club, golf course, excluding commercially operated driving range and miniature golf |
| Fraternal or religious institution  |
| Non-Commercial WECS (Wind Energy Conversion System) <sup>1</sup>                            |
| Park, playground and community center, public only  |
| Parking, off-site for business or industrial uses   |
| School, college, university   |
| Water reservoir, excluding accessory lakes and ponds  |

<sup>1</sup>*Non-Commercial Wind Energy Conversion Systems permitted in AR only.*

The following uses shall be permitted in residential zoning districts upon approval of a Petition for Special Exception by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 4.01.4<br/>Residential Special Exception Uses</b>   |
|--|
| Airports or aircraft landing field and heliports   |
| Athletic fields and courts, public or private  |
| Hospital, sanitarium   |
| Institutions for children, except child care homes as permitted herein   |
| Library, public  |
| Mobile home, excluding mobile home park  |
| Nursery and day school   |
| Nursing home   |
| Private club or lodge, except those whose chief activity is customarily carried on as a business   |
| Public utility or service use, including bus turn-around, fire station, police station, art gallery, museum, railroad, sewage treatment plant, telephone exchange, water filtration plant, water pumping station |
| Sand and gravel mining   |
| Towers and antennas 300 feet and over <sup>1</sup>   |

<sup>1</sup>*All such towers and antennas shall comply with the requirements found in Article XVII.*

#### 4.02 Appurtenances

Appurtenant features, such as walks, drainage installations, mailboxes, lamp posts, bird baths and feeders, central air conditioning units, and improvements similar and comparable in nature and purpose, shall be permitted on any residential lot and shall be exempt from the standards provided herein.

4.03 Lot Area and Dimensions

Residential lots shall comply with the standards applicable to the zoning district according to the following table:

| <b>TABLE 4.03.1<br/>Minimum Lot Area and Dimensions</b> |                                     |                                   |                            |                                  |
|---|-------------------------------------|-----------------------------------|----------------------------|----------------------------------|
| <b>District</b>   | <b>Lot Area<br/>Sanitary Sewers</b> | <b>Lot Area<br/>Septic System</b> | <b>Street<br/>Frontage</b> | <b>Lot<br/>Width<sup>1</sup></b> |
| A-R   | 2 acres                             | 2 acres                           | 40 feet                    | 100 feet                         |
| R-1   | 10,000 square feet <sup>2</sup>     | 12,000 square feet <sup>2</sup>   | 35 feet                    | 75 feet                          |
| R-2   | 6,000 square feet <sup>2</sup>      | 7,000 square feet <sup>2</sup>    | 35 feet                    | 50 feet                          |
| R-3   | 5,000 square feet <sup>2</sup>      | 6,000 square feet <sup>2</sup>    | 30 feet                    | 40 feet                          |

<sup>1</sup>As measured at the building setback line.

<sup>2</sup>Per dwelling unit.

4.04 Minimum Front Setbacks

Minimum front setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in all zoning districts according to the following table:

| <b>TABLE 4.04.1<br/>Minimum Front Setbacks<sup>1</sup></b>         |          |
|--|----------|
| Limited Access or Interstate Highway                               | 100 feet |
| Primary Arterial <i>HWY 27, 32, 35, 36</i>                         | 50 feet  |
| Secondary Arterial <i>HWY 1, 28, 227</i>                           | 40 feet  |
| Collector Street <i>County Rds. Columbia, Chestnut, Washington</i> | 30 feet  |
| Local Street <i>City Streets, (20-30 mph)</i>                      | 25 feet  |
| Cul-de-sac Street  | 20 feet  |
| Private Street   | 10 feet  |

<sup>1</sup>Off-street parking for multiple-family development may be located within the minimum required front setback subject to the provision of a landscaped yard measuring at least ten feet in width from the street right-of-way line.

4.05 Minimum Side and Rear Setbacks

Minimum side and rear setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, applicable to the zoning district in accordance with the following table:

| <b>TABLE 4.05.1<br/>Minimum Side and Rear Setbacks<sup>1</sup></b> |                                    |                                 |
|--|------------------------------------|---------------------------------|
| <b>District</b>  | <b>Side Setback<sup>5, 6</sup></b> | <b>Rear Setback<sup>5</sup></b> |
| A-R  | 15 feet                            | 15 feet                         |
| R-1  | 10 feet <sup>2</sup>               | 20 feet                         |
| R-2  | 6 feet <sup>2</sup>                | 20 feet                         |
| R-3 <sup>3</sup>   | 6 feet                             | 20 feet                         |
| R-3 <sup>4</sup>   | 20 feet                            | 20 feet                         |

<sup>1</sup>Off-street parking for multiple-family development may be located within the minimum required side and rear setbacks subject to the provision of a landscaped yard measuring at least ten feet in width from the property line.

<sup>2</sup>Or ten percent of the lot width, whichever is the lesser

<sup>3</sup>For one- and two-family residences only.

<sup>4</sup>From the project boundaries of multiple-family and manufactured housing developments only. A minimum distance of ten feet shall be maintained between buildings.

<sup>5</sup>The side and rear setbacks of detached accessory structures located wholly within the rear yard shall be a minimum of five feet from any side or rear property line.

<sup>6</sup>Detached accessory buildings in side yards shall be located the same minimum distance as a primary building.

4.06 Minimum Floor Area

Minimum ground floor living areas shall be provided for all buildings or structures applicable to the zoning districts according to the following table:

| <b>TABLE 4.06.1<br/>Minimum Ground Floor Living Area</b> |                  |  |
|--|------------------|--|
| <b>District</b>  | <b>One Story</b> | <b>Two or More Stories<sup>1</sup></b> |
| A-R  | 950 square feet  | 720 square feet                        |
| R-1 <sup>2</sup>   | 950 square feet  | 600 square feet                        |
| R-2 <sup>2</sup>   | 950 square feet  | 400 square feet                        |
| R-3 <sup>2</sup>   | 720 square feet  | 400 square feet                        |
| R-3 <sup>3</sup>   | 600 square feet  | 300 square feet                        |
| R-3 <sup>4</sup>   | 950 square feet  | 350 square feet                        |

<sup>1</sup>The total living area shall equal the minimum ground floor area for a one-story residence.

<sup>2</sup>Minimum requirements apply to each living unit of one- and two-family residences.

<sup>3</sup>Minimum requirements apply to each living unit of multiple-family residences.

<sup>4</sup>Minimum requirements apply to each manufactured dwelling.



#### 4.07 Maximum Height

The maximum height of buildings shall be in accordance with the following table:

| <b>TABLE 4.07.1<br/>Maximum Height<sup>1</sup></b>   |                          |
|--|--------------------------|
| Residences   | 35 feet                  |
| Detached garages and storage buildings               | 20 feet                  |
| Buildings for Conditional and Special Exception Uses | As determined by the BZA |

#### 4.08 Parking

Off-street parking, which may include garages and carports, shall be provided in all residential zoning districts according to the following table:

| <b>TABLE 4.08.1<br/>Residential Parking</b> |                             |
|---|-----------------------------|
| <b>District</b>                             | <b>Requirement</b>          |
| A-R   | 2 per dwelling unit         |
| R-1   | 2 per dwelling unit         |
| R-2   | 1 per dwelling unit         |
| R-3   | 1 per dwelling unit         |
| R-3 <sup>1</sup>                            | 1 per 300 gross square feet |

<sup>1</sup>For club houses and similar facilities only. Such parking shall be located in the immediate vicinity of the facility served.

Off-street parking for multiple-family housing developments shall be hard surfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one year after the commencement of the use served. Each parking stall shall be lined or striped and maintained with a durable paint or tape and open directly upon an aisle of sufficient width and design to provide safe and efficient access thereto. Dimensions of parking stalls and access aisles therefor shall adhere to the recommended specifications contained in the most current published version Architectural Graphic Standards, Ramsey Sleeper, John Wiley and Sons, Inc., a copy of which is on file in the office of the Area Planning Commission and incorporated herein and made a part hereof by reference. Parking stalls adjacent to a property line or required yard shall include wheel stops or other methods to prevent vehicles from extending or rolling over such property line or required yard.

#### 4.09 Landscaping

In all residential zoning districts, at least one tree and three shrubs shall be provided for each living unit on the lot. Trees and shrubs may be either deciduous or coniferous. Trees should measure at least one and one-half inches in caliper, as measured at six inches above the root ball, at the time of planting and have a characteristic mature height of at least twenty feet. Shrubs should measure at least twelve inches in height at the time of planting and have a characteristic mature height of at least three feet. Existing trees and shrubs, whether growing naturally or planted prior to development, may be counted to comply with this section.

#### 4.10 Fencing

Fencing shall be permitted in all residential zoning districts provided it is not located within any clear-sight triangle, as defined herein, for the premises or adjacent properties. Fencing shall be limited to a maximum height of four feet if located in front of the established front building line for the lot or six feet if located behind the established front building line. Said maximum heights may be reasonably exceeded by up to two feet in additional height for a maximum lineal distance of eight feet to accommodate variations in grade elevations. Additionally, fences and walls along the boundaries of an entire subdivision or multiple-family developments shall be limited to a maximum height of six feet provided they are ornamental in character and a component of a landscaping scheme along such boundaries. Disputes regarding fence height shall be resolved by the Board of Zoning Appeals decision after notice and hearing, which shall apply only to the disputed fence and related issues and premises. In no case shall barbed wire, razor wire or similar fencing materials be permitted.

#### 4.11 Signs

Signs shall be permitted in residential zoning districts only for activities listed and in accordance with the following table:

| <b>TABLE 4.11.1<br/>Permitted Residential Signs</b> |                                  |                             |                     |
|---|----------------------------------|-----------------------------|---------------------|
| <b>Activity</b>                                     | <b>Front Setback<sup>1</sup></b> | <b>Area<sup>2</sup></b>     | <b>Height</b>       |
| Home Occupation                                     | 5 feet                           | 2 square feet               | 4 feet              |
| Subdivision or multiple-family entrance             | 5 feet <sup>3</sup>              | 32 square feet <sup>4</sup> | 4 feet <sup>5</sup> |
| Temporary construction or leasing                   | 15 feet                          | 64 square feet              | 10 feet             |
| Temporary real estate                               | 15 feet                          | 9 square feet               | 3 feet              |
| Weekend directional <sup>6</sup>                    | 2 feet                           | 1 square foot               | 2 feet              |

<sup>1</sup>Unless otherwise specifically provided, no portion of a sign shall be located within the minimum required setback or any clear-sight triangle, as defined herein, for the premises or adjacent properties.

<sup>2</sup>Only one side of a double-faced sign shall be used in calculating the permitted area.

<sup>3</sup>No setback shall be required for subdivision and multiple-family entry signs which are an integral component of an ornamental entry wall or fence, provided such wall or fence shall not be located within any clear-sight triangle, as defined herein, of the premises or adjacent properties.

<sup>4</sup>Only the area encompassing the sign message, copy or art work shall be used in calculating the permitted area of signs which are an integral component of an ornamental entry wall or fence.

<sup>5</sup>No height limit shall be applied to subdivision and multiple-family entry signs which are an integral component of an ornamental entry wall or fence, which shall not exceed six feet in height, provided such wall or fence is a component of a landscaping scheme for such entry and the lineal footage of the sign area does not exceed twenty-five percent of the lineal footage of such wall or fence.

<sup>6</sup>Weekend directional signs for new home developments, real estate open houses, and garage/yard sales may be installed, only with the consent of the property owner, no sooner than 6:00 p.m. on Friday and shall be removed no later than 9:00 a.m. the following Monday.

Signs in residential zoning districts shall not be lighted in any manner and shall be located no closer to a side or rear property line than fifteen feet. Only one sign, either attached to a building or free-standing, shall be permitted for each activity listed in Table 4.11.1, Permitted Residential Signs, except subdivision and multiple-family developments may have at each entry thereto either one double-faced sign or two single-faced signs, one on each side of such entry. Temporary signs shall be removed within twelve months of their erection. The Board of Zoning Appeals may approve, by resolution, extensions not exceeding twelve months each provided such request is made prior to the expiration of the temporary period or extensions thereof. Temporary signs shall be removed immediately upon the

cessation of the activity served, regardless of the time remaining on the temporary period or extensions thereof.

The signs listed in the following table shall be prohibited in all residential zoning districts:

| <b>TABLE 4.11.2<br/>Prohibited Residential Signs</b>  |
|---|
| Advertising or billboard signs  |
| Balloon and similar lighter-than-air or gas filled advertising devices  |
| Beacon, strobe and similar flashing or animated light devices   |
| Flags other than official governmental, religious and school flags  |
| Pennants, banners, streamers and wind signs <sup>1</sup>  |
| Portable and/or flashing signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>2</sup>                         |
| Signs affixed to utility poles, light standards, and public transportation or school bus shelters or benches  |
| Signs which obstruct or otherwise interfere with official signs and traffic devices   |
| Signs which resemble official signs and traffic devices unless such signs are necessary for internal traffic circulation on the site                        |
| Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>3</sup> |
| Signs on natural features such as trees and rocks   |
| Statuary utilized and intended for commercial advertising purposes  |

<sup>1</sup>Banners may be used for a temporary period not exceeding thirty days for grand openings and County recognized special events. Banners shall be firmly attached to a building wall or other sign structure, shall be installed not more than ten days prior to the event advertised and shall be removed within five days after the event.

<sup>2</sup>This section is not intended to prohibit signs painted on or otherwise affixed to commercial or business vehicles, but does prohibit the parking or storing of such vehicles for the sole purpose of advertising a business or activity.

<sup>3</sup>Projecting signs, awnings and canopies located within the public right-of-way shall be covered by at least \$300,000 of general liability insurance. A current Certificate of Insurance, naming Randolph County, Indiana, as additional insured and containing a thirty day cancellation clause, shall be on file with the Area Planning Commission of Randolph County for the duration of the encroachment of such structures. An updated Certificate of Insurance shall be filed with the Area Planning Commission prior to the expiration.

#### 4.12 Restrictions on the Keeping of Farm Animals

4.12.1 **Conflict** This Section does not intend to interfere with, abrogate or alter the meaning, interpretation or authority of any existing covenant or legal restriction on said lots. Where this Section imposes a greater restriction upon the use of buildings or premises than is imposed by covenants or legal restrictions, the provisions of this Section shall control; but where a covenant or legal restriction imposes a greater restriction, the provisions of covenants or other legal restrictions shall control.

4.12.2 Restriction on the Keeping of Farm Animals on lots in unincorporated **residential districts** of Randolph County. This includes but is not limited to lots in the following areas: Fairview, Deerfield, Randolph, New Pittsburg, Harrisville, Spartanburg, Arba, Bloomingport, Carlos, Huntsville and Windsor.

**A. Purpose.** The regulations of this section are established to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

**B. Chickens, Ducks, Rabbits and Similar Animals.** The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals shall be governed by the following regulations.

1. Number. The minimum lot size for farm animals is five thousand (5,000) square feet. No more than one such animal shall be kept on a parcel of land for each eight hundred (800) square feet of parcel or lot area. For a residential lot of 5000 square feet this regulation would permit no more than a total of six (6) such animals.
2. Coops and Cages. All animals shall be provided with a cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.
3. Setbacks. The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within five (5) feet of a side or rear yard line. Animal housing shall be located a minimum of 20' from all neighboring residences or from the permitted placement of a dwelling on an adjoining vacant parcel and closer to the operator/owners residence than the neighboring residence. No animals shall be kept in required front yard or side street yard areas. Screening of coops, cages or enclosures shall be required if they visually have a negative impact on the nature of the community.
4. Prohibitions. No geese or turkeys may be kept in a residential district except on a parcel that is at least one (1) acre in area and only if the coop or cage housing the bird(s) is at least fifty (50) feet from all property lines. For parcels greater than one (1) acre in area, one (1) additional such bird may be kept for each twenty-one thousand (21,000) square feet in excess of one (1) acre. No roosters may be kept unless they are housed in a closed coop from dusk to dawn and located a minimum of 40' to all neighboring residences. No peafowl or guinea fowl may be kept in a residential district.
5. Enclosures. Chickens and all other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each chicken and twenty (20) square feet of area for each turkey or geese.

**C. Goats, Pigs, Sheep, and Similar Animals.** The keeping of goats, pigs, sheep and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations.

1. Number. No goats, pigs, sheep or similar farm animal shall be kept on a parcel of land less than one half (1/2) acres in area. For a parcel that is at least one half acre in area, a maximum of two (2) such animals may be kept on the property, with one additional animal permitted for each additional twenty-one thousand (21,000) square feet of area.
2. Shelter. All animals shall be provided with shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals. The total area of such animal shelter shall not exceed the greater of two hundred (200) square feet or twenty-five (25) square feet per allowed animal.
3. Setback. Animal housing shall not be permitted in front yards or in side street yards and shall be set back at least forty (40) feet from any street right-of-way and from any property lines and shall be set back at least fifty (50) feet from a residence on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel and closer to the operator/owner residence than the neighboring residence.
4. Prohibitions. No Horses, cows, alpacas, llamas or similar animals shall be kept on a property zoned residential unless the pasture/animal housing area provided for in 3.12 (A-L) can be met and the total residential lot size is a minimum of two (2) acres. A pigsty is prohibited in all residential districts.
5. Enclosures. Goats, sheep and similar animals shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the animals on the property and to prevent access by dogs and other predators and providing at least fifty (50) square feet for each animal.

**D. Lots without a Residence.** Farm animals may be kept on a lot that is vacant or has no occupied residence but only if the operator of such demonstrates that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions and is contiguous to the lot of the operator's residence.

**E. Sanitation and Nuisances.** Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

## ARTICLE V

### Commercial Districts

#### 5.01 Permitted Uses

Primary uses shall be permitted in commercial zoning districts according to the following table. Uses not specifically listed may also be permitted as primary uses if they are of similar character and have no adverse influence or no more adverse influence on adjacent properties, the neighborhood or community than those specifically listed. Disputes regarding uses not specifically listed as permitted shall be settled by the Board of Zoning Appeals, after notice, hearing and decision.

| <b>TABLE 5.01.1<br/>Commercial Primary Uses and Districts</b> |   |
|---|---|
| <b>District</b>   | <b>Primary Uses</b>   |
| C-1<br>(Neighborhood)   | All uses permitted in residential zoning districts, excepting therefrom manufactured & mobile homes less than twenty-three (23') feet in height<br>Antique Shop, sales and display<br>Art Gallery<br>Bank, savings and loan association, and credit union, including drive-through<br>Bar or tavern, excluding live entertainment <sup>1</sup><br>Barber and beauty shops and salons, with accessory sales and service<br>Book stores, including art and school supplies<br>China and glassware stores<br>Coin and philatelic stores<br>Drug store<br>Dry cleaning and laundry receiving stations, excluding processing<br>Employment agency<br>Florist shop and conservatory<br>Food store, including grocery store, meat market, bakery, candy, ice cream<br>Funeral home<br>Gift shop<br>Hobby shop, for retail of items to be assembled or used elsewhere<br>Jewelry shop<br>Laundry and dry cleaning, automatic or self-service with maximum machine capacity of ten pounds<br>Loan office<br>Locksmith shop<br>Medical office<br>Musical instrument store, including minor repairs<br>Pawn shop<br>Picture framing shop<br>Photograph developing and processing shop<br>Schools, commercial, including music, dance or business<br>Telegraph office<br>Ticket agency<br>Towers and antennas under 300 feet <sup>4</sup><br>Travel bureau and transportation ticket office<br>And other similar uses |

|                            |  |
|----------------------------|--|
| <p>C-2<br/>(Community)</p> | <p>All uses permitted in C-1<br/> Ambulance service, public and private<br/> Amusement establishment, including bowling alley, billiard room, dance hall, skating rink, swimming pool, and other similar recreational facilities<br/> Appliance store, including radio and television<br/> Automobile accessory store<br/> Automobile repair, minor<br/> Automobile service and repair, excluding painting and body repair<br/> Bar or tavern, with live entertainment<sup>1</sup><br/> Bicycle store, including sales, rental and repair<br/> Blueprinting and copying establishment<br/> Camera and photographic processing and supply stores<br/> Carpet, rug and linoleum store<br/> Catering establishment<br/> Clothing and costume rental shop<br/> Coffee shop<br/> Costume, dress making and millinery shops, tailoring<br/> Currency exchange<br/> Department store, with or without catalog departments<br/> Golf driving range, miniature golf<br/> Furrier shop, including incidental storage and conditioning of furs<br/> Furniture store, including upholstering incidental to the retail operations<br/> Hardware store<br/> Hotel<br/> Industrial machinery sales room with accessory repair or servicing<br/> Interior decorating shop, including upholstering and making of draperies, slip covers and other similar articles incidental to the retail operations<br/> Leather goods and luggage store<br/> Liquor store, packaged goods only<br/> Medical and dental clinic<br/> Micro-brewery<sup>1</sup><br/> Motel<br/> Night club<sup>1</sup><br/> Office supply store<br/> Optician shop, including machining of glasses and lenses<br/> Orthopedic, medical and surgical appliance store, excluding assembly or manufacture<br/> Paint and wallpaper shop<br/> Pet shop<br/> Physical culture and health services, including gymnasium, swimming pool, reducing salon, masseur, and public bath<br/> Restaurant, including live entertainment and dancing and serving of alcohol therewith<sup>1</sup><br/> Second hand store<br/> Shoe store<br/> Sporting goods store<br/> Toy shop<br/> Variety store<br/> Vehicle wash and detailing<br/> Veterinary Clinic—Household pets only<sup>3</sup><br/> And other similar uses</p> |
|----------------------------|--|

|                           |  |
|---------------------------|--|
| <p>C-3<br/>(Regional)</p> | <p>All uses permitted in C-1 and C-2, provided that residential uses are not allowed.<sup>5</sup><br/> Animal hospital<sup>2</sup><br/> Art needle-work and hand weaving production with two or more employees<br/> Auction room<br/> Automobile repair, major<br/> Automobile, truck, trailer, and farm equipment sales, display, rental, repair and storage, except salvage<br/> Battery and tire sale and installation<br/> Building material sales<br/> Commercial greenhouses<br/> Denture production and prosthetic fitting<br/> Dry-cleaning establishments<br/> Equipment and machinery, household or office, sales and repair<br/> Manufactured housing display, sales and service<br/> Laboratory, medical, dental, research, experimental and testing<br/> Laundries<br/> Linen, towel, diaper and similar supply services<br/> Machinery sales<br/> Mail order warehouse<br/> Mini-warehouse, self-storage facility<br/> Monument sales<br/> Motorcycle sales, including service and repair<br/> Optical lens production<br/> Parking garages and lots, commercial<br/> Plumbing and electrical showroom and repair shop<br/> Printing and engraving<br/> Printing establishment for letter presses, business cards, mimeographing and other similar custom services<br/> Recreational vehicles display, sales and service<br/> Restaurant, hotel or bar equipment store<br/> Self-storage warehouse, mini-warehouse<br/> Taxidermists shop<br/> Trailer sales and rental<br/> Veterinary clinic<sup>2</sup><br/> And other similar uses</p> |
|---------------------------|--|

<sup>1</sup>Bars, taverns, night clubs and similar establishments shall not be permitted within 100 feet of a residential zoning district, church, school or park. The method of measurement shall be from the parking lot of the facility to the property line of the use protected hereby, or from the tenant space if the restricted use is situated within a multiple-tenant building or where parking is shared with other uses.

<sup>2</sup>Animal hospitals and veterinary clinics shall not be located within 100 feet of any residential zoning district or within 50 feet of C-1 and C-2 zoning districts.

<sup>3</sup>Veterinary clinic for household pets provided that all animal runs are located within an enclosed building and all odors are confined to the interior of the building.

<sup>4</sup>All such towers and antennas shall comply with the requirements found in Article XVII.

<sup>5</sup>Any residential use which has been established as a legally nonconforming use upon a lot located in a C-3 zoning district as of January 1, 2018, shall be granted "permitted use" status, the same as a C-1 District, allowing expansion and residential uses. A residential use in a commercial zoning district shall follow the general restrictions and requirements of residential zoning districts, at the discretion of the Executive Director.



The following uses shall be permitted in commercial zoning districts upon approval of a Conditional Use Permit approved by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 5.01.2<br/>Commercial Conditional Uses</b>   |
|---|
| Adult entertainment business  |
| Advertising or billboard signs <sup>1</sup>   |
| Airport or aircraft landing field and heliport  |
| Cemetery, crematory, mausoleum  |
| Church, convent, monastery, rectory, parish house   |
| Commercial WECS (Wind Energy Conversion System) <sup>2</sup>  |
| Country club, golf course, excluding permitted commercially operated driving range and miniature golf |
| Fraternal or religious institution  |
| Hospital, sanitarium  |
| Library, public   |
| Micro WECS (Wind Energy Conversion System) <sup>2</sup>   |
| Non-Commercial WECS (Wind Energy Conversion System) <sup>2</sup>                                      |
| Park, playground and community center, public only  |
| Parking, off-site for industrial uses   |
| School, college, university   |
| Water reservoir, excluding lakes and ponds  |

<sup>1</sup>Unless otherwise authorized by and then subject to the provisions of the federal Highway Beautification Act of 1965, Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.

<sup>2</sup>All types of Wind Energy Conversion Systems will not be allowed in C-1.

The following uses shall be permitted in commercial zoning districts upon approval of a Petition for Special Exception by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 5.01.3<br/>Commercial Special Exception Uses</b>  |
|--|
| Athletic Fields and courts, public or private  |
| Landfill   |
| Private club or lodge, except those whose chief activity is customarily carried on as a business   |
| Public utility or service use, including bus turn-around, fire station, police station, art gallery, museum, railroad, sewage treatment plant, telephone exchange, water filtration plant, water pumping station |
| Sand and gravel mining   |
| Sheltered living facility  |
| Stadiums, arenas   |
| Towers and antennas 300 feet and over <sup>1</sup>   |

<sup>1</sup>All such towers and antennas shall comply with the requirements found in Article XVII.

## 5.02 Appurtenances

Appurtenant features, such as walks, drainage installations, mailboxes, lamp posts, bird baths and feeders, central air conditioning units, and improvements similar and comparable in nature and purpose, shall be permitted on any commercial lot and shall be exempt from the standards provided herein.

5.03 Lot Area and Dimensions

No minimum lot area or width shall be required for commercial development so long as the minimum requirements of this ordinance are met. All commercial uses and development shall be connected to a sanitary sewer system. Any commercial use with fifty feet or less of frontage on a public street shall be considered a shopping center with the properties to both of its sides along the same street frontage. Commercial uses situated on a corner lot may include both street frontages in meeting the minimum requirement.

5.04 Minimum Front Setbacks

Minimum front setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in all zoning districts according to the following table:

| <b>TABLE 5.04.1<br/>Minimum Front Setbacks<sup>1</sup></b>      |                             |                |
|---|-----------------------------|----------------|
| <b>Street Type</b>  | <b>Buildings/Structures</b> | <b>Parking</b> |
| Limited Access or Interstate Highway                            | 75 feet                     | 20 feet        |
| Primary Arterial <i>HWY 27, 32, 35, 36</i>                      | 50 feet                     | 10 feet        |
| Secondary Arterial <i>HWY 1, 28, 227</i>                        | 40 feet                     | 10 feet        |
| Collector Street <i>Co. Rds. Columbia, Chestnut, Washington</i> | 30 feet                     | 6 feet         |
| Local Street <i>City Streets, (20-30 mph)</i>                   | 25 feet                     | 6 feet         |
| Cul-de-sac Street   | 20 feet                     | 6 feet         |
| Private Street  | 10 feet                     | 4 feet         |

<sup>1</sup>Subject to Articles 5.07 and 5.12, Transitional Yards

5.05 Minimum Side and Rear Setbacks

No minimum side or rear setback shall be required in commercial zoning districts unless adjacent to a residential zoning district, church, school or park, in which case a minimum setback for all improvements, except screening and landscaping shall be provided in accordance with Articles 5.07 and 5.12, Transitional Yards, unless a commercial or industrial use has been legally established on such adjacent property.

5.06 Maximum Height

The maximum height of buildings shall be in accordance with the following table:

| <b>TABLE 5.06.1<br/>Maximum Height</b> |               |
|--|---------------|
| <b>Zoning District</b>                 | <b>Height</b> |
| C-1                                    | 35 feet       |
| C-2                                    | 50 feet       |
| C-3                                    | 75 feet       |

## 5.07 Transitional Yards

Wherever a residential zoning district, church, school or park property line adjoins a commercial zoning district, transitional yards and setbacks shall be provided for all improvements, except screening and landscaping, unless a commercial or industrial use has been legally established on such adjoining property. Side and rear transitional yard setbacks shall measure at least twenty feet in width. Front transitional yards shall be provided in accordance with the following table:

| Street Type  | Transitional Front Yard Setback |
|--|---------------------------------|
| Limited Access or Interstate Highway                               | 20 feet                         |
| Primary Arterial <i>HWY 27, 32, 35, 36</i>                         | 10 feet                         |
| Secondary Arterial <i>HWY 1, 28, 227</i>                           | 15 feet                         |
| Collector Street <i>County Rds. Columbia, Chestnut, Washington</i> | 20 feet                         |
| Local Street <i>City Streets, (20-30 mph)</i>                      | 20 feet                         |
| Cul-de-sac Street  | 20 feet                         |
| Private Street   | 20 feet                         |
| Alley  | 20 feet                         |

## 5.08 Parking

Off-street parking, which may include garages and carports, shall be provided in all commercial zoning districts according to the following table:

| Use  | Requirement <sup>1</sup>  |
|--|---|
| Amusement establishment, indoor                                    | 1 per 250 square feet   |
| Amusement establishment, outdoor                                   | 1 per 200 square feet plus 1 per 400 square feet of the site accessible to the public, exclusive of parking   |
| Automobile, truck, or motorcycle sales and repair                  | 1 per employee plus 1 per service bay, 1 per 200 square feet of interior sales and display, and 1 per 7000 square feet of outdoor sales and display |
| Banking, savings and loan, credit union                            | 1 per 250 square feet   |
| Bar, tavern, night club  | 1 per employee plus one per 100 square feet   |
| Bowling alley  | 4 per alley or lane <sup>2</sup>  |
| Auditorium, assembly and recital halls                             | 1 per 4 seats   |
| Community centers, museums, civic clubs, and eleemosynary          | 1 per 400 square feet   |
| Convenience market with or without gasoline                        | 1 per 300 square feet <sup>3,4</sup>  |
| Day nurseries, day care centers, kindergartens and nursery schools | 1 per employee plus 1 per 500 square feet   |
| Furniture, floor and wall covering sales                           | 1 per 400 square feet   |
| Gasoline service station, tire and automobile service station      | 1 per employee plus 2 per service bay <sup>5</sup> , 3 per customer spaces, and 1 per 300 square feet of  |

|  |  |
|--|--|
|  | retail sales and display <sup>3</sup>  |
| Grocery store or supermarket   | 1 per 150 square feet <sup>4</sup>   |
| Hardware, paint, home improvement store  | 1 per 200 square feet plus 1 per employee and 1 per 300 square feet of retail sales and display                    |
| Health spa or sports club  | 1 per 200 square feet <sup>2</sup>   |
| Hotels and motels  | 1 per rental sleeping unit <sup>2</sup>  |
| Medical, dental and optometrist clinics and offices  | 1 per 200 square feet  |
| Miniature golf   | 2 per each golf hole plus 1 per employee and 1 per 300 square feet of retail sales and display <sup>2</sup>        |
| Mortuary, funeral home and crematories   | 1 per 50 square feet in parlors and assembly rooms   |
| Nursing and convalescent homes, homes for the aged, sanitariums and rehabilitation centers | 1 per 3 patient beds plus 1 per 2 employees and staff doctors  |
| General offices (business, professional or otherwise) and research centers or laboratories | 3 spaces per 1000 square feet  |
| Racquet ball, tennis courts and similar sport facilities                                   | 1 space per employee plus 4 spaces per game court and 1 per 200 square feet of sales and display area <sup>2</sup> |
| Restaurant, family sit-down  | 1 per employee plus 1 per 4 customer seats   |
| Restaurant, fast food, with or without drive-up  | 1 per employee plus 1 per 3 customer seats   |
| Restaurant, drive-up only, no seating  | 3 plus one per employee  |
| Retail and service commercial uses not specifically listed herein                          | 3 per 1000 square feet   |
| Shopping centers, less than 400,000 square feet  | 4 per 1000 square feet   |
| Shopping centers, 400,000 to 600,000 square feet   | 4.5 per 1000 square feet   |
| Shopping centers, more than 600,000 square feet  | 5 per 1000 square feet   |
| Roller or ice skating rink   | 1 per 200 square feet  |
| Schools, business, technical, trade, etc.  | 1 per 100 square feet  |
| Theaters   | 1 per 3 seats  |

<sup>1</sup>Square feet calculations are based on the gross floor area of the building unless otherwise specified. Employee calculations are based on the largest work shift.

<sup>2</sup>Additional parking shall be provided for accessory uses, such as restaurants and lounges, in accordance with the requirements for such uses.

<sup>3</sup>Spaces at gasoline pumps may be included in calculating required parking.

<sup>4</sup>If seating is provided for the consumption of foods or beverages, additional parking shall be provided in accordance with the requirements for fast-food restaurants.

<sup>5</sup>Service bays may not be considered parking spaces; however, parking spaces required for service bays may be used for the temporary storage of vehicles awaiting repair or customer pickup.

Uses not specifically listed in Table 5.08, Commercial Parking, shall be provided in accordance with the requirement for the most similar listed use. Disputes regarding the calculation used for required parking may be resolved by the Board of Zoning Appeals by resolution, which resolution shall thereafter apply to the disputed use.

Off-street parking for all commercial development shall be hard surfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one year after the commencement of the use served. Each parking stall shall be lined or striped and maintained with a durable paint or tape and open directly upon an aisle of sufficient width and design to provide safe and efficient access thereto. Dimensions of parking stalls and access aisles therefor shall adhere to the recommended specifications contained in the most current published version Architectural Graphic Standards, Ramsey Sleeper, John Wiley and Sons, Inc., a copy of which is on file in the office of the Area Planning Commission and incorporated

herein and made a part hereof by reference. Parking stalls adjacent to a property line or required yard shall include wheel stops or other methods to prevent vehicles from extending or rolling over such property line or required yard.

#### 5.09 Loading

Commercial uses and development shall not be required to provide a minimum number of loading spaces. However, if loading is provided, it shall be designed so that no loading activity and no parking or maneuvering are conducted within a public or private street right-of-way or required off-street parking area. No loading berth or door shall be located on the front of the building. All loading berth, parking and maneuvering areas shall be hard surfaced to provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one year after the commencement of the use served.

#### 5.10 Landscaping

In all commercial zoning districts, at least one tree and three shrubs shall be provided per ten off-street parking spaces on the lot, in addition to the requirements of Article 5.12, Transitional Yard Screening. Trees and shrubs may be either deciduous or coniferous. Trees should measure at least one and one-half inches in caliper, as measured at six inches above the root ball, at the time of planting and have a characteristic mature height of at least twenty feet. Shrubs should measure at least twelve inches in height at the time of planting and have a characteristic mature height of at least three feet. Existing trees and shrubs, whether growing naturally or planted prior to development, may be counted to comply with this section.

#### 5.11 Fencing

Fencing shall be permitted in all commercial zoning districts provided it is not located within any clear-sight triangle, as defined herein, for the premises or adjacent properties. Fencing on the lot of any residence shall be limited to a maximum height of four feet if located in front of the established front building line for the lot or six feet if located behind the established front building line. Said maximum heights may be reasonably exceeded by up to two feet in additional height for a maximum lineal distance of eight feet to accommodate variations in grade elevations. For agricultural uses and activities, fences shall be limited in height to that which is necessary and essential to such use or activity. The use of barbed wire, razor wire or similar fencing materials shall be permitted only if absolutely necessary and essential to a permitted use or activity and shall be removed when such use or activity ceases for one year. Disputes and issues regarding fence height and/or type of fencing, i.e. barbed wire, razor wire or similar fencing, shall be resolved by the Board of Zoning Appeals by decision after notice and hearing, which decision shall apply only to the fencing issues, disputes and premises involved in such hearing.

#### 5.12 Transitional Yard Screening

Any combination of landscaping, fencing and earth mounding may be used as screening within a required transitional yard. However, such screening in side and rear transitional yards shall be sufficient to provide a barrier for sight, sound and light. In front transitional yards, such barrier screening shall be required only if off-street parking or drives for internal traffic circulation are located between the building and the front property line. Disputes regarding the sufficiency and type of screening shall be resolved by the Board of Zoning Appeals by decision after notice and

hearing, which decision shall apply only to the disputed issues and premises involved in such hearing.

### 5.13 Signs

Signs shall be permitted in commercial zoning districts only for activities listed and in accordance with the following table:

| Activity                              | Front Setback <sup>1</sup> | Area <sup>2</sup>                       | Height               |
|---------------------------------------|----------------------------|---|----------------------|
| Free-standing business                | 15 feet                    | 150 square feet                         | 25 feet <sup>6</sup> |
| Shopping center                       | 15 feet                    | 100 square feet per tenant <sup>3</sup> | 40 feet              |
| Shopping center out lot               | 15 feet                    | 64 square feet                          | 8 feet <sup>6</sup>  |
| Directional <sup>4</sup>              | 2 feet                     | 6 square feet                           | 4 feet               |
| Temporary construction                | 15 feet                    | 100 square feet                         | 25 feet              |
| Temporary real estate or leasing      | 15 feet                    | 64 square feet                          | 10 feet              |
| Weekend directional <sup>5</sup>      | 2 feet                     | 1 square foot                           | 2 feet               |
| Advertising or billboard <sup>7</sup> | 50 feet                    | 672 square feet                         | 40 feet              |

<sup>1</sup>Unless otherwise specifically provided, no portion of a sign shall be located within the minimum required setback or any clear-sight triangle, as defined herein, for the premises or adjacent properties.

<sup>2</sup>Only one side of a double-faced sign shall be used in calculating the permitted area.

<sup>3</sup>The total area of shopping center signs shall not exceed 700 square feet. The permitted area may be used in any combination of identification for the shopping center or tenants thereof. Outlot development shall be excluded in calculating the permitted area of shopping center signs.

<sup>4</sup>Directional signs may include the logo or other identification of the use or activity served but no other advertising message.

<sup>5</sup>Weekend directional signs for new home developments, real estate open houses, and garage/yard sales may be installed, only with the consent of the property owner, no sooner than 6:00 p.m. on Friday and shall be removed no later than 9:00 a.m. the following Monday.

<sup>6</sup>A height of 80 feet may be allowed for highway oriented uses, as defined herein, which are located within 1000 feet of the right-of-way of an interstate highway interchange.

<sup>7</sup>Subject to the provisions of the federal Highway Beautification Act of 1965, Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.

| Type                                  | Area <sup>1</sup>                               |
|---------------------------------------|---|
| Wall                                  | 20% of the building elevation                   |
| Projecting                            | 32 square feet <sup>2,4</sup>                   |
| Roof                                  | 64 square feet <sup>3</sup>                     |
| Awning, canopy                        | 50% of the awning or canopy area <sup>4,5</sup> |
| Service area canopy                   | 25% of the canopy fascia area                   |
| Marquee                               | 90% of the marquee area <sup>4,5</sup>          |
| Temporary real estate or leasing      | 20% of the building elevation                   |
| Advertising or billboard <sup>6</sup> | 288 square feet                                 |

<sup>1</sup>Only one side of a double-faced sign shall be used in calculating the permitted area.

<sup>2</sup>Projecting signs may extend no more than eight feet from the building wall and no closer to a public curb or sidewalk edge than three feet.

<sup>3</sup>Signs placed on a pitched roof which do not extend above the ridge line thereof shall be treated as wall sign.

Otherwise, such roof signs shall not extend beyond the limits of the building wall or ten feet above the roof top.

<sup>4</sup>Projecting signs, awnings, canopies and marquees shall maintain a minimum clearance of nine feet from the grade elevation or sidewalk.

<sup>5</sup>Awnings may extend a maximum of four feet from the building wall. Awnings, canopies, and marquees may extend no closer than three feet to a curb or sidewalk edge. Supports for the outer edge of canopies may be located no closer to the building wall than six feet.

<sup>6</sup>Subject to the provisions of the federal Highway Beautification Act of 1965, Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.

Signs in commercial zoning districts may be lighted but shall not be animated, flashing or moving in any manner. However, an electronic message sign may be a component of any sign provided such sign is located no closer to a residential zoning district or use than one hundred feet and compromises no more than forty percent of the total sign area of the structure of which it is a component.

Only one free-standing identification sign shall be permitted for each public street frontage of the lot or use served, except for shopping center out lot development which shall be permitted only one free-standing sign regardless of the number of public street frontages. Properties with five-hundred feet or more of public street frontage on the same street shall be permitted one additional free-standing identification sign along such frontage for each multiple of five hundred feet provided a minimum distance of three hundred feet is maintained between such additional signs. Where more than one free-standing sign is permitted, such signs may be combined into one four-sided structure in lieu of multiple sign structures, provided the total sign area of all faces of the combined structure does not exceed the area which would be permitted for the multiple structures.

Temporary signs shall be removed within twelve months of their erection. The Board of Zoning Appeals may approve, by resolution, extensions not exceeding twelve months each provided such request is made prior to the expiration of the temporary period thereof. Temporary signs shall be removed immediately upon the cessation of the activity served, regardless of the time remaining on the temporary period or extensions thereof.

Lighted signs, awnings and canopies, etc., and lighting components or devices therefor shall be constructed and installed in accordance with and have affixed thereto tags issued by Underwriters Laboratories or other such certifying agency or organization.

The signs listed in the following table shall be prohibited in all commercial zoning districts:

| <b>TABLE 5.13.3<br/>Prohibited Commercial Signs</b>   |
|---|
| Beacon, strobe and similar flashing or animated light devices   |
| Flags other than official governmental, religious and school flags  |
| Pennants, banners, streamers and wind signs <sup>1</sup>  |
| Portable signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>2</sup>   |
| Signs affixed to utility poles, light standards, and public transportation or school bus shelters or benches  |
| Signs on natural features such as trees and rocks   |
| Signs which obstruct or otherwise interfere with official signs and traffic devices   |
| Signs which resemble official signs and traffic devices unless such signs are necessary for internal traffic circulation on the site                        |
| Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>3</sup> |
| Statuary utilized and intended for commercial advertising purposes  |

<sup>1</sup>*Banners may be used for a temporary period not exceeding thirty days for grand openings and County recognized special events. Banners shall be firmly attached to a building wall or other sign structure shall be installed not more than ten days prior to the event advertised and shall be removed within five days after the event.*

<sup>2</sup>*This section is not intended to prohibit signs painted on or otherwise affixed to commercial or business vehicles, but does prohibit the parking or storing of such vehicles for the sole purpose of advertising a business or activity.*

<sup>3</sup>*Projecting signs, awnings and canopies located within the public right-of-way shall be covered by at least \$300,000 of general liability insurance. A current Certificate of Insurance, naming Randolph County, Indiana, as additional insured and containing a thirty day cancellation clause, shall be on file with the Area Planning Commission of Randolph County for the duration of the encroachment of such structures. An updated Certificate of Insurance shall be filed with the Area Planning Commission prior to the expiration.*

#### 5.14 Additional Requirements and Standards

All commercial uses and development shall comply with the following requirements and standards:

1. Trash containers shall be located behind the established front building line and shall be screened by a fence or wall, with gates, sufficient to block the visibility thereof.
2. Exterior vending machines shall be located immediately adjacent to the building wall.
3. Exterior sales and display area shall not be located within any required parking, building setback or transitional yard, except the outdoor display and sale of motor vehicles may be located within the front setback subject to the provision of a landscaped yard measuring not less than ten feet from the street right-of-way line, unless subject to the provisions of Article 5.12, Transitional Yards.





## ARTICLE VI

### Industrial Districts

#### 6.01 Permitted Uses

Primary uses shall be permitted in industrial zoning districts according to the following table. Uses not specifically listed may also be permitted as primary uses if they are of similar character and have no adverse influence or no more adverse influence on adjacent properties, the neighborhood or community than those specifically listed. Disputes regarding uses not specifically listed as permitted shall be settled by the Board of Zoning Appeals by decision, after notice, hearing.

| <b>TABLE 6.01.1</b>                          |  |
|--|--|
| <b>Industrial Primary Uses and Districts</b> |  |
| <b>District</b>                              | <b>Primary Uses</b>  |
| M-1  | All uses permitted in C-3<br>Bakery, industrial with accessory retail sales<br>Blacksmith<br>Bottling of alcoholic or non-alcoholic beverages<br>Brewing and distillation of liquor and spirits and other malt products<br>Canning<br>Coffee roasting<br>Contractors: construction, building trades, and signs, etc.<br>Creamery<br>Distribution center<br>Food and tobacco preparation and packaging<br>Electrical transmission distribution<br>Exterminating<br>Engineering and research laboratories<br>Granaries, grain processing and milling<br>Industrial schools and training facilities<br>Machine shop, wood, metal, plastic and nonferrous metals<br>Manufacturing or assembly of: appliances, bicycles, biological products, cabinets, ceramic or clay products, clocks, cloth and clothing products, communication equipment, electrical components, electrical lights and wiring equipment, electronics, furniture, jewelry, leather products, light component parts of products, musical instruments, office equipment, optical and ophthalmic goods, sporting goods, tools and implements, toys and games<br>Motor truck terminal<br>Publishing<br>Railroad and other mass transportation terminals and facilities<br>Tool and die shop<br>Upholstery shop<br>Warehouses<br>Water towers and storage tanks <sup>1</sup><br>Welding shop<br>Wholesaling |

|     |  |
|-----|--|
| M-2 | <p>Any use permitted in M-1</p> <p>Animal, fish and fowl slaughtering</p> <p>Building material and lumber yards and mills</p> <p>Coal yards</p> <p>Coke ovens</p> <p>Electroplating operations</p> <p>Foundry, any type</p> <p>Heavy equipment storage</p> <p>Manufacture or assembly of: automobiles, boats, boiler tanks, boxes, glass, metal and plastic cans and containers, construction equipment and machinery, dyes, engines and turbines, elevators, fabricated structural metal products, farm equipment and machinery, gelatin, glue, ink, lacquers, linoleum, motor vehicles, oleomargarine, paints, paper, plaster, railroad equipment, rubber and rubber products, soaps and detergents, tires and inner tubes, trailers, trucks, varnishes</p> <p>Metal stamping and fabricating</p> <p>Natural gas storage, transmission and distribution</p> <p>Pharmaceuticals</p> <p>Power plant, electrical, steam and thermal</p> <p>Propane gas storage</p> <p>Recycling facility</p> <p>Rolling or extruding of metal</p> <p>Scrap metal and junk salvage and storage</p> <p>Salvage yard: motor vehicle without vehicle crushing or shredding</p> <p>Textile mills</p> <p>Tire recapping</p> <p>Utility pole and pipe yards</p> <p>Wrecker or towing service</p> |
|-----|--|

<sup>1</sup>Storage tanks of any kind shall be subject to and comply with all other governmental regulations.

The following uses shall be permitted in industrial zoning districts upon approval of a Conditional Use Permit approved by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 6.01.2</b>   |
|---|
| <b>Industrial Conditional Uses</b>  |
| Adult entertainment business  |
| Advertising or billboard signs <sup>1</sup>   |
| Airport or aircraft landing field and heliport  |
| Cemetery, crematory, mausoleum  |
| Church, convent, monastery, rectory, parish house   |
| Commercial WECS (Wind Energy Conversion System)   |
| Country club, golf course, including commercially operated driving range and miniature golf |
| Fraternal or religious institution  |
| Hospital, sanitarium  |
| Library, public   |
| Micro WECS (Wind Energy Conversion System)  |
| Park, playground and community center, public only  |
| Parking, off-site for industrial uses   |
| School, college, university   |
| Water reservoir, excluding lakes and ponds  |

<sup>1</sup>Unless otherwise authorized by and then subject to the provisions of the federal Highway Beautification Act of 1965, Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highway height.

The following uses shall be permitted in industrial zoning districts upon approval of a Petition for Special Exception by the Board of Zoning Appeals of Randolph County:

| <b>TABLE 6.01.3<br/>Industrial Special Exception Uses</b>  |
|--|
| Athletic fields and courts, public or private  |
| Blast furnaces   |
| Bulk storage of petroleum products   |
| Fat rendering  |
| Landfill   |
| Leather curing and tanning   |
| Manufacture or assembly of: acid, batteries, cement, chemicals, creosote including treatment, dextrin, disinfectants, explosives, fertilizer, fireworks, glucose, gypsum, insecticides, lime, matches, perfume, plastics, poisons, starch, synthetic resins, vinegar |
| Mining, any type   |
| Nuclear power plant  |
| Private club or lodge, except those whose chief activity is customarily carried on as a business   |
| Public utility or service use, including bus turn-around, fire station, police station, art gallery, museum, railroad, sewage treatment plant, telephone exchange, water filtration plant, water pumping station   |
| Radium extraction  |
| Sand and gravel mining   |
| Stadiums, arenas   |
| Towers and antennas 300 feet and over <sup>1</sup>   |

<sup>1</sup>All such towers and antennas shall comply with the requirements found in Article XVII.

6.02 Appurtenances

Appurtenant features, such as walks, drainage installations, mailboxes, lamp posts, bird baths and feeders, central air conditioning units, and improvements similar and comparable in nature and purpose, shall be permitted on any industrial lot and shall be exempt from the standards provided herein.

6.03 Minimum Lot Area and Dimensions

No minimum lot area or width shall be required for industrial development so long as the minimum requirements of this ordinance are met. All industrial uses and development shall be connected to a sanitary sewer system. Any industrial use with fifty feet or less of frontage on a public street shall be considered an industrial park with the properties to both sides along the same street frontage. Industrial development situated on a corner lot may include both street frontages in meeting such minimum requirement to be considered free-standing development.

6.04 Minimum Front Setbacks

Minimum front setbacks shall be provided for all improvements, except decks and patios the surface of which measures eighteen inches or less from grade level, in all industrial zoning districts according to the following table:

| <b>TABLE 6.04.1<br/>Minimum Front Setbacks<sup>1,2</sup></b>    |                             |                |
|---|-----------------------------|----------------|
| <b>Street Type</b>  | <b>Buildings/Structures</b> | <b>Parking</b> |
| Limited Access or Interstate Highway                            | 100 feet                    | 20 feet        |
| Primary Arterial <i>HWY 27, 32, 35, 36</i>                      | 50 feet                     | 10 feet        |
| Secondary Arterial <i>HWY 1, 28, 227</i>                        | 40 feet                     | 10 feet        |
| Collector Street <i>Co. Rds. Columbia, Chestnut, Washington</i> | 30 feet                     | 6 feet         |
| Local Street <i>City Streets, (20-30 mph)</i>                   | 25 feet                     | 6 feet         |
| Cul-de-sac Street   | 20 feet                     | 6 feet         |
| Private Street  | 20 feet                     | 4 feet         |

<sup>1</sup>Subject to Articles 6.07 and 6.12, Transitional Yards.

<sup>2</sup>Off-street parking may be located within the required front setback subject to the provision of a landscaped yard measuring at least six feet in width from the street right-of-way line unless subject to the provisions of Articles 6.07 and 6.12, Transitional Yards.

6.05 Minimum Side and Rear Setbacks

No minimum side and rear setbacks of twenty feet shall be required in industrial zoning districts unless adjacent to a residential zoning district, church, school or park, in which case a minimum setback for all improvements, except screening and landscaping, shall comply with Articles 6.07 and 6.12, Transitional Yards, unless a commercial or industrial use has been legally established on such adjacent property.

6.06 Maximum Height

The maximum height of buildings shall be in accordance with the following table:

| <b>TABLE 6.06.1<br/>Maximum Height</b> |               |
|--|---------------|
| <b>Zoning District</b>                 | <b>Height</b> |
| M-1                                    | 35 feet       |
| M-2                                    | 50 feet       |

6.07 Transitional Yards

Wherever a residential zoning district, church, school or park property line adjoins an industrial zoning district, transitional yards and setbacks shall be provided for all improvements, except screening and landscaping, unless a commercial or industrial use has been legally established on such adjoining property. Side and rear transitional yard setbacks shall measure at least twenty feet in width. Front transitional yards shall be provided in accordance with the following table:

| <b>TABLE 6.07.1</b>   |                                  |
|---|----------------------------------|
| <b>Front Transitional Yards</b>                                 |                                  |
| <b>Street Type</b>  | <b>Transitional Yard Setback</b> |
| Limited Access or Interstate Highway                            | 20 feet                          |
| Primary Arterial <i>HWY 27, 32, 35, 36</i>                      | 20 feet                          |
| Secondary Arterial <i>HWY 1, 28, 227</i>                        | 20 feet                          |
| Collector Street <i>Co. Rds. Columbia, Chestnut, Washington</i> | 30 feet                          |
| Local Street <i>City Streets, (20-30 mph)</i>                   | 50 feet                          |
| Cul-de-sac Street   | 50 feet                          |
| Private Street  | 50 feet                          |
| Alley   | 50 feet                          |

6.08 Parking

In all industrial zoning districts, a minimum of one off-street parking space shall be provided for each two employees on the largest work shift plus one space per two hundred square feet of gross floor area devoted to office activities. Accessory retail uses shall provide additional parking as required by Table 5.08.

Off-street parking for all commercial development shall be hard surfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one year after the commencement of the use served. Each parking stall shall be lined or striped and maintained with a durable paint or tape and open directly upon an aisle of sufficient width and design to provide safe and efficient access thereto. Dimensions of parking stalls and access aisles therefor shall adhere to the recommended specifications contained in the most current published version Architectural Graphic Standards, Ramsey Sleeper, John Wiley and Sons, Inc., a copy of which is on file in the office of the Area Planning Commission and incorporated herein and made a part hereof by reference. Parking stalls adjacent to a property line or required yard shall include wheel stops or other methods to prevent vehicles from extending or rolling over such property line or required yard.

6.09 Loading

Industrial uses and development shall not be required to provide a minimum number of loading spaces. However, if loading is provided, it shall be designed so that no loading activity and no parking or maneuvering are conducted within a public or private street right-of-way or required off-street parking area. No loading berth or loading door shall be located on the front of the building. All loading berth, parking and maneuvering areas shall be hard surfaced to provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one year after the commencement of the use served.

#### 6.10 Landscaping

In all industrial zoning districts, at least three trees and nine shrubs shall be provided for each acre or portion of an acre of the lot, in addition to the requirements of Articles 6.06 and 6.11, Transitional Yard Screening. Trees and shrubs may be either deciduous or coniferous. Trees should measure at least one and one-half inches in caliper, as measured at six inches above the root ball, at the time of planting and have a characteristic mature height of at least twenty feet. Shrubs should measure at least twelve inches in height at the time of planting and have a characteristic mature height of at least three feet.

#### 6.11 Fencing

Fencing shall be permitted in all industrial zoning districts provided it is not located within any clear-sight triangle, as defined herein, for the premises or adjacent properties. Fencing on the lot of any industrial use shall be limited to a maximum height of four feet if located in front of the established front building line for the lot or six feet if located behind the established front building line. Said maximum heights may be reasonably exceeded by up to two feet in additional height for a maximum lineal distance of eight feet to accommodate variations in grade elevations. Disputes regarding fence height may be resolved by the Board of Zoning Appeals by resolution, which resolution shall apply only to the disputed fence and premises. For industrial uses and activities, fences shall be limited in height to that which is necessary and essential to such use or activity. The use of barbed wire, razor wire or similar fencing materials shall be permitted only if absolutely necessary and essential to a permitted use or activity and shall be removed when such use or activity ceases for one year. Disputes and issues regarding fence height and/or type of fencing, i.e. barbed wire, razor wire or similar fencing, shall be resolved by the Board of Zoning Appeals by decision after notice and hearing, which decision shall apply only to the fencing issues, disputes and premises involved in such hearing.

#### 6.12 Transitional Yard Screening

Any combination of landscaping, fencing and earth mounding may be used as screening within a required transitional yard. However, such screening in side and rear transitional yards shall be sufficient to provide a barrier for sight, sound and light. In front transitional yards, such barrier screening shall be required only if off-street parking or drives for internal traffic circulation are located between the building and the front property line. Disputes regarding the sufficiency and type of screening shall be resolved by the Board of Zoning Appeals by decision after notice and hearing, which decision shall apply only to the disputed issues and premises involved in such hearing.

6.13 Signs

Signs shall be permitted in industrial zoning districts only for activities listed and in accordance with the following table:

| <b>TABLE 6.13.1<br/>Permitted Industrial Signs, Free-standing</b> |                                  |                         |               |
|---|----------------------------------|-------------------------|---------------|
| <b>Activity</b>   | <b>Front Setback<sup>1</sup></b> | <b>Area<sup>2</sup></b> | <b>Height</b> |
| Free-standing business  | 15 feet                          | 150 square feet         | 25 feet       |
| Industrial park   | 15 feet                          | 64 square feet          | 10 feet       |
| Directional <sup>3</sup>  | 2 feet                           | 6 square feet           | 4 feet        |
| Temporary construction  | 15 feet                          | 100 square feet         | 25 feet       |
| Temporary real estate or leasing                                  | 15 feet                          | 64 square feet          | 10 feet       |
| Weekend directional <sup>4</sup>                                  | 2 feet                           | 1 square foot           | 2 feet        |
| Advertising or billboard <sup>5</sup>                             | 50 feet                          | 672 square feet         | 40 feet       |

<sup>1</sup>Unless otherwise specifically provided, no portion of a sign shall be located within the minimum required setback or any clear-sight triangle, as defined herein, for the premises or adjacent properties.

<sup>2</sup>Only one side of a double-faced sign shall be used in calculating the permitted area.

<sup>3</sup>Directional signs may include the logo or other identification of the use or activity served but no other advertising message.

<sup>4</sup>Weekend directional signs for new home developments, real estate open houses, and garage/yard sales may be installed, only with the consent of the property owner, no sooner than 6:00 p.m. on Friday and shall be removed no later than 9:00 a.m. the following Monday.

<sup>5</sup>Subject to the provisions of the federal Highway Beautification Act of 1965, Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.

| <b>TABLE 6.13.2<br/>Permitted Industrial Signs, Building</b> |   |
|--|---|
| <b>Type</b>  | <b>Area<sup>1</sup></b>                         |
| Wall   | 20% of the building elevation                   |
| Projecting   | 32 square feet <sup>2,4</sup>                   |
| Roof   | 64 square feet <sup>3</sup>                     |
| Awning, canopy   | 50% of the awning or canopy area <sup>4,5</sup> |
| Service area canopy  | 25% of the canopy facia area                    |
| Marquee  | 90% of the marquee area <sup>4,5</sup>          |
| Temporary real estate or leasing                             | 20% of the building elevation                   |
| Advertising or billboard <sup>6</sup>                        | 288 square feet                                 |

<sup>1</sup>Only one side of a double-faced sign shall be used in calculating the permitted area.

<sup>2</sup>Projecting signs may extend no more than eight feet from the building wall and no closer to a public curb or sidewalk edge than three feet.

<sup>3</sup>Signs placed on a pitched roof which do not extend above the ridge line thereof shall be treated as wall signs. Otherwise, such roof signs shall not extend beyond the limits of the building wall or ten feet above the roof top.

<sup>4</sup>Projecting signs, awnings, canopies and marquees shall maintain a minimum clearance of nine feet from the grade elevation or sidewalk.

<sup>5</sup>Awnings may extend a maximum of four feet from the building wall. Awnings, canopies, and marquees may extend no closer than three feet to a curb or sidewalk edge. Supports for the outer edge of canopies may be located no closer to the building wall than six feet.

<sup>6</sup>Subject to the provisions of the federal Highway Beautification Act of 1965, Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.



| <b>TABLE 6.13.3<br/>Prohibited Industrial Signs</b>   |
|---|
| Balloon and similar lighter-than-air or gas filled advertising devices  |
| Beacon, strobe and similar flashing or animated light devices   |
| Flags other than official governmental, religious and school flags  |
| Pennants, banners, streamers and wind signs <sup>1</sup>  |
| Portable signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>2</sup>   |
| Signs affixed to utility poles, light standards, and public transportation or school bus shelters or benches  |
| Signs on natural features such as trees and rocks   |
| Signs which obstruct or otherwise interfere with official signs and traffic devices   |
| Signs which resemble official signs and traffic devices unless such signs are necessary for internal traffic circulation on the site                        |
| Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>3</sup> |
| Statuary utilized and intended for commercial advertising purposes  |

<sup>1</sup>Banners may be used for a temporary period not exceeding thirty days for grand openings and County recognized special events. Banners shall be firmly attached to a building wall or other sign structure shall be installed not more than ten days prior to the event advertised and shall be removed within five days after the event.

<sup>2</sup>This section is not intended to prohibit signs painted on or otherwise affixed to commercial or business vehicles, but does prohibit the parking or storing of such vehicles for the sole purpose of advertising a business or activity.

<sup>3</sup>Projecting signs, awnings and canopies located within the public right-of-way shall be covered by at least \$300,000 of general liability insurance. A current Certificate of Insurance, naming Randolph County, Indiana, as additional insured and containing a thirty day cancellation clause, shall be on file with the Area Planning Commission of Randolph County for the duration of the encroachment of such structures. An updated Certificate of Insurance shall be filed with the Area Planning Commission prior to the expiration.

#### 6.14 Additional Requirements and Standards

All industrial uses and development shall comply with the following requirements and standards:

1. Trash containers shall be located behind the established front building line and shall be screened by a fence or wall, with gates, sufficient to block the visibility thereof.
2. Outdoor storage of any products or materials and outdoor operations, except parking and loading, shall be effectively screened on all sides so that no such storage or activities is visible from adjoining streets or properties. No such products, materials or activities shall exceed the height of the required screening. No such outdoor storage or activities shall occur within a required yard and setback or in front of the established front building line. Such screening may be accomplished with one or a combination of landscaping, fencing and earth mounding.

Signs in industrial zoning districts may be lighted but shall not be animated, flashing or moving in any manner. However, an electronic message sign may be a component of any sign provided such sign is located no closer to a residential zoning district or use than one hundred feet and compromises no more than forty percent of the total sign area of the structure of which it is a component.

Only one free-standing identification sign shall be permitted for each public street frontage of the lot or use served. Properties with five-hundred feet or more of public street frontage on the same street shall be permitted one additional free-standing identification sign along such frontage for each multiple of five hundred feet provided a minimum distance of three hundred feet is maintained between such additional signs. Where more than one free-standing sign is

permitted, such signs may be combined into one four-sided structure in lieu of multiple sign structures, provided the total sign area of all faces of the combined structure does not exceed the area which would be permitted for the multiple structures.

Temporary signs shall be removed within twelve months of their erection. The Board of Zoning Appeals may approve, by resolution, extensions not exceeding twelve months each provided such request is made prior to the expiration of the temporary period thereof. Temporary signs shall be removed immediately upon the cessation of the activity served, regardless of the time remaining on the temporary period or extensions thereof.

Lighted signs, awnings and canopies, etc., and lighting components or devices therefore shall be constructed and installed in accordance with and have affixed thereto tags issued by Underwriters Laboratories or other such certifying agency or organization.



## ARTICLE VII

### Planned Development District

#### 7.01 Intent

- (A) PD zoning may be used to foster innovative and diverse design in land development that is still consistent with both the adopted Comprehensive Plan and the intent of the Unified Zoning and Subdivision Ordinances. To achieve this, the Plan Commission does not apply any other provisions of this Chapter. Instead, the Plan Commission negotiates a specific development plan with the petitioner for PD zoning and representatives of the checkpoint agencies. The combined elements of this negotiated plan, rather than the zoning regulations, then become the subject of the rezoning process. All restrictions and regulations for a specific Planned Development are thus contained within the approved and recorded plan itself, having been arrived at prior to rezoning. PD zoning may be applied to existing development or to open land, on small or larger tracts.
- (B) The Plan Commission's goal is to provide a widening variety of environmentally appropriate residential, nonresidential and mixed use developments to meet the needs of the community. To help create attractive, healthful, efficient and stable places to live, shop and work, the Plan Commission encourages use of PD zoning within the following contexts:
- (1) to accommodate compatible development in environmentally sensitive locations;
  - (2) to enhance compatibility with surrounding land uses;
  - (3) to permit a harmonious variety of uses within a single development;
  - (4) to promote efficiency and thus economy by clustering structures and/or by using shared facilities or services;
  - (5) to foster new site treatments not contemplated in other kinds of zones.

#### 7.02 Origination of Proposals

- (A) A request to rezone from any other zoning classification to PD zoning may be initiated by:
- (1) all owners of the property in question; or
  - (2) any group of owners united in interest, acting jointly in pursuance to an agreement to carry out the proposal in separate ownership.
- (B) Because of the unified design of a planned development and because the combined elements of the negotiated plan are the substance of the zone itself, this ordinance requires that a request to reclassify from PD to PD shall include amongst the petitioners either:
- (1) all owners of the property within the current planned development; or
  - (2) the owner's association acting on behalf of a majority of the property owners in the current planned development, as constituted in the recorded bylaws.
- (C) Also, in keeping with the provisions contained herein, PD zoning is mandatory for any new condominium or condominium conversion.

### 7.03 Classification of Planned Development

- (A) To identify the nature of planned development on zoning maps, they shall be classified as one of these four zones:
- (1) PDRS, in which all buildings and land are developed for residential use and those activities customarily accessory to residential use;
  - (2) PDNR, in which no buildings and land are developed for residential use, but rather for commercial and/or industrial and/or recreational and/or some other nonresidential use;
  - (3) PDMX, in which buildings and land are developed as a mix of both residential and nonresidential uses;
  - (4) PDCC, in which the only change proposed involves either:
    - (a) the conversion to condominium ownership of a development which has received occupancy permits for all parts no less than three years prior; or
    - (b) the conversion to condominium ownership of an existing building in any zone; where there is no further division of land involved.

### 7.04 Pre-Submission Conference

- (A) No pre-submission conference is required before submitting a rezoning request to PDCC.
- (B) Before submitting any of the materials required for a rezoning request to either PDRS, PDNR or PDMX, the petitioner shall arrange a meeting with staff and the appropriate Administrative Officer.
- (C) The petitioner shall bring to this meeting a drawing or sketch of the proposed planned development that :
- (1) is at least approximately scaled;
  - (2) includes the entire tract;
  - (3) shows, in at least schematic detail, location of proposed uses and major buildings, layout and classification of roads, all entrances and exits, any environmentally sensitive areas;
  - (4) proposes treatment of environmentally sensitive areas;
  - (5) indicates phasing and a time frame for development.
- (D) Discussion at this meeting shall include:
- (1) the intent and requirements of PD zoning;
  - (2) the petitioner's intentions and objectives regarding land use, street improvements, utilities and similar matters;
  - (3) the petitioner's intentions assuring compatibility between uses proposed for the perimeter of the PD and surrounding land uses and zoning classifications;
  - (4) general availability of utilities to the site;
  - (5) the area's current zoning pattern and all elements of the Comprehensive Plan;
  - (6) specific materials and documents required herein to be included with the submission, and a list of checkpoint agencies to be involved;
  - (7) classification of the proposed rezoning as either PDRS, PDNR, or PDMX; and
  - (8) a proposed schedule for the rezoning process.

7.05 Filing Requirements for a PD Rezoning Request With Draft Plan

- (A) After a pre-submission meeting, or to initiate a PDCC action, the petitioner may file a rezoning request to one of the PD classifications. The last working day of each month is the deadline for a petitioner to make a complete submission intended to be heard as a rezoning request no sooner than the Plan Commission's public meeting about 1 ½ months later.
- (B) This submission shall contain the following:
- (1) a non-refundable processing fee as set by the Plan Commission;
  - (2) a signed and notarized Petition to Rezone with metes and bounds legal description, indicating the PD classification being sought, signed by the owner or owners of all property involved, or with a notarized Affidavit of Consent of all owners attached;
  - (3) a list of names, addresses and auditor's key numbers of all property owners located adjacent to and directly across the street, alley or rail-road right-of-way from the property involved;
  - (4) two Notices of Public Hearing, each with a metes and bounds or other proper legal description and the common address or location of the property;
  - (5) a typed original and three copies of the proposed ordinance to rezone the property, using the sample format provided by staff;
  - (6) three sets of drawings, labeled Draft Plan, using the format prescribed by the Plan Commission, to include a published and recorded boundary survey meeting the requirements of IAC Title 865 Article 1 Rule 12 or its successor, plus a full and detailed site analysis and proposed site plan, utilities plan and landscape plan;
  - (7) if dividing land, three copies of the preliminary plan, prepared by a Registered Land Surveyor or Engineer;
  - (8) three copies of any proposed covenants and horizontal property ownership and owner's association documents, each of which shall include a Table of Contents and be written in plain language easily understood by most readers; and
  - (9) signatures of all required checkpoint agencies, or post office receipts of certified mailing, indicating receipt of one set of each of the items listed as (7) through (9)

(C) Checkpoint agencies to be provided with sets of plans and other documents will have been determined at the pre-submission meeting. They include those agencies having jurisdiction in areas potentially affected by the proposed development. The list may be drawn from the agencies listed Table 7.05.1, Checkpoint Agencies:

| <b>TABLE 7.05.1</b>                                      |  |
|--|--|
| <b>Checkpoint Agencies</b>                               |  |
| <b>City of Winchester</b>                                |  |
| Waste Water Treatment Superintendent                     | Board of Works                                 |
| Streets & Parks Superintendent                           | Police Chief                                   |
| Fire Chief   | Randolph County Health Department              |
| United Water Company                                     | AEP - American Electric Power                  |
| Ohio Valley Gas Corporation                              | Indiana Department of Transportation           |
| IDNR - Soil & Water Conservation                         | Randolph Central School Corp. - Transportation |
| Randolph Co. Community & Economic Development Foundation | Randolph County Building Commission            |
| Randolph County Surveyor                                 |  |
| <b>City of Union City</b>                                |  |
| Waste Water Treatment Superintendent                     | Board of Works                                 |
| Streets & Parks Superintendent                           | Police Chief                                   |
| Fire Chief   | Randolph County Health Department              |
| Municipal Water Company                                  | AEP - American Electric Power                  |
| Ohio Valley Gas Corporation                              | Indiana Department of Transportation           |
| IDNR - Soil & Water Conservation                         | Randolph Eastern School Corp. - Transportation |
| Randolph Co. Community & Economic Development Foundation | Randolph County Building Commission            |
| Randolph County Surveyor                                 |  |
| <b>Towns of Randolph County</b>                          |  |
| Town Marshall  | Randolph County Building Commission            |
| Town Clerk   | Randolph County Health Department              |
| Town Fire Chief  | Appropriate School Corp. - Transportation      |
| Appropriate electric, gas, telephone utility             | IDNR - Soil & Water Conservation               |
| Indiana Department of Transportation                     | Randolph County Surveyor                       |
| Randolph Co. Community & Economic Development Foundation |  |
| <b>Randolph County Officials</b>                         |  |
| Sheriff Department                                       | County Highway Superintendent                  |
| Sanitation Department                                    | County Surveyor                                |
| County Solid Waste Management District                   | Township Fire Chief                            |
| Indiana Department of Transportation                     | IDNR - Soil & Water Conservation               |
| County Health Department                                 |  |

(D) If the petitioner fails to meet the filing requirements contained herein within six months of the pre-submission meeting date, the petitioner shall schedule a new pre-submission meeting in order to continue the project.

#### 7.06 Required Review Meeting

- (A) The Plan Commission's staff shall determine if the petitioner's submission is complete. If it is, written notices shall be sent to the petitioner, the petitioner's representatives, the checkpoint agencies and the staff, scheduling a Required Review Meeting to be held on or before the third Wednesday of that month. If the submission is found to be incomplete, the staff shall provide the petitioner with a written statement detailing its deficiencies regarding items contained herein. The last day of that month will then be the next filing deadline for a complete submission.
- (B) At the Required Review Meeting, the staff and checkpoint agency representatives will have an opportunity to recommend revisions to the Draft Plan submission and discuss them with the petitioner and petitioner's representatives. Checkpoint agencies may provide written comments to the Executive Director instead of being present.

#### 7.07 Preliminary Plan Submission Requirements

- (A) Following the Required Review Meeting, the petitioner shall submit a Preliminary Plan no later than the last Wednesday of the month preceding the intended public hearing. A complete Preliminary Plan submission shall contain the following:
  - (1) eight sets of drawings, labeled Preliminary Plan, containing all the elements of the Draft Plan reflecting changes resulting from the Required Review Meeting;
  - (2) if dividing land, eight copies of the Preliminary Plat, prepared by a Registered Land Surveyor or Engineer; and
  - (3) eight copies of any covenants and horizontal property ownership and owners' association documents, which shall include a Table of Contents and be written in plain language easily understood by most readers.
- (B) If the petitioner fails to meet the Preliminary Plan submission requirements within six months of the date of the Required Review Meeting, the rezoning petition shall be void. If the petitioner wishes to continue with the project, he shall schedule a new pre-submission meeting.

#### 7.08 Preliminary Plan Hearing and Disposition

- (A) The petition and Preliminary Plan shall then be heard by the Plan Commission as a Petition for Zoning Ordinance Amendment, subject to the procedures that apply to such an amendment. Upon hearing the request, the Plan Commission may recommend either approval, amendment, or disapproval of the Preliminary Plan, or may vote no recommendation pursuant to APC bylaws.
- (B) The Plan Commission may impose reasonable conditions with its recommendation. These conditions shall only involve the inclusion of additional items unrelated to the project's design. Such items include being granted additional approval by another governmental agency such as the Drainage Board, or obtaining permission to attach to an existing utility.
- (C) If the Plan Commission requires changes in design, regarding the proposed site, utilities or landscape plans, then the Plan Commission shall vote to recommend amendment. Should this happen, the petitioner may resubmit a second Preliminary Plan for a later rehearing by the Plan Commission.



(D) If the Plan Commission recommends approval, disapproval or no recommendation, the eight sets of Preliminary Plans (including drawings, plats and covenants) shall be stamped with that recommendation and signed by the President and Secretary of the Plan Commission. The distribution of these sets shall be as follows:

- (1) one set shall be permanently retained in the Office of the Plan Commission;
- (2) two sets shall be returned to the petitioner;
- (3) four sets shall be distributed by staff, with one set going to each of the appropriate gas, electric, telephone, cable television utilities; and
- (4) one set shall be certified to the appropriate legislative body for adoption as a Planned Development Zone pursuant to the laws governing zoning ordinance amendments.

(E) The legislative body may adopt or defeat the certified Preliminary Planned Development, but shall not amend it. If it is adopted by the legislative body, the petitioner may prepare Final Detailed Plans.

#### 7.09 Approval of Final Detailed Plans for PDCC Zones

(A) Following rezoning to PDCC by the legislative body, the petitioner may submit Final Detailed Plans. The petitioner cannot file required condominium documents with the County Recorder until the staff approves the Final Detailed Plans.

(B) A complete PDCC Final Detailed Plans submission shall contain the following:

- (1) evidence that any conditions imposed by the Plan Commission at the time of its hearing have been met;
- (2) a minimum of eight sets of drawings, labeled Final Detailed Plans – Condominium Conversion, identical in content to the Approved Preliminary Plan (within the context of the imposed conditions), reviewed and signed by the appropriate Administrative Officer. The number of sets shall be determined by staff;
- (3) a minimum of eight signed copies of any covenants and horizontal ownership and owners' association documents. These shall include a Table of Contents and be written in plain language easily understood by most readers. The number of copies shall be determined by staff.

(C) The staff shall review these Final Detailed Plans within five working days of the petitioner's submission. If the staff finds they comply with the above, the staff shall approve them by attaching a Certificate of Approval, signed and dated by the Executive Director, stating its finding of compliance. If the staff finds them incomplete, the staff shall notify the petitioner of the deficiencies. After this Certificate of Approval is attached, the petitioner shall not submit an alternate or revised set of Final Detailed Plans for the same legal description, except under circumstances described herein.

#### 7.10 Approval of Final Detailed Plans for PDRS, PDNR and PDMX Zones

(A) Following rezoning to PDRS, PRNR or PDMX, the petitioner may file Final Detailed Plans. The petitioner can neither seek Improvement Location Permits nor begin any development activity until the Plan Commission approves these Final Detailed Plans and the petitioner records them. To be complete, the Final Detailed Plans shall have already been approved and signed by the appropriate Administrative Officer, any applicable sanitary sewer and water provider, public or private; and if outside the Cities of Winchester and Union City, the County Highway Department and the County Surveyor on behalf of the

Drainage Board. Final Detailed Plans may be submitted for the entire project or any part of it.

- (B) A complete PDRS, PDNR or PDMX Final Detailed Plans submission shall contain the following:
- (1) evidence that any conditions imposed by the Plan Commission at the time of its hearing have been met. If Final Detailed Plans for only part of the project are being submitted, only those conditions bearing on that part need be met;
  - (2) ten sets of drawings, labeled Final Detailed Plans, consisting of all the elements of the Approved Preliminary Plan, plus full construction plans for all public improvements to be installed by the developer.
  - (3) ten signed copies of any covenants and horizontal property ownership and owners' association documents. These shall include a Table of Contents and be written in plain language easily understood by most readers. The number of copies shall be determined by staff.
  - (4) a release from the mortgage company, if any, covering the necessary right-of-way, where right-of-way is to be dedicated.
  - (5) if one or more lots are being created, the petitioner shall provide ten copies and a reproducible Mylar of the signed final plat, prepared by a registered land surveyor or engineer, with a Planned Development Dedication Certificate appended. The petitioner may either submit this final plat along with items (1) through (4) above or at a later time. In either event, the final plat is a part of the Final Detailed Plans, and as such, no Improvement Location Permit shall be issued until the plat is approved and recorded.
- (C) If public improvements or improvements for common usage are to be installed by the petitioner, he or she shall either:
- (1) complete the improvement upon approval of the construction plans portion of the Final Detailed Plans; or
  - (2) ask the Plan Commission's approval at the time the plat is approved (whether submitted with construction plans or at a later time), to post bond for these improvements, or submit a certified check, or irrevocable letter of credit or certificate of deposit. No Improvement Location Permit for a dwelling unit shall be issued until surety has been provided.
- (D) If the Plan Commission finds the submission of the Final Detailed Plans (with final plat, or final plat alone after previous portions of Final Detailed Plans have been approved) to conform to the Approved Preliminary Plan as adopted by the legislative body at the time of rezoning, the Plan Commission shall adopt a resolution. After this resolution is adopted, the petitioner shall not submit an alternative or revised set of Final Detailed Plans for the same legal description, except under circumstances described herein.
- (E) The adopted resolution shall be signed and dated by the President and Secretary of the Plan Commission, and a copy shall be attached to the front of each set of approved Final Detailed Plans.
- (F) Adoption of a resolution shall neither constitute nor imply a participating jurisdiction's acceptance of any street, easement or park shown in Final Detailed Plans. Acceptance is only that of real property itself. The Plan Commission may require notes to this effect.

#### 7.11 Recording Approved Detailed Plans

- (A) Before performing any development, construction or earth moving activity, or applying for Improvement Location Permits, or filing any required condominium documents, the petitioner shall record the Approved Final Detailed Plans in the Office of the Recorder of Randolph County.
- (B) The staff shall accompany the petitioner in the recording process. Final Detailed Plans shall first be stamped and dated in the County Auditor's Office, with one set of plans given the County Auditor. The remaining sets of Final Detailed Plans shall then be stamped, numbered and recorded at the County Recorder's Office, and then distributed by the petitioner. The staff shall provide the petitioner a list of agencies to which the petitioner shall distribute sets of approved and recorded plans. The petitioner shall keep at least one set.
- (C) If the petitioner fails to record the Final Detailed Plans for all or any part of the entire project within thirty days of the date of their approval, that approval expires. In order to continue, the petitioner shall resubmit Final Detailed Plans for approval.
- (D) Any construction that does not fully comply with recorded Final Detailed Plans will be subject to appropriate enforcement action.

#### 7.12 Amending Recorded Final Detailed Plans

- (A) A property owner may wish to make changes to a PDRS, PDNR or PDMX project after Final Detailed Plans have been recorded. If these changes are determined to conform to the Approved Preliminary Planned Development as adopted by the legislative body, and to constitute a minor modification only, then changes shall be recorded as an Amended Final Detailed Plans.
  - (1) this written determination of conformance and minor modification shall be made and signed by the appropriate Administrative Officer and attached to each copy of the Amended Final Detailed Plans before recording
  - (2) a minor modification cannot include: any increase in residential density; any change in building dimension or location unless all other development standards set forth are met; any change in lot lines; any change in landscaping other than substitution of species or redesign with the same materials; any alteration in the size and/or location of signs; any change in type of land use; any change in the alignment or intersection of streets unless requested or required by the appropriate governmental agency; or any change in restrictive covenants, or horizontal ownership and owners' association documents regarding these items;
  - (3) submission requirements and a timetable for seeking a determination of conformance and minor modification shall be set by each Administrative Officer;
  - (4) changes beyond the scope of minor modification require rezoning.
- (B) For any newly constructed condominium project or attached zero-lot-line project, the property owners shall provide exact measurements locating buildings and common lot lines after foundations have been put in place. The revised plat reflecting exact locations needs to be approved and signed by the appropriate Administrative Officer as Amended Final Detailed Plans and recorded.

### 7.13 Lapsed and Abandoned Planned Developments

- (A) An intended condominium conversion has lapsed if two years have passed since the date on which rezoning to PDCC was granted, and no Final Detailed Plans have been approved and recorded. Following such lapse, the Plan Commission shall initiate a petition to rezone the property to its previous classification(s).
- (B) A planned development has been abandoned if two years have passed since the date on which rezoning to PDRS, PDNR or PDMX was granted, and no Final Detailed Plans have been approved and recorded for the project or any part or phase of it; or
- (C) Parts or phases of a planned development have been abandoned if ten years have passed since the date on which rezoning to PDRS, PDNR or PDMX was granted, and only Final Detailed Plans for other parts or phases have been approved and recorded.
- (D) An Administrative Officer cannot issue an Improvement Location Permit for an abandoned planned development or an abandoned part or phase of a planned development. An abandoned planned or abandoned part or phase shall be rezoned (and if to a PD classification, comply with the provisions contained herein) before the property's owner once more becomes eligible to receive an Improvement Location Permit at that location.
- (E) Neither the Plan Commission nor any legislative body shall initiate a petition to rezone any PD-zoned property unless it has either lapsed or been abandoned.

### 7.14 Covenants and Maintenance

- (A) To assure property owners that all aspects of a planned development remain in conformance with plans adopted by the legislative body at the time of rezoning, restrictive covenants and any horizontal property ownership and owners' association documents can only be changed through the procedures contained herein.
- (B) These changes may be initiated only by a majority of property owners within the planned development. Multiple owners of a single property shall be considered a single owner. The developer shall be considered a single owner until all property is sold.
- (C) The Administrative Officer may determine that these changes constitute a minor modification if they meet the requirements contained herein. Changes to these documents which would alter design aspects of the project, or which are determined by the Administrative Officer to be beyond the scope of minor modification require rezoning. Covenants and any horizontal property ownership and owners' association documents shall reflect the provisions of this section.
- (D) A planned development containing common facilities shall be provided with an owners' association or other private organization responsible to and controlled by the property owners. This organization's purpose is to ensure adequate operation and maintenance of these common facilities, which may include but are not limited to private streets, common areas, landscaping, and amenities such as a clubhouse, pool or tennis courts. Recorded legal assurances shall be provided which show this organization to be self-perpetuating.
- (E) All streets and roadways not dedicated to nor accepted by a public agency, and all other common facilities not dedicated to the public, shall be operated and maintained at no expense to any governmental unit.



**ARTICLE VIII**  
**FLOOD HAZARD AREAS**

8.01 Statutory Authorization, Findings of Fact, Purpose, and Objectives

8.01.1 Statutory Authorization

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Randolph County Commissioners do hereby adopt the following floodplain management regulations.

8.01.2 Findings of Fact

- 1) The flood hazard areas of Randolph County, the City of Winchester, the Town of Farmland, the Town of Ridgeville, the City of Union City and the Town of Parker City 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, flood-proofed, or otherwise unprotected from flood damages.

8.01.3 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 federally subsidized flood insurance available for structures and their contents in the County by fulfilling the requirements of the National Flood Insurance Program.

8.01.4 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.
- 7) To ensure that potential homebuyers are notified that property is in a flood area.

## 8.02 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The following definitions will be given precedence in the interpretation of Article VIII over any duplicate definitions in Article XIII.

**A zone** 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 or FHBM. 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. Mandatory flood insurance purchase requirements apply.

**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. Mandatory flood insurance purchase requirements apply. (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. Mandatory flood insurance purchase requirements apply.

**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. Mandatory flood insurance purchase requirements apply.

**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. Mandatory flood insurance purchase requirements apply.

**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. Mandatory flood insurance purchase requirements apply.

**Accessory structure** (appurtenant structure)

A structure 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)

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**

A request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding**

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 Elevation (BFE)**

The elevation of the one-percent annual chance flood.

**Basement**

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

**Building**

see "Structure."

**Community**

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



**Community Rating System (CRS)**

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**

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**

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**

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**

A certified statement that verifies a structure's elevation information.

**Emergency Program**

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.

**Encroachment**

The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Construction**

Any structure for which the “start of construction” commenced before the effective date of the community’s first floodplain ordinance.

**Existing Manufactured Home Park or Subdivision**

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**

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**

The Federal Emergency Management Agency.

**Five-Hundred Year Flood (500-Year Flood)**

The flood that has a 0.2 percent chance of being equaled or exceeded in any year.

**Flood**

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

**Flood Boundary and Floodway Map (FBFM)**

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 Hazard Boundary Map (FHBM)**

An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

**Flood Insurance Rate Map (FIRM)**

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)**

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**

Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Flood”)

**Flood Protection Grade (FPG)**

The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

**Floodplain**

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

**Floodplain Management**

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**

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)**

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**

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**

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**

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** Those portions of the floodplain lying outside the floodway.

**Functionally Dependent Facility**

A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Hardship** (as related to variances of this ordinance)

The exceptional hardship that would result from a failure to grant the requested variance. The Randolph County 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**

The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic Structure** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Increased Cost of Compliance (ICC)**

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 Map Amendment (LOMA)**

An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR)**

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)**

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**

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

**Lowest Floor** (the lowest of 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 having a total net area of 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,
  - b) such enclosed space shall be usable solely for the parking of vehicles and building access.

**Manufactured Home**

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**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map Amendment**

A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

**Map Panel Number**

The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix

represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

**Market Value** 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** Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**National Flood Insurance Program (NFIP)**

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** 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**

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.

**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-Hundred Year Flood (100-Year Flood)**

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”.

**One-Percent Annual Chance Flood**

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”.

**Participating Community**

Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Physical Map Revision (PMR)**

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.

**Post-FIRM Construction**

Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Pre-FIRM Construction**

Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Probation**

A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public Safety And Nuisance**

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** 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**

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**

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 Article 3 (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**

Flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

**Section 1316**

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)**

Those lands within the jurisdictions of the Randolph County subject to inundation by the regulatory flood. The SFHAs of Randolph County, the City of Winchester, the Town of Farmland, the Town of Ridgeville, the City of Union City and the Town of Parker City are generally identified as such on the Randolph County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated March 4, 2013. The SFHAs of those parts of unincorporated Randolph County that are within the extraterritorial jurisdiction of the City of Winchester, the Town of Farmland, the Town of Ridgeville, the City of Union City and the Town of Parker City or that may be annexed into the City of Winchester, the Town of Farmland, the Town of Ridgeville, the City of Union City and the Town of Parker City are generally identified as such on the Randolph County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal



Emergency Management Agency and dated March 4, 2013. (These areas are shown on a FHBM or 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**

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**

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**

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**

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** 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** 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** 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.

**Water surface elevation**

The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**X zone** 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** A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

**Zone A** (see definition for A zone)

**Zone B, C, and X** 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.)

8.03 General Provisions

8.03.1 Lands to Which This Ordinance Applies

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of Randolph County, the City of Winchester, the Town of Farmland, the Town of Ridgeville, the City of Union City and the Town of Parker City.

8.03.2 Basis for Establishing Regulatory Flood Data

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

- 1) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Randolph County, the City of Winchester, the Town of Farmland, the Town of Ridgeville, the City of Union City and the Town of Parker City delineated as an "A Zone" on the Randolph County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated March 4, 2013, 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.
- 2) If the SFHA within the jurisdiction of the Randolph County, the City of Winchester, the Town of Farmland, the Town of Ridgeville, the City of Union City and the Town of Parker City is delineated as "Zone A" on the Randolph County, Indiana and Incorporated Areas Flood Insurance Rate Map, prepared by the Federal Emergency Management Agency and dated March 4, 2013, the regulatory flood elevation, floodway, and fringe limits 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.
- 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 community's 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.

#### 8.03.3 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.

#### 8.03.4 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.

#### 8.03.5 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.

#### 8.03.6 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, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

#### 8.03.7 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.

#### 8.03.8 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 Randolph County, the City of Winchester, the Town of Farmland, the Town of Ridgeville, the City of Union City and the Town of Parker City, 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.

#### 8.03.9 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 Code for Randolph County. All violations shall be punishable by a fine not exceeding \$300.00.

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

#### 8.03.10 Increased Cost of Compliance (ICC)

In order for buildings to qualify for a claim payment under ICC coverage as a “repetitive loss structure”, the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

### 8.04 Administration

#### 8.04.1 Designation of Administrator

The Randolph County Area Planning Commission hereby appoints the Area Planning Commission Director hereafter referred to as the Zoning Administrator to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

#### 8.04.2 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 in relation to existing roads and streams.
- c) A legal description of the property site.
- d) A site development plan showing existing and proposed development locations and existing and proposed land grades.
- e) Elevation of the top of the lowest floor (including basement) of all proposed 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.

2) Construction stage

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, 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. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder 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.

#### 8.04.3 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 not be 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 Section 8.05.5 and 8.05.7(1) of this ordinance, and maintain a record of such authorization (either copy of actual permit 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 are to be maintained on file with the floodplain development permit.
- 5) 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.
- 6) 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 Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits 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.
- 7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- 8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- 9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 8.04.2.
- 10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 8.04.2.
- 11) Review certified plans and specifications for compliance.
- 12) 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.
- 13) 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.

- 14) 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.

## 8.05 Provisions for Flood Hazard Reduction.

### 8.05.1 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) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further extended, or replaced.
- 11) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
  - a) The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
  - b) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will

- be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
- c) The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
  - d) The fill or structure shall not obstruct a drainage way leading to the floodplain.
  - e) The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
  - f) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
  - g) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

#### 8.05.2 Specific Standards

In all SFHAs, the following provisions are required:

- 1) In addition to the requirements of Section 8.05.1, 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 new structure having a floor area greater than 400 square feet.
  - b) Addition or improvement made to any existing structure:
    - (i) 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).
    - (ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.
  - c) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its 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.
- 2) Residential Construction. 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 Section 8.05.2(4).

- 3) Non-Residential Construction. 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 Section 8.05.2(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 Section 8.04.3(10).
  - 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) Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
  - e) 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).

- f) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
  - g) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
  - h) Where elevation requirements exceed 6 feet above the highest adjacent grade, 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.
- 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 method.
  - b). The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
  - 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) 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. This requirement applies to all manufactured homes to be placed on a site;
    - (i) outside a manufactured home park or subdivision;
    - (ii) in a new manufactured home park or subdivision;
    - (iii) in an expansion to an existing manufactured home park or subdivision;or
    - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
  - b) 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. This requirement applies to

all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

- c) Manufactured homes 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 as required for elevated structures in Article 5, Section B. 4.
- d) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- e) Recreational vehicles placed on a site shall either:
  - (i) be on site for less than 180 days; and,
  - (ii) 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
  - (iii) meet the requirements for “manufactured homes” as stated earlier in this section.

#### 8.05.3 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 lots or five 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).

#### 8.05.4 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.

#### 8.05.5 Standards for Identified Floodways

Located within SFHAs, established in Section 8.03.2, 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 non-substantial additions/improvements to residences 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 (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (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 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 Article 5 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, will increase the regulatory flood more than 0.14 of one foot.

For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

#### 8.05.6 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 Section 8.05 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.

8.05.7 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 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 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 Section 8.05 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 Section 8.05 of this ordinance have been met.

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

8.05.8 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 Article 5.

8.06 Variance Procedures

8.06.1 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.

8.06.2 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 Randolph County Circuit Court.

8.06.3 Variance Procedures

In passing upon such applications, the Board of Zoning Appeals 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.

8.06.4 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 Section 8.05.5 or 8.05.7(1) of this ordinance may be granted.

- 3) Any variance granted in a floodway subject to Section 8.05.5 or 8.05.7(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 Section 8.05.2, 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 application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation 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 Section 8.06.5).
- 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 Section 8.06.5).

#### 8.06.5 Variance Notification

Any applicant to whom a variance is granted 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 base flood elevation 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 base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.  
The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

#### 8.06.6 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.

#### 8.06.7 Special Conditions

Upon the consideration of the factors listed in Section 8.06, 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.

8.07 Severability

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.

8.08 Effective Date

This amendment shall take effect on June1, 2018. This Article does not abrogate or alter the meaning or interpretation of County Ordinance No. 2013-03.

(This Article is an inclusion of County Ordinance Number. 2013-03 into this Ordinance with nomenclature changes to correspond with the existing numbering system of this Unified Zoning Ordinance. The County Ordinance 2013-03 was effective starting January 28, 2013.)





## ARTICLE IX

### Performance Standards

#### 9.01 Adherence to Performance Standards

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

##### 1) Vibration

No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.

##### 2) Smoke, Dust and Particulate Matter

Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations the Indiana Department of Environmental Management.

##### 3) Noxious Matter

No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property

##### 4) Odor

No use shall emit across the lot lines odor in such quantities as to be detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

##### 5) Sound

No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.

##### 6) Heat and Glare

No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.

##### 7) Waste Matter

No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Randolph County Health Department, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety and welfare or cause injury to property.



## **ARTICLE X**

### **Enforcement**

#### **10.01 Enforcement by Zoning Inspector**

The Executive Director, as defined herein, or an appointee, is hereby designated as the Zoning Inspector of Randolph County, Indiana, whose duties shall include the enforcement of the provisions of this Ordinance and of any conditions or commitments relative to any zoning petition or approval, in accordance with the administrative procedures of Randolph County. All departments, officials and employees of the County vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building, structure, improvement or purpose in conflict with this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

#### **10.02 Filing Plans**

Every application for an Improvement Location Permit or approval required by the terms of this Ordinance shall be on forms provided by the Area Planning Commission and accompanied by site plans, in duplicate and drawn to a standard architectural or engineer scale in black line or blue print, as may be necessary to determine compliance with the provisions and requirements contained herein. Any required site plan shall show the actual shape and dimensions of the lot or property included in the permit or approval; the use, shape, dimensions and setbacks of all existing improvements and activities on the included property, if any; and the use, shape, dimensions and setbacks of all proposed improvements and activities. Any required building floor, structural or elevation plans shall show all dimensions and information necessary to determine compliance with the provisions and requirements contained herein. One copy of such plans shall be returned to the applicant upon approval along with a copy of such permit or approval which may be granted. One copy of the plans shall remain in the possession of the Executive Director with the accompanying application for permit or approval which may or may not be granted. All dimensions shown on required plans shall be based on an actual survey or other professionally prepared or collected information. No construction of approved improvements or activities shall begin until the lot and location thereof has been staked out on the ground by a land surveyor registered with the State of Indiana.

#### **10.03 County Legal Drain Right-of-way Clearance Certificate**

No Improvement Location Permit or approval shall be granted by the Area Planning Commission until a Randolph County Legal Drain Right-of-way Clearance Certificate has been approved by the Randolph County Drainage Board.

#### **10.04 Sewage/Septic System Permit**

No Improvement Location Permit or approval shall be granted by the Area Planning Commission until approval of the installation of the sewage/septic system is given by the municipal clerk's office and/or the Randolph County Health Department on the proper form provided by said office. This approval is required for all primary buildings and structures. Accessory buildings and structures also shall be required to show approval if such building or structure will have sanitation facilities installed.

## 10.05 Aeronautics Commission Action

No permit or approval shall be issued by the Area Planning Commission to individual, companies or corporations, etc., who fall under the provisions of the Tall Structures Act of 1957, as amended, until approved by the Director of the Aeronautics Commission of Indiana.

## 10.06 Improvement Location Permit

### 10.06.01 Permit Required Prior to Construction

No excavation, construction, reconstruction, extension, conversion or alteration of any building or structure shall be started by any owner, lessee or tenant thereof until an Improvement Location Permit has been granted by the Area Planning Commission. Such permit shall indicate, and shall be granted only upon the determination by the Area Planning Commission, that such buildings or premises or part thereof, and the proposed use thereof, are in conformity with the provisions and requirements of this Ordinance.

### 10.06.2 Action on Permit Applications

Within ten days of receipt of an application for a permit or approval, and all plans and fees paid according to the schedule in Section 10.06.6, the Area Planning Commission shall determine the sufficiency of such application and whether it complies with the provisions and requirements of this Ordinance, and shall either issue the permit or notify the applicant in writing of the denial of the permit and the reasons therefor. Failure to notify the applicant of such denial within said ten days shall entitle the applicant to a permit, unless the applicant consents to an extension of time. Provided, however, failure to notify the applicant within said ten days shall not exclude or exempt the applicant from compliance with the provisions and requirements of this Ordinance.

### 10.06.3 Violations and Penalties

No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or land in violation of any provisions of this Ordinance or any amendment, supplement or regulation thereto. A structure or use which violates this Ordinance shall be deemed a public nuisance. A person who violates a provision of this Ordinance shall be guilty of an Ordinance Violation, and upon conviction shall be fined not less than ten (\$10.00) dollars and not more than three hundred (\$300.00) dollars. Each day the violation continues or occurs shall constitute a separate offense. An enforcement action may be instituted in the name of the Area Planning Commission of Randolph County, Indiana, or, the Board of Zoning Appeals of Randolph County, Indiana, against such person.

### 10.06.4 Violation Remedies

- (a) The Area Planning Commission or Board of Zoning Appeals may initiate a suit for injunctive relief, either temporary or permanent, in the Randolph Circuit Court or the Randolph Superior Court and such injunctive relief may be to restrain any person, individual, firm, company or corporation from violating or continuing to violate any provisions of this Ordinance or zoning laws of Indiana.

- (b) The Area Planning Commission or Board of Zoning Appeals may initiate a suit for mandatory injunction directing any person, individual, firm, company or corporation to remove any building or structure erected in violation of the provisions and requirements of this Ordinance or zoning laws of Indiana, or to seek mandatory injunctive relief directing any person, individual, firm, company or corporation to cease any use or activity which is in violation of the provisions and requirements of this Ordinance or applicable zoning laws of Indiana.
- (c) If the Area Planning Commission or the Board of Zoning Appeals is successful in such suit, the respondent or defendant shall bear the cost of the action.
- (d) An action to enforce a commitment made in accordance with I.C.36-7-4 may be brought in to the Randolph Circuit Court or the Randolph Superior Court by any person who is entitled to enforce a commitment under this Ordinance, the By-Laws of the Area Planning Commission, or the Rules of Procedure of the Board of Zoning Appeals which Ordinance, By-Laws or Rules were in force at the time such commitment was made.
- (e) Any other specifically affected person who was designated in the commitment may also bring an action to enforce such commitment in the Randolph Circuit or Randolph Superior Court.

10.06.5 Duration of Improvement Location Permit

The excavation, construction, reconstruction, extension, conversion or alteration authorized by the issuance of an Improvement Location Permit shall be commenced with eighteen months and completed with thirty-six months of the date of issuance of said permit. However, the Executive Director of the Area Planning Commission may authorize extensions thereof upon good cause shown in writing.

| <b>TABLE 10.06.6</b>                            |                    |                      |
|---|--------------------|----------------------|
| <b>Improvement Location Permit Fee Schedule</b> |                    |                      |
| <b>District</b>                                 | <b>Primary Use</b> | <b>Accessory Use</b> |
| A-L & A-I                                       | \$10.00            | \$5.00               |
| A-R   | \$10.00            | \$5.00               |
| R-1   | \$10.00            | \$5.00               |
| R-2   | \$10.00 per unit   | \$5.00               |
| R-3   | \$10.00 per unit   | \$5.00               |
| C-1   | \$15.00            | \$10.00              |
| C-2   | \$15.00            | \$10.00              |
| C-3   | \$20.00            | \$10.00              |
| M-1   | \$30.00            | \$15.00              |
| M-2   | \$40.00            | \$25.00              |
| PD  | See above schedule |                      |

| <b>Wind Energy Conversion Systems (Weecs)</b> |                         |
|---|-------------------------|
| Commercial Wind Energy Conversion Systems     | \$20,000                |
|   | + \$1,750 per mega watt |
| Non-Commercial Wind Energy Conversion Systems | \$300 per turbine       |

| <b>Telecommunication Towers</b>          |       |
|--|-------|
| Telecommunication Towers Application Fee | \$500 |

## ARTICLE XI

### Conditional Uses

#### 11.01 Conditional Use Permit Approval

Uses listed as Conditional Uses in the various zoning districts shall be permitted therein only upon the approval of a Conditional Use Permit by a vote of the Board of Zoning Appeals of Randolph County, Indiana. Application for a Conditional Use Permit shall be in accordance with the Rules of Procedure of the Board of Zoning Appeals, and shall include a Plan of Operation, as defined herein, which shall become an enforceable part of the Board's approval.

#### 11.02 Conditional Use Findings of Fact

The Board of Zoning Appeals shall approve an application for a Conditional Use Permit only upon the finding that:

- 1) All construction and development is in conformance with the developmental standards applicable in the zoning district of the property included in the request.
- 2) The use adheres to the general character of and will not be substantially detrimental to the use and development in the vicinity of the property included in the request.
- 3) The use and development includes improvements and amenities necessary to minimize any adverse effects on the use and value of surrounding properties.

#### 11.03 Conditions of Approval

The Board of Zoning Appeals may impose reasonable conditions upon its approval of a Conditional Use Permit to assure that the authorized use and improvements therefor conform to the intent of this Ordinance and the Findings of Fact for a Conditional Use Permit, and such conditions shall become enforceable as if they were provisions of this Ordinance.

#### 11.04 Duration of a Conditional Use Permit

Notwithstanding any other provisions contained herein, a Conditional Use Permit shall be limited to the specific use authorized, and improvements therefor, and shall be in perpetuity, until such authorized use becomes an abandoned use as defined herein. Only accessory uses permitted in the applicable zoning district, and improvements therefor, shall be permitted and conducted in association with the authorized use unless otherwise specifically included with the application for the Conditional Use Permit and approved by the Board of Zoning Appeals therewith.

#### 11.05 Improvement Location Permit Required

Unless an Improvement Location Permit is obtained within one year of the approval of a Conditional Use Permit by the Board of Zoning Appeals, the approval of such Conditional Use Permit shall be null and void. Provided, however, the Executive Director may approve extensions of such time, totaling not more than eighteen months from the initial approval date, only if such request is made in writing prior to the expiration of the initial year and demonstrates sufficient cause and need for the requested period of extension. The Executive Director may approve an extension period less than that requested or deny any extension upon the determination that the cause or need for the request is insufficient.



11.06 Modification of a Conditional Use Permit

Any alteration, expansion or modification of the use or improvements therefor authorized by a Conditional Use Permit shall require a new application for consideration by the Board of Zoning Appeals in accordance with these requirements and the Board's Rules of Procedure.

## ARTICLE XII

### Special Exceptions

#### 12.01 Special Exception Use Approval

Uses listed as Special Exception Uses in the various zoning districts shall be permitted therein only upon the approval of a Petition for Special Exception by a vote of the Board of Zoning Appeals of Randolph County, Indiana. Application for a Special Exception Use shall be in accordance with the Rules of Procedure of the Board of Zoning Appeals and shall include a Plan of Operation, as defined herein, which shall become an enforceable part of the Board's approval.

#### 12.02 Special Exception Use Findings of Fact

The Board of Zoning Appeals shall approve an application for a Petition for Special Exception Use only upon the finding that:

- 1) The establishment, maintenance or operation of the Special Exception Use will not be detrimental to or endanger the public health, safety, morals or general welfare of the community.
- 2) The Special Exception Use will not be injurious to or diminish the use, value and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- 3) The Special Exception Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted by right in the zoning district(s) of surrounding property.
- 4) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
- 5) Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets.
- 6) All construction and development is in conformance with the developmental standards applicable in the zoning district of the property included in the request.

#### 12.03 Conditions of Approval

The Board of Zoning Appeals may impose reasonable conditions upon its approval of a Petition for Special Exception Use to assure that the authorized use and improvements therefor conform to the intent of this Ordinance and the Findings of Fact for a Special Exception Use, and such conditions shall become enforceable as if they were provisions of this Ordinance.

#### 12.04 Duration of a Special Exception

Notwithstanding any other provisions contained herein, a Special Exception Use shall be limited to the specific use authorized, and improvements therefor, and shall be in perpetuity, until such authorized use becomes an abandoned use as defined herein, unless otherwise specified by the Board of Zoning Appeals. Only accessory uses permitted in the applicable zoning district, and improvements therefor, shall be permitted and conducted in association with the authorized use unless otherwise specifically included in the Petition for Special Exception Use and approved by the Board of Zoning Appeals therewith.

12.05 Improvement Location Permit Required

Unless an Improvement Location Permit is obtained within one year of the approval of a Petition for Special Exception Use by the Board of Zoning Appeals, the approval of such Petition shall be null and void. Provided, however, the Executive Director may approve extensions of such time, totaling not more than eighteen months from the initial approval date, only if such request is made in writing prior to the expiration of the initial year and demonstrates sufficient cause and need for the requested period of extension. The Executive Director may approve an extension period less than that requested or deny any extension upon the determination that the cause or need for the request is insufficient.

12.06 Modification of a Special Exception Use

Any alteration, expansion or modification of the use or improvements therefor authorized by a Petition for Special Exception Use shall require a new petition for consideration by the Board of Zoning Appeals in accordance with these requirements and the Board's Rules of Procedure.

**ARTICLE XIII**  
**(Amended May, 2009)**  
**Definitions**

13.01 Construction of Language

For the purpose of this Ordinance, the following terms have the meaning indicated. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "*shall*" is mandatory and the word "*may*" is permissive. The word "*used*" includes "*designed*" or "*intended to be used*."

13.02 Definitions

**Abandoned Use** Any use or activity which has ceased being conducted or otherwise operated for a period of one year.

**Access Aisle** Accessible pedestrian space in a parking facility, between elements such as parking spaces; that provide clearances appropriate for use of the elements.

**Access Road** A street designed to provide vehicular access over and across property or to abutting property

**Accessible Parking** A parking facility that can be used by all people including individuals with disabilities.

**Accessory Child Care**

An occupant's use of a residential living unit to provide child care for five or fewer children at any time for less than twenty-four hours a day. The State exempts this use from licensing.

**Accessory Communications Tower**

The structure, accessory to the primary use, on which transmitting or receiving antennas are located.

**Accessory Structure** A structure which is subordinate to a principal structure and is located on the same zoning lot.

**Accessory Use** The use conducted within an accessory structure or building or one conducted within the principal structure or building but is subordinate and incidental to the primary use.

**Administrative Officer**

The person within each member jurisdiction with the responsibility for enforcing this ordinance within that jurisdiction.

**Adult Bookstore**

An establishment having a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**Adult Cabaret**

A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

**Adult Drive-in Theater**

An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

**Adult Entertainment Business**

An adult bookstore, adult motion picture theater, adult mini motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult service establishment.

**Adult Live Entertainment**

Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished from or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

**Adult Mini Motion Picture Theater**

Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee, with a capacity of more than five but less than fifty persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or by exposure of specified anatomical areas.

**Adult Motion Picture Arcade**

Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or by exposure of specified anatomical areas.

### **Adult Motion Picture Theater**

Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee, with a capacity of fifty or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or by exposure of specified anatomical areas.

### **Adult Service Establishment**

Any building, premises, structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

**Aggregated WECS** WECS which are developed or operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger WECS. For the purpose of administering and enforcing this Chapter, all associated infrastructure, such as power lines or transformers or other components that service the WECS facility, while being owned by a separate entity or entities are included as part of an aggregated WECS.

### **Airport Approach Area**

Those parts of the Airport Zone, established by this ordinance for any public-use airport, which lie generally below the flight path of aircraft approaching or taking off from the runways of such airport and, specifically, below the defined airport reference surfaces: the airport approach surface, the airport primary surface and the airport transitional surfaces.

### **Airport Approach Surface**

A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the airport primary surface of a public-use airport. An airport approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. The following also applies to the airport approach surface:

- (1) The inner edge of the airport approach surface is the same width as the airport primary surface and it expands uniformly to a width of the following:
  - (a) 1,250 feet for that end of a runway with only visual approaches;
  - (b) 1,500 feet for that end of a runway with other than a utility runway with only visual approaches;
  - (c) 2,000 feet for that end of an airport utility runway with a nonprecision instrument approach;
  - (d) 3,500 feet for that end of an airport nonprecision instrument runway other than utility, having visibility minimums greater than  $\frac{3}{4}$  of a statute mile; and
  - (e) 4,000 feet for that end of an airport nonprecision instrument runway, other than utility, having nonprecision instrument approach with visibility minimums as low as  $\frac{3}{4}$  of a statute mile;
  - (f) 16,000 feet for airport precision instrument runways.
- (2) The airport approach surface extends a horizontal distance of the following:
  - (a) 5,000 feet at a slope of 20:1 for all airport utility and visual runways;

- (b) 10,000 feet at a slope of 34:1 for all airport nonprecision instrument runways other than utility; and
  - (c) 10,000 feet at a slope of 50:1 with an additional 40,000 feet at a slope of 40:1 for all airport precision instrument runways.
- (3) The outer width of an airport approach surface to an end of a runway will be that width prescribed in this ordinance for the most precise approach existing or planned for that runway end.

**Airport Circling Area**

Those parts of the airport zone, established by this ordinance for any public-use airport, which lie generally below the flight path of aircraft circling such airport and, specifically, below the airport horizontal surface and the airport conical surface.

**Airport Conical Surface**

A surface extending outward and upward from the periphery of the airport horizontal surface of a public-use airport at a slope of 20:1 for a horizontal distance of 4,000 feet.

**Airport Elevation**

The established elevation of the highest point on which the usable landing area of the airport.

**Airport Horizontal Surface**

A horizontal plane 150 feet above the established airport elevation of a public-use airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the airport primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for all airport runways designated as utility or visual, and 10,000 feet for all other runways. The radius of the arch specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the airport horizontal surface.

**Airport Non-precision Instrument Runway**

A runway of a public-use airport having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on a Federal Aviation Administration planning document.

**Airport Precision Instrument Runway**

A runway of a public-use airport having an existing instrument approach procedure utilizing an instrument landing system (ILS) or other precision approach system approved by the Federal Aviation Administration. It also means a runway for which a precision approach system is planned and is so indicated by a Federal Aviation Administration approved airport layout plan or other planning document.

### **Airport Primary Surface**

A surface longitudinally centered on a runway of a public-use airport. When the runway has a specifically prepared hard surface, the airport primary surface extends two hundred feet beyond the end of the runway, but when the runway has no specifically prepared hard surface, or planned hard surface, the airport primary surface ends at each end of that runway. The elevation of any point on the airport primary surface is the same as the elevation of the nearest point of the runway centerline. The width of an airport primary surface is the following:

- (1) 250 feet for airport utility runways having only visual approaches;
- (2) 500 feet for airport utility runways having non-precision instrument approaches; and
- (3) for other than airport utility runways, the width is the following:
  - (a) 500 feet for airport visual runways having only visual approaches;
  - (b) 500 feet for airport non-precision instrument runways having visibility minimums greater than  $\frac{3}{4}$  of a statute mile; and
  - (c) 1,000 feet for airport non-precision instrument runways, having a non-precision instrument approach with visibility minimums as low as  $\frac{3}{4}$  of a statute mile, and for airport precision instrument runways. The width of the airport primary surface of a runway will be that width prescribed in this ordinance for the most precise approach existing or planned for either end of that runway.

### **Airport Reference Point**

A point within the boundaries of a public-use airport established as follows for each airport:

### **Airport Referenced Surfaces**

The airport horizontal surface, the airport conical surface, the airport approach surface, the airport transitional surfaces and the airport primary surface associated with a public use airport.

### **Airport Transitional Surfaces**

Surfaces that extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the airport primary surface and from the sides of the airport approach surfaces. Transitional surfaces for those portions of the precision airport approach surface which project through and beyond the limits of the airport conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the airport approach surface and at right angles to the runway centerline.

### **Airport Utility Runway**

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

### **Airport Visual Runway**

A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration approved airport layout plan or any other planning document.

### **Alley**

A right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.



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| <b>Alteration</b>                               | Any change in size, shape, character, occupancy, or use of a building or structure.   |
| <b>Amateur Radio Antenna Support Structures</b> | Poles, master towers and antennas used in the operation of amateur radios licensed by the Federal Communication Commission.   |
| <b>Amusement Machine</b>                        | Any machine or device designed or modified to be operated by a coin, coins or token for which change is made for the operation thereof. Such machine or device used exclusively for the vending of merchandise of a tangible nature shall not be deemed an amusement machine.   |
| <b>Amusement Parlor</b>                         | Any public area or room containing one (1) or more amusement machines.  |
| <b>Animal Unit</b>                              | See Animal Unit Calculation Worksheet: <b>Article III.I APPENDIX AU:</b> For Animal unit calculation .50 units and above shall be raised to the next full animal unit; and, for animal unit calculation below .50 units shall be reduced to the next full animal unit.  |
| <b>Animated Sign</b>                            | Any sign that uses movement or change of lighting to depict action or create a special effect or scene, or which uses a crawling message, or which changes more frequently than once per minute.  |
| <b>Antenna</b>                                  | Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves external to or attached to the exterior of any structure or to a communication tower.  |
| <b>Apartment</b>                                | (See Dwelling)  |
| <b>Apartment House</b>                          | (See Dwelling, Multiple-family)   |
| <b>APC</b>                                      | The Area Planning Commission of Randolph County, Indiana.   |
| <b>Applicant</b>                                | An owner of land, WECS owner, WECS operator, WECS Transmission Facility(ies) owner and/or operator, engineer, contractor, or agent or attorney (at-law or in-fact) for any of the above who makes application and/or petition to the Area Planning Department, Area Planning Commission of Randolph County, Indiana, or the Board of Zoning Appeals of Randolph County, Indiana, for permit(s), approval(s), waiver, hearing, decision or action of any other description whatsoever by said Department, Commission or Board. |
| <b>Arcade</b>                                   | (See Amusement Parlor)  |
| <b>Area Planning Commission</b>                 | The Area Planning Commission of Randolph County, Indiana and the same may be designated Area Planning Commission, Area Planning Commission of Randolph County, Indiana, or APC.   |
| <b>ATM</b>                                      | An automated teller machine, which dispenses cash, takes bank deposits, and performs other limited banking functions, with no personal attendant on site. An ATM is an accessory use if it is attached to a building, or if it shares a lot with  |

the bank it serves. An ATM is a primary use, or a primary use building (if enclosed), if it is freestanding on any lot other than one it may share with the bank it serves.

**Atrium** An open, unroofed court within the walls of a building or structure.

**Automobile** (See Motor Vehicle)

**Automobile Body Shop** (See Automobile Repair Shop)

**Automobile Repair Shop (Fully Enclosed)**

A building designed and used for the care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, painting, and body work. Any such activities conducted within the zoning jurisdiction of the City or Town shall (1) be conducted inside a fully enclosed structure, and (2) meet all appropriate state and local health, safety, fire, and ventilation codes.

**Automobile Service Station (Gas, Filling Station)**

A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto. Facilities for washing and for chassis and gear lubrication of not more than two (2) vehicles are permitted if enclosed in a building.

**Automobile Wrecking Yard**

An area outside of a building where motor vehicles are disassembled, dismantled, junked or "wrecked," or where motor vehicles not in operable condition or used parts of motor vehicles not in operable condition or used parts of motor vehicles are stored for salvage, recycling or similar use for monetary gain or profit.

**Awning** A roof-like cover that is temporary in nature and that projects not more than five feet from the wall of a building for the purpose of shielding a doorway or window from the elements.

**Back-lit** (See definition for Internal Lighting.)

**Balcony** A raised, railed platform projecting from the wall of a Structure.

**Banner** Any sign of lightweight fabric or similar material that is mounted to a building or free-standing structure, other than a flag.

**Basement** (See also Cellar)

That portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six (6) feet or more above the grade.

**Baby Sitting** Care provided at the home of one or more children when parents or legal custodians are not at home.

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| <b>Bay Window</b>              | A window or series of windows forming a bay or recess in a room and projecting from the wall in a rectangular, polygonal or curved form.   |
| <b>Beacon</b>                  | Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source or any light with one or more beams that rotate or move. A beacon is a type of event oriented sign.  |
| <b>Bed and Breakfast</b>       | An owner-occupied dwelling unit which: <ul style="list-style-type: none"> <li>(a) contains no more than four (4) guest rooms,</li> <li>(b) may provide meals to the guests inside the premises,</li> <li>(c) meets all applicable building, fire, and health codes and alcoholic beverage regulations, and</li> <li>(d) is allowed one advertising sign, not exceeding four (4) square feet in area, which shall be attached to the dwelling.</li> </ul>   |
| <b>Bedroom</b>                 | Any room with an area of at least 70 square feet, that meets applicable building code, either intended for sleeping, or intended for use as a den, study or all-purpose room.  |
| <b>Berm</b>                    | An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.   |
| <b>Billboard</b>               | (See Sign, Outdoor Advertising and Off-premise Advertising.)   |
| <b>Billiard Room</b>           | Any public area or room containing any number of pool or billiard tables as the primary use.   |
| <b>Billiard Table</b>          | Any table used for any form of the games commonly referred to as pool or billiards.  |
| <b>Block</b>                   | An area that abuts a street and lies between two (2) adjoining streets or barriers such as a railroad right-of-way or a waterway.  |
| <b>Board of Zoning Appeals</b> | The Board of Zoning Appeals of Randolph County, Indiana and the same may be designated Board of Zoning Appeals, Board of Zoning Appeals of Randolph County, Indiana, or BZA.   |
| <b>Boarding House</b>          | A building, other than a hotel or lodging house, in which meals or lodging are provided for compensation on a long term basis.   |
| <b>Buffer Yard</b>             | (See Transitional Yard)  |
| <b>Building</b>                | A roofed structure for the shelter, support, enclosure, or protection of persons, animals, or property (each part of such a structure that is separated from the rest by unbroken party walls is a separate building for the purposes of this Ordinance), provided, however, any structure with interior areas not normally accessible for human use, such as oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures shall not be considered buildings. |

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| <b>Building Area</b>          | The horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than thirty inches into a minimum required yard.   |
| <b>Building, Attached</b>     | A building which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.   |
| <b>Building Code</b>          | The Uniform Building Code, as adopted and modified by this jurisdiction.   |
| <b>Building Coverage</b>      | The proportion of the lot area, expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings.   |
| <b>Building, Detached</b>     | A building having no structural connection with another building.  |
| <b>Building Height</b>        | The vertical distance measured from the established finished grade level to the highest point of the underside of the ceiling beams; in the case of a flat roof, to the deck line of a mansard roof and to the mean level of the underside of rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks and similar projections, other than signs, shall not be included in calculating the height. |
| <b>Building Line</b>          | The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.   |
| <b>Building Marker</b>        | Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.   |
| <b>Building, Principal</b>    | A building in which is conducted the main or principal use of the zoning lot on which said building is situated. Where a part of an accessory structure is attached to the principal building in any manner, as by a roof, such accessory building shall be considered to be part of the principal building.   |
| <b>Bus</b>                    | A vehicle for public passenger transportation having seats on either side of a central aisle.  |
| <b>Bus, Private Passenger</b> | A private vehicle for passenger transportation having seats on either side of a central aisle.   |
| <b>Business</b>               | Refers to the purchase, sale, or exchange of goods or services, or the maintenance of offices or recreational or amusement enterprises.  |
| <b>Business District</b>      | Refers to C-1, C-2 and C-3 Districts (Article V).  |
| <b>Business Frontage</b>      | The distance along the external wall of any commercial structure which faces the boundary line of a public right-of-way.   |
| <b>Business School</b>        | A privately owned school, not conducted by or under the sponsorship of a public or charitable organization, which teaches secretarial, bookkeeping, accounting or other similar office or clerical skills.   |

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| <b>BZA</b>                     | See: Board of Zoning Appeal   |
| <b>Campground</b>              | An area or tract of land used for occupancy by two (2) or more temporary tents, dwellings, rooms, sleeping quarters or recreational vehicles of any kind.   |
| <b>Campsite</b>                | A piece of land, the location, shape and size of which have been established in an approved recreational vehicle park and campground plan, to be rented for occupancy by a tent or recreational vehicle.  |
| <b>Canopy, Building</b>        | (See also Canopy, Service Area)<br>A roof-like cover, often of fabric, metal, plastic, fiberglass or glass on a support, which is supported in part by a building wall at one end and by poles, posts, columns or similar supporting member from the ground on the other end, providing shelter over, for example, a doorway, outside walkway or parking area.  |
| <b>Canopy, Service Area</b>    | A canopy which may be supported in part by a building or which may be free-standing and self-supporting, providing shelter, for example, over gasoline pump islands.  |
| <b>Caretaker's Residence</b>   | An accessory dwelling occupied by the person, and family members, who oversees operations on the property twenty-four hours a day.  |
| <b>Car Wash</b>                | A building, or portion thereof, where automobiles are washed.   |
| <b>Cellar</b>                  | A portion of a building partly underground which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground and which is not deemed a story.   |
| <b>Cemetery</b>                | A place of burial for the deceased, human or otherwise. It may include any columbarium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.   |
| <b>Charitable Organization</b> | Any organization organized and operated exclusively for public charitable purposes as defined in the Internal Revenue Code of 1954, as amended.   |
| <b>Child Care</b>              | Custodial, supervisory, recreational or instructional care, designed to supplement parental care, given children (other than the provider's), who are under eleven years old, excluding public or parochial schools, baby sitting, day camps, summer camps, foster homes, group homes or cooperative reciprocating care by a group of parents in their own homes.   |
| <b>Child Care Center</b>       | A State licensed (or exempted) facility in a nonresidential structure where one or more individuals provide child care for any number of children; or such facility in a residential structure where individuals provide child care for eleven or more children at any time. However, the term does not include public or private school programs for children age three and older, or day care ministries as defined in Section 12-3-2-12.7 of the <u>Indiana Code</u> . |

**Child Care Home** Any residential structure licensed by the State of Indiana where an individual provides child care for compensation for not more than ten children, including children related to the provider.

**City** Any city or town within Randolph County.

**City Council** The legislative body of any City.

**Clear Distance** The unobstructed distance from any given point, mobile home or line to the closest point or points of adjacent mobile home or mobile homes

**Clear-sight Triangle**

A triangular area, within which nothing can be erected, parked, placed, planted or allowed to grow in such a way as to materially impede drivers' vision between 2 ½ feet and 8 feet above grade, row crops excluded. A clear-sight triangle shall be established as one of the following:

- (1) On a corner lot, the clear-sight triangle is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
- (2) On a lot adjacent to an at-grade railroad crossing, the clear-sight triangle is formed by the lot line contiguous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five feet from the intersection of such lines; or,
- (3) On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two clear-sight triangles are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten feet from the intersection of the street right-of-way line and driveway or alley lines extended.

**Clinic** An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians or dentists are provided.

**Club or Lodge, Private**

A building or facility owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Codes** The land development Codes of Randolph, Indiana, or any City therein.

**Co-location** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Commercial Greenhouse**

A building and premises intended for the indoor growth and propagation of plants to be sold on site at retail or wholesale. It may include enclosures that are unroofed or that have open sheds housing HVAC and irrigation equipment, storage sheds, display and sales rooms, and garages. This use does not include the sale of power equipment or farm implements.

**Commercial Zone** C-1, C-2 and C-3 zoning districts.

**Commission** The Area Planning Commission of Randolph County.

**Concentrated Animal Feeding Operation (CAFO)**

Any existing or proposed Confinement Operation or an expansion of an existing Confinement Operation with any of the following:

- (1) Seven hundred (700) mature dairy cows, over 1000 pounds, whether milked or dry;
- (2) One thousand (1,000) calves;
- (3) One thousand (1,000) cattle other than mature dairy cows over 1,000 pounds or calves. Cattle includes but is not limited to heifers, steers, slaughter or other; bulls; feeder cattle; stock cows; mature dairy cows under 1,000 pounds, whether milked or dry; and cow/calf pairs;
- (4) Two thousand five hundred (2,500) swine each weighing 55 pounds or more;
- (5) Ten thousand (10,000) swine each weighing less than 55 pounds;
- (6) Five hundred (500) horses;
- (7) Ten thousand (10,000) sheep or lambs;
- (8) Fifty-five thousand (55,000) turkeys;
- (9) Thirty thousand (30,000) laying hens or broilers, if the CAFO uses a liquid manure handling system;
- (10) One hundred twenty-five thousand (125,000) chickens (other than laying hens), if the CAFO uses other than a liquid manure handling system;
- (11) Eighty-two thousand (82,000) laying hens, if the CAFO uses other than a liquid manure handling system;
- (12) Thirty thousand (30,000) ducks if the CAFO uses other than a liquid manure handling system;
- (13) Five thousand (5,000) ducks if the CAFO uses a liquid manure handling system.

**Conditional Use** A specific use which, by its nature and potential impact upon adjacent property, a substantial portion of the entire county or the county as a whole, requires review and approval by the Board of Zoning Appeals, or a use which is an activity, service or facility traditionally provided by local government, but which may be provided by private business or industry through a contractual or franchise agreement with local government.

**Condominium** Real estate lawfully subjected to IC 32-1-6 (the Horizontal Property Law) by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

**Confined Feeding Operation (CFO)**

Any existing or proposed Confinement Operation or an expansion of an existing Confinement Operation on which there are livestock numbers exceeding:

- (1) Three hundred (300) mature cows under 1000 pounds, whether milked or dry;
- (2) Six hundred (600) swine over 300 pounds;
- (3) Six hundred (600) sheep;
- (4) Thirty thousand (30,000) fowl

**Confinement Operation**

The confined feeding of animals for food, fur, or pleasure purposes on lots, pens, ponds, sheds, or buildings where:

- (1) Animals are confined, fed and maintained for at least 45 days (does not have to be consecutive days) during any 12 month period (does not have to be a calendar year); and
- (2) Ground cover or vegetation is not sustained over at least 50% of the animal confinement area.

**Construction**

The placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing structure has been substantially begun preparatory to rebuilding such excavation, demolition or removal shall be deemed construction.

**Construction/Demolition Disposal Site**

An off-site solid waste disposal facility, as established in Indiana Code, designed and operated to accept waste material from construction and/or demolition sites. Such material may include but is not limited to: bricks, concrete, stone, glass, wallboard, lumber, roofing materials, and other items which are affixed to a structure being constructed, repaired or demolished, including plumbing fixtures, wiring, and non-asbestos insulation.

**Convalescent Home** A private home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of injuries or surgical care.

**Convenience Store** A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, household items, lottery tickets, beverages and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved storage and dispensing equipment by customers of the establishment on a self-serve basis.

**Coop and Cage** A structure , not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.

**Corner Lot** A lot at the junction of and abutting two (2) or more intersecting or intercepting streets.

**Council** (See City Council)

**County** The County of Randolph, State of Indiana unless another county is specifically mentioned or implied by its use or context.

**Crawl space or underpinning**

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



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| <b>Cul-de-sac</b>                | A street having one open end and being permanently terminated by a vehicle turn-around.   |
| <b>Curb</b>                      | The defined edge between the pavement or gravel of a public street and the public right-of-way.   |
| <b>Curb Cut</b>                  | The area of ingress to and/or egress from a property between the property line and the street pavement line.  |
| <b>Dangerous Material</b>        | Material which has been designated by as "dangerous" by the Federal Environmental Protection Agency, the Randolph County Board of Health, the Indiana State Board of Health, IDEM, DOE or the Town Fire Chief.  |
| <b>Day Care Center</b>           | (See Child Care Center)   |
| <b>Decibel</b>                   | A unit of measurement of the intensity (loudness) of sound.   |
| <b>Deciduous</b>                 | A plant with foliage that is shed annually.   |
| <b>Demolition</b>                | Any act or process which destroys in part or in whole a structure.  |
| <b>Density</b>                   | The number of dwelling units per acre exclusive of rights-of-way.   |
| <b>Detached Building</b>         | A building that has no structural connection with another building.   |
| <b>Development</b>               | Any improvement or change to property brought about by human activity, including but not limited to: buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.   |
| <b>Development Standards</b>     | The setback, setback line, setback requirement, reciprocal setback, reciprocal setback line, reciprocal setback requirement, bulk, height, and area requirements defined in this Ordinance for each zoning district.  |
| <b>Director</b>                  | The Executive Director of the Area Planning Commission of Randolph County, Indiana, his or her designee, or the designee of the Board of Commissioners of Randolph County.  |
| <b>District</b>                  | Any specifically described area of the County as indicated by the Official Zoning Map of Randolph County to which these regulations apply and are shown on an official map maintained by the Staff.   |
| <b>Dormitory/Quarters</b>        | A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes. |
| <b>Drive-in, Food Restaurant</b> | An establishment selling food, frozen desserts, or beverages to consumers; the establishment being designed, intended or used for the consumption of such items on the premises outside of the building in which they were prepared.                                  |

**Drive-in Movie Theater**

An outdoor entertainment facility where customers view movies from their vehicles.

**Drive-up**

The use of a window, machine or similar mechanical device, either as a primary or accessory use, for the dispensation of goods or services without requiring the consumer to leave their vehicle.

**Driveway**

A pathway for motor vehicles from a street to a permitted accessory building used for service purposes or for access to the principal structure on a zoning lot.

**Dwelling**

A building, or part of a building, that is used primarily as a place of abode. This does not include a hotel, motel, lodging house, or boarding house.

**Dwelling Unit**

One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one household with separate toilets and facilities for cooking and sleeping, with a minimum of 950 square feet of living area.

**Dwelling Unit, Efficiency**

A dwelling unit consisting of one room, exclusive of bathroom, kitchen or dining alcove adjacent to the principle room, provided such dining alcove does not exceed one hundred (100) square feet in area.

**Dwelling Unit, Manufactured Home**

A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et. seq.), and which also complies with the following specifications:

- (1) Shall have been constructed in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission;
- (2) Is attached to a permanent foundation of masonry or concrete construction in accordance with the manufacturer's instructions, a certified engineer's drawings, or the Manufactured Home Foundation System described in the Indiana One- and Two-Family Dwelling Code;
- (3) The chassis cannot be removed, only the wheels and axles;
- (4) Has a pitched roof with a minimum rise of 2/12;
- (5) Consists of two (2) or more sections which, when joined, have a minimum dimension of 20' x 47.5' enclosing the occupied space;
- (6) Shall have an exterior finish compatible with other homes in the area.

**Dwelling Unit, Mobile Home**

A single dwelling unit suitable for year-round occupancy, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to required utilities, and which complies with the Rules of the Indiana Fire Prevention and Building Safety Commission.

**Dwelling Unit, Modular**

A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by

one family unit. Every module shall bear the Indiana Modular seal certifying that it was built in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission. All modular homes shall be built to the Indiana One- and Two-Family Dwelling Code.

**Dwelling Unit, Multiple-household**

A building, or portion thereof, consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls. The definition of multiple-household dwelling unit may include, but shall not be limited to the following terms: apartment, condominium, cooperative, quadraminium, three-flat and triplex.

**Dwelling Unit, Single-Household Attached**

An attached single-household dwelling unit is a building consisting of dwelling units each of which is attached by a common vertical wall to one other dwelling unit with each dwelling unit having a separate entrance. An attached single-household dwelling unit shall include the terms "townhouse" and "row house".

**Dwelling Unit, Single-Household Detached**

A single-household detached dwelling unit is a building containing a single dwelling unit only, which is separated from all other dwelling units by open space.

**Dwelling Unit, Row House or Town House** (See Dwelling Unit, Single-Household Attached)

**Dwelling Unit, Two-Household**

A two-household dwelling unit is a building consisting of two (2) dwelling units which may either be attached, side-by-side, or one above the other, with each dwelling unit having a separate or combined entrance or entrances.

**Dwelling, Zero Lot Line**

A building, on a separate lot, containing one dwelling unit, built so that one or more of the building's sides rest directly on a lot line.

**Easement** (See Public Way)

**Efficiency** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

**Enclosure** A set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.

**Enlarged** An increase in the size of the property, building, parking or other improvements thereon, or an increase in the intensity of the use thereof.

**Entrance** A passageway from premises to thoroughfare, street, alley or easement by which vehicles enter or leave, or a passageway from building to exterior through which pedestrians leave.

**Essential Services** Services that have been viewed to be necessary to a basic standard of living and the general welfare of society, and therefore have traditionally been supplied

publicly in order to ensure the broadest level of access for citizens. These services may include water, sanitation, electricity, cable, telephone and fiber optics. For the purposes of the administration and enforcement of the Unified Zoning Ordinance of Randolph County, the term essential services shall not include collection cables and lines and communication lines installed as part of any Wind Energy Conversion System.

**Established Airport Elevation**

(See Airport Elevation)

**Established Building Setback Line**

The average setback distance of all structures on the same side of a street between two (2) intersecting streets, when forty percent (40%) or more of such structures area set back a greater distance than required by the front setback provisions of the district. Such line shall be re-determined as each successive vacant lot is proposed to be improved with a structure.

**Establishment of a Business**

Any of the following:

- (1) the opening or commencement of any use as a new business;
- (2) the conversion of an existing business to any other business;
- (3) the addition of any business other than the existing business;
- (4) the relocation of any business.

**Evergreen**

A plant with foliage that persists and remains green year-round.

**Executive Director**

The Executive Director of the Area Planning Commission of Randolph County, Indiana.

**Extension/Extended**

An increase or enlargement in the size of a structure, building or other improvement upon property or an increase in the intensity of the use of a structure, building, other improvement or the use of the property.

**Family**

Either:

- (a) one or more persons related by blood, marriage or adoption living as a separate housekeeping unit, or
- (b) not more than two (2) unrelated adults living as a single housekeeping unit.

**Farm**

An area of *at least five (5) acres* devoted to agricultural purposes, generally under the management of a tenant or the owner of the acreage.

**Farm Animal**

(see livestock)

**Fence**

Any unroofed construction of wood, metal, wire mesh, masonry or other material erected for, or serving the purpose of assuring privacy or protection.

**Financial Assurance**

Reasonable assurance from a credit worthy party including, but not limited to, a surety bond company, trust instrument, cash escrow, an irrevocable letter of credit, or a combination thereof.

**Fire Department**

Refers to the governmental organizations which is responsible for providing fire protection services to the Townships and Cities therein.

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| <b>Fire Hydrant</b>                                 | Refers to a valved connection on a piped water supply system having one or more outlets and which is used to supply hose and fire department pumpers with water.   |
| <b>Flag</b>   | Any pole-mounted fabric which is the official emblem of a governmental entity or church.   |
| <b>Flood Hazard Areas</b>                           | Those flood plains which have not been adequately protected from flooding caused by the regulatory flood. They are shown on the zoning map or on the Flood Hazard or Floodway-Flood Boundary Maps of the Federal Emergency Management Agency or maps provided to the Commission from the Indiana Natural Resources Commission. |
| <b>Flood Plain</b>                                  | The area adjoining the river or stream which has been, or may hereafter be, covered by flood water from the regulatory flood, including those areas defined as the regulatory floodway and floodway fringe.  |
| <b>Flood Protection Level</b>                       | The elevation of the lowest floor of a building, including the basement, which shall be two (2) feet above the elevation of the regulatory flood.  |
| <b>Floodway</b>                                     | (See Regulatory Floodway)  |
| <b>Floodway Fringe</b>                              | That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.  |
| <b>Floor Area, Gross</b>                            | The total number of square feet of floor space within the exterior walls of a building, including halls, stairways, elevator shafts, attached garages, porches, and balconies but not including space in cellars or basements.   |
| <b>Floor Area Ratio</b>                             | A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located, as<br><br>$\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio}$   |
| <b>Foot Candle</b>                                  | A unit of illumination equal to the illumination at all points that are one foot from a uniform point source of one candle power.  |
| <b>Foundation</b>                                   | The supporting member of a wall or structure below or at ground level and includes footings.   |
| <b>Fraternity, Sorority, or Student Cooperative</b> | An unrelated group of persons living as a single housekeeping unit, recognized under state or federal tax law as a not-for-profit entity and recognized as a student living unit by a college or university.   |
| <b>Free burning</b>                                 | A rate of combustion described by a substance that burns actively and easily supports combustion.  |

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| <b>Frontage</b>                 | All the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.   |
| <b>Front Building Line</b>      | The building foundation line that is nearest the front lot line.  |
| <b>Front Yard</b>               | The horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard which contains the front lot line marking the boundary between the lot and the shorter of the two abutting street segments, except as otherwise specified by deed restrictions.   |
| <b>Garage, Commercial</b>       | A structure which is used or intended to be used for the storage of commercial motor vehicles   |
| <b>Garage, Private</b>          | An accessory building or part of a principal building used primarily for the storage of motor vehicles as an accessory use, when the storage space does not exceed that for the following number of vehicles: <ul style="list-style-type: none"> <li>(a) For any single-family dwelling - three (3) passenger vehicles;</li> <li>(b) For any two-family dwelling - four (4) passenger vehicles;</li> <li>(c) For any multiple-family dwelling - passenger vehicles equal in number to 150 percent of the number of dwelling units in the principal building; and</li> <li>(d) For any other use - no limitation.</li> </ul> |
| <b>Garage, Public</b>           | A building or premises which is operated for commercial purposes and used for the storage of motor vehicles, but a " <i>public garage</i> " shall not be used for the storage of dismantled or wrecked motor vehicle parts thereof, or junk. Any such public garage facility shall conform to the landscaping and buffering requirements Article V of this Ordinance.   |
| <b>Garage Sale</b>              | (See Sales, Rummage - Private and Public)   |
| <b>Gasoline Filling Station</b> | (See Gasoline Station)  |
| <b>Gasoline Station</b>         | A place primarily intended for the purpose of refueling of motor vehicles but may also include services and products offered as a convenience to motorists, including but not limited to motor vehicle vital fluids and accessories, mechanical vehicle washing, and food, beverages and similar consumable products.   |
| <b>General Industrial Use</b>   | Manufacturing, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes, in which some operations other than transportation, are performed in open area.  |
| <b>Grade Level</b>              | The elevation of the ground, as established by a Certified Engineer or Civil Surveyor, at a structure or site.  |

**Gross Leasable Area**

The total floor area designated for both tenant occupancy and exclusive use. This includes both owned and leased areas, and basement, mezzanine and upper floors if any. It is expressed in square feet and measured from the centerline of joint partitions and from the inside face of outside walls.

**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 open porches, breezeways, terraces, garages, and exterior stairways.

**Group Home** A single self-contained children's home, established in a residence, and operated by the County Division of Children and Families, licensed private child placement agency or licensed incorporated group established for the purpose of receiving and caring for up to eight children who are attended by resident adults.

**Guidelines and Regulations**

All policies contained within the land development Codes of Randolph County, Indiana, including but not limited to, The Unified Development Code (zoning and subdivision regulations), the Landscape Guidelines (Tree Ordinance), the Sign Ordinance, and all Building Codes administered by the Randolph County Building Commission.

**Handicap** Any physical or mental impairment which limits one or more of a person's life activities; or a record of having such impairment; or being regarded as having such impairment. However, the definition of handicap does not include the current use of or addiction to a controlled substance.

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

**Hazardous Waste** The material which has been designated as "*hazardous waste*" by the Federal Environmental Protection Agency, the Randolph County Board of Health, the Indiana State Board of Health, or the Town Fire Chief.

**Hazardous Waste Facility**

All contiguous land, structures, other appurtenances and improvements on the land used for treating, storing, or disposing of hazardous waste.

**Hazardous Waste Disposal Facility**

A facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure.

**Hazardous Waste Generator**

Any person or site whose act or process produces hazardous waste identified, defined or listed in Environmental Protection Agency regulations.

**Hazardous Waste Motor Freight Terminal**

A motor freight terminal engaged in the off-site transportation of hazardous waste.

**Highway Oriented Use**

Any business use which caters primarily to motorists traveling the interstate highway system, including but not limited to restaurants, hotels and motels, and vehicle fueling and repair facilities.

**Historic Area**

Any Historic Site, Landmark or District.

**Historic District**

An area possessing a significant concentration, linkage or continuity of Historic Sites and/or Landmarks unified by past events or aesthetically by plan or physical development.

**Historic Landmark**

A structure or object of historic significance designated as such by the Historic Commission.

**Historic Site**

The location of an event or of a structure or object for which no physical remains exist designated as such by the Historic Commission.

**Home Occupation**

An accessory use of a dwelling unit for gainful employment which:

- (a) is clearly incidental and subordinate to the use of the dwelling unit as a residence,
- (b) is carried on solely within the main dwelling, does not alter or change the exterior character or appearance of the dwelling and does not utilize more than thirty percent (30%) of the main floor living area of the dwelling,
- (c) employs the principal operator of the home occupation and not more than one assistant serving a clearly subordinate capacity,
- (d) is located in any zoning district which allows residential uses, and
- (e) is a business other than a Child Care Center.

**Hospital**

A building or portion thereof used for the accommodation and medical care of sick, injured, infirmed persons and including sanitariums, rest homes, homes for the aged, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients.

**Hotel**

A building, other than a boarding or lodging house, containing rooms and may have a general kitchen and dining room, a common entrance lobby, and halls and stairway.

**Household Pets**

Limited to: domesticated dogs and cats; rabbits; hamsters; gerbils; and guinea pigs.

**Housekeeping Unit**

Either a family or the occupants of shared housing, living together in one dwelling unit, with common access to and use of all living, eating, and food preparation and storage areas within the dwelling units.



- Improvements** Any building, structure, parking facility, fence, gate, wall, work of art, underground utility service or other object constituting a physical betterment of real property, or any part of such betterment.
- Improvement Location Permit** Written authorization issued by the Area Planning Department to locate new construction, repair, alter, move or add to a structure, or change the condition of land or use thereof.
- Industrial Park** A planned industrial district in which buildings and lands may be used for research, offices, experimental or testing laboratories, light industrial, non-nuisance manufacturing, storage and distribution facilities and other customary uses that meet with the requirements of the comprehensive plan and specifically excludes any hazardous or radioactive waste storage, transportation or disposal.
- Industrial Performance Standards** (See Performance Standard)
- Integrated Center** One or more buildings occupying a site under one ownership or management, containing a number of individual, unrelated and separately operated uses which share common site facilities and services such as driveway entrances and exits, parking areas, truck loading, maintenance, sewer and water facilities, and similar common facilities and services. A building on a lot which is physically separated from other uses in an integrated center by curbs and/or landscaping, and which contains its full requirement of parking, but which shares driveway entrances and exits with other uses, is not a part of that integrated center.
- Intense burning** A rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.
- Interested Person** Any person who holds an interest in real estate which is the subject of a hearing of the Area Planning Commission or Board of Zoning Appeals of Randolph County, and anyone who owns property within two hundred and fifty feet of such real estate and anyone within the required set back. Service of notice to interested persons shall be made by certified mail on the last assessee of record.
- Interior Lot** A lot other than a corner lot or a through lot.
- Internal Lighting** A source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.
- Institution For Children** An institution providing custodial care to minors on a daily, weekly or other temporary or semi-permanent basis including, but not necessarily limited to, a day care home, a day nursery, nursery school and an orphanage.
- Instrument Runway** A runway equipped with electronic and visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
- Junk Yard** A place, usually outdoors, where waste or discarded used property other than organic matter (including, but not limited to, motor vehicles, farm implements,

household appliances, and industrial machinery) is accumulated and is or may be salvaged for reuse or resale. This shall include any industrial scrap metal yard.

- Kennel, Dog** Any commercial facility, either private or public, used primarily for keeping dogs over six months of age and has been issued a major or minor kennel license by the appropriate County agency as indicated in IC 15-5-9-1 (b)©
- Laboratory** A structure devoted to experimental study such as testing and analysis.
- Lake** A body of standing water having a depth greater than two feet and an area of 225 square feet.
- Landing Area** The area of an airport used for landing, takeoff or taxiing of aircraft.
- Landscaped Area** Land that has been decoratively or functionally altered by contouring and planting shrubs, trees, or vines, and with a living or non-living ground cover.
- Legally Established** A use or structure which complied with the provisions of the zoning regulations which were in effect at the time said use or structure came to exist.
- 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, loading and unloading operations, are performed entirely within enclosed buildings.
- Limited Access Highway**  
A highway to which abutting properties are denied access.
- Livestock:** A domestic animal normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, which are normally used for purposes related to agricultural production of food and commerce, or in the operation of a farm, or for exhibition. Livestock, including animal breeds derived from livestock, shall not be deemed to be pets and may not be maintained as an accessory to a residential use unless specifically permitted in this Zoning Ordinance.
- Loading Berth** A facility for the loading and unloading of vehicles, either covered or uncovered, with either the loading dock raised above the grade elevation of the area where the vehicle is parked or the parked vehicle area below that of the surrounding area.
- Loading and Unloading Area, Off-street**  
An open area, other than a public way, surfaced with an all-weather, dustless, impervious, hard-surfaced pavement, the principal use of which is the standing, loading and unloading of commercial motor vehicles, to avoid undue interference with the public use of street and alleys.
- Lodging House** A building in which lodgings are regularly provided for compensation for services rendered for at least three (3) but not more than six (6) persons.

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| <b>Lot</b>              | <p>(1) (a) A piece of land, the location, shape and size of which have been established by a recorded plat, subdivision or planned development; or</p> <p style="padding-left: 40px;">(b) Any part of that piece of land where a division has been made; and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Subdivision Ordinance.</p> <p>(2) A piece of land, not in a recorded plat, subdivision or planned development, the location, shape and size of which are determined by the legal description in the last recorded document made as an exempt division or parcelization under the then applicable Subdivision Ordinance; and which shall include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Subdivision Ordinance.</p> <p>(3) A tract of land occupied or capable of being occupied by one or more structures.</p> |
| <b>Lot Area</b>         | The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any floodplain or any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.   |
| <b>Lot Coverage</b>     | The percentage of the total lot area which is covered by buildings, including accessory or out buildings.  |
| <b>Lot Depth</b>        | The average horizontal distance between the front and rear lot lines.  |
| <b>Lot Ground Level</b> | <p>(1) For a building having walls abutting (that is, generally parallel to and not more than five feet from one street only, means the elevation of the sidewalk at the center of the wall abutting the street;</p> <p>(2) For a building having walls abutting more than one street, means the average of the elevations of the sidewalk at the centers of all walls that face streets; and</p> <p>(3) For a building having no wall abutting a street, means the average level of the ground adjacent to the exterior walls of the building.</p>  |
| <b>Lot Line, Front</b>  | <p>(1) For an interior lot: means the line dividing the front yard and the abutting street.</p> <p>(2) For a through lot abutting two public streets: means the lines dividing each front yard from each abutting street.</p> <p>(3) For a through lot abutting both a public street and a lake or watercourse: means</p> <p style="padding-left: 40px;">(a) the line dividing the front yard from the abutting street, and</p> <p style="padding-left: 40px;">(b) the line dividing the other front yard from the abutting lake or watercourse.</p> <p>(4) For a corner lot: means the line marking the boundary between the lot and the shorter of the two abutting street segments, except as otherwise specified by deed restrictions.</p>   |
| <b>Lot Line, Rear</b>   | The line or lines directly opposite the front lot line.  |

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| <b>Lot Line, Side</b>       | The connecting line or lines between the front and rear lot lines.  |
| <b>Lot of Record</b>        | A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in any manner in the office of the Recorder of Randolph County, Indiana. A Lot of Record is not necessarily a piece, parcel, plot or tract designated or used for single ownership.  |
| <b>Lot Width</b>            | The distance between the side lot lines as measured on the building line.   |
| <b>Major Change</b>         | In the context of Planned Development Districts, any increase in residential density; any change or modification in building dimension or location unless all other development standards set forth are met; any change in lot lines; any change or modification in landscaping other than substitution of species or redesign with the same materials; any alteration in the size and/or location of signs; any change or modification in type or location of land use; any change or modification in the alignment or intersection of streets unless requested or required by the appropriate governmental agency; or any change or modification in restrictive covenants, or horizontal ownership and owners' association documents regarding these items.   |
| <b>Maneuvering Aisle</b>    | A driving lane in a parking area, such as between two rows of parking spaces or between a row of parking and the edge of a parking area, which serves two or more parking spaces.   |
| <b>Maneuvering Space</b>    | An open space in a parking area designed to be used for and which is necessary for turning, backing, or driving a motor vehicle forward into a parking space, but which is not used for the parking or storage of motor vehicles.   |
| <b>Manufactured Home</b>    | (See Dwelling Unit, Manufactured)   |
| <b>Manufactured Housing</b> | Any dwelling unit defined herein as manufactured, mobile or modular.  |
| <b>Marquee</b>              | Any permanent roof-like structure projecting from a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather and to include advertising signs or messages.   |
| <b>Massage</b>              | Method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating or the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefore. However, massage as used in this ordinance shall not apply to the activity of any person who is registered or licensed by the United States government or any agency thereof, the State of Indiana or any agency thereof, by Randolph County or any agency thereof, by any city or town within Randolph County or any agency thereof, or registered or licensed by any statute or ordinance of the United States, State of Indiana, Randolph County or any city or town in Randolph County, while such person so |

registered or licensed is performing the services for which the registration or license was issued and during the period of time said registration or license is in effect.

**Massage Establishment**

Any establishment having a source of income or compensation derived from the practice of massage as herein defined and which has a fixed place of business where any person, firm, association, or corporation engages in, or carries on any of the activities as defined in a massage.

**Medical Center**

An institution providing health service and medical or surgical care on an inpatient basis or out-patient basis to persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories or training facilities.

**Medical Clinic**

An establishment in which patients are admitted for medical or dental treatment and in which the services of more than one physician or dentist are provided, often without requiring an appointment.

**Medical Office**

An establishment in which patients are admitted for medical or dental treatment and in which the services of one physician or dentist are provided, often by appointment only.

**Meteorological Tower**

Towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS, excluding towers and equipment used by airports, the Indiana Department of Transportation, or other similar applications to monitor weather conditions.

**Minor Change**

In the context of Planned Development Districts, any change or modification which does not increase residential density; any change or modification in building dimension or location which complies with all other development standards set forth are met; any change or modification in landscaping species or redesign with the same materials; any change or modification in the alignment or intersection of streets requested or required by the appropriate governmental agency.

**Mobile Home**

(See Dwelling Unit, Mobile)

**Mobile Home Park**

Any site, lot, field, or tract of land under single ownership, or ownership of two or more persons upon which at least five (5) mobile homes to be used for human habitation are parked, whether free of charge or for revenue purposes, and shall include any street used or intended for use as part of the facilities of such mobile home park. A mobile home park does not include a mobile home sales area on which unoccupied mobile homes are parked for inspection or sale.

**Mobile Home Subdivision**

Any site, lot, field or tract of land under single ownership, or ownership of two or more persons, which is to be divided into smaller sites, lots, fields, or tracts of land, which smaller sites, lots, fields, or tracts of land are to be sold for use by purchaser to park such purchaser's mobile home.

**Mobile Home Tie-Downs**

Sufficient anchorage to resist floatation, collapse or lateral movement of any mobile home.

**Moderate Feeding Operation (MFO)**

Any existing or proposed Confinement Operation or an expansion of an existing Confinement Operation on which there are livestock numbers exceeding:

- a. 100 Cattle or Horses
- b. 300 Swine or Sheep
- c. 500 Fowl or Duck

Where a confinement Operation involves less than one hundred (100) cattle or horses, three hundred (300) swine or sheep, five hundred (500) fowl or duck, but if there is more than one species of animal, the total number of animals in each category shall be divided by 100 in the case of cattle or horses, 300 in the case of swine or sheep, 500 in the case of fowl or ducks, then multiplied by 100 to get percentages for each. The resulting percentages shall be added together. If the total of such percentages equals or exceeds 100, then the operation is a Moderate Feeding Operation.

**Modular Home** (See Dwelling Unit, Modular)

**Motel** An overnight facility, other than a boarding or lodging house, with a parking space on the lot for each lodging unit.

**Motor Freight Terminal**

Any structure in which freight, brought to said structure by motor truck, is sorted for further shipment by motor truck.

**Motor Vehicle** A device in, upon and by which any person or property may be transported or drawn upon a public way, except devices moved by human or other animal power or used exclusively upon stationary rails or tracks.

**Motor Vehicle, Commercial**

A motor vehicle used or designed for use in pulling, towing, hauling, transporting or as a temporary or permanent base, platform or support for equipment, machinery, materials and/or other goods, the rated capacity of which is more than 1-1/2 tons (1360 kg) of such equipment, machinery, materials and/or goods, including but not necessarily limited to stake body trucks, dump trucks, trucks and/or tractors, having dual rear wheels and/or more than two axles, semi-tractor trailers, semi-tractor trailers having dual rear wheels and/or more than one axle and/or having an overall length of more than twelve feet, regardless of capacity.

**Motor Vehicle Impound Yard**

Any place where two or more motor vehicles, regardless of operating condition, are kept solely for the purpose of impoundment under proper authority.

**Motor Vehicle Storage Yard**

Any place where two or more vehicles, regardless of operating condition, are kept for the purpose of storage.

**Motor Vehicle Repair, Major**

Includes the rebuilding of motor vehicle engines, transmissions, drive trains and similar reconditioning of motor vehicles and components as well as the repairing or repainting of bodies, frames, fenders but excluding vehicle conversion.

**Motor Vehicle Repair, Minor**

The repair or replacement of motor vehicle parts, such as brakes, mufflers and tires, and the servicing of motor vehicles such as tune-ups, lubrication and oil change.

**Motor Vehicle Sales Lot**

Any premises where new or used motor vehicles are offered for sale or are sold during any calendar year and has been issued a valid license by the Indiana Bureau of Motor Vehicles.

**Motor Vehicle Service Station**

A place where gasoline stored only in underground tanks, kerosene, lubricating or grease and other similar products used in the servicing and/or operation of motor vehicles are offered for sale directly to the public on the premises, including minor accessories and services for motor vehicles but not including Major Motor Vehicle Repair; and including washing of motor vehicles where no chain conveyor, blower or steam-cleaning service is employed.

**Motor Vehicle Wash**

A structure or portion thereof where motor vehicles are washed but excluding such areas within a Motor Vehicle Service Station

**Motor Vehicle Wrecking Yard**

Any place where one or more vehicles not in operable condition or otherwise legally operable on public ways, or parts thereof, are stored in the open or any land or structure used for wrecking, salvaging or storing such motor vehicles or parts thereof, including farm machinery stored in the open and not being restored to operating condition and each motor vehicle shall have a salvage title issued by the Indiana Bureau of Motor Vehicles.

**Multi-family Dwelling**

A dwelling containing more than two dwelling units.

**Municipal Solid Waste Landfill (MSWLF)**

A solid waste land disposal facility that is permitted to receive municipal solid waste and that is not a land application unit, surface impoundment, injection well, or waste pile. A MSWLF is a sanitary landfill for purpose of IC 12-20-21. A MSWLF also may receive commercial solid waste, construction/demolition waste, small generator waste, industrial solid waste, and special waste in accordance with 329 IAC 10-8.1. Such a landfill may be publicly or privately owned.

**Municipal Solid Waste Landfill Unit (MSWLF Unit)**

A discrete area of land or an excavation that is permitted to receive municipal solid waste for disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined in 40 CFR 257.2. A MSWLF Unit also may receive commercial solid waste, construction/demolition waste, small generator waste, industrial solid waste, and

special waste in accordance with 329 IAC 10-8.1. Such a landfill may be publicly or privately owned. A MSWLF Unit may be a new MSWLF Unit, an existing MSWLF Unit or a lateral expansion.

**Natural Resources** The Indiana Department of Natural Resources Commission.

**Naturally Ventilated Barn or Structure:**

A barn or other structure in which animal units are housed in a **Confinement Operation** which utilizes fans for ventilation which fans move less than 25,000 cubic feet of air per minute per 300 animal units.

**Net-Metering** Net-metered customers are credited for net excess generation, wherein no cash is given to the owner of the wind turbine.

**Net Site Area** The total area of a parcel of land, excluding rights-of-way.

**Noise Pollution** A level of noise which subjects those in close proximity to such decibel levels that impair their health, general welfare and enjoyment of their property for its intended use.

**Non-complying Use** A use which does not comply with the terms of this ordinance or conditions of its approval.

**Nonconforming Building or Structure**

A building, structure, fence, or other improvement or portion thereof lawfully existing at the time this ordinance or any of its amendments became effective and which was designed, erected or structurally altered for a use which does not conform to the use of the district in which it is located or, which building, structure, fence, or other improvement or portion thereof, does not comply with all the setback, setback line, height, bulk and area regulations or other requirements of the Zoning Ordinance or amendments thereto of the district in which the same is located.

**Nonconforming Lot** A Lot of Record which does not conform to the lot area or lot width regulations of this Ordinance.

**Nonconforming Use** A use that exists at the time a provision of this Ordinance is passed but does not comply with it.

**Non-Participating Landowner**

A person who has not entered into any contractual agreement with a Wind Energy Conversion System company, entity or person for the purposes of developing a Wind Energy Conversion System

**No parking Setback** An open space in which all parking is prohibited.

**Normal Grade Level** (See Lot Ground Level)

**Noxious Matter** Any material offensive to the human senses, especially sight and smell.

**Nursery School** (See Institutions for Children)



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| <b>Nursing Home</b>                               | Premises used for the housing of and caring for the ambulatory, aged or infirm. There shall be only incidental convalescent care not involving either trained nurse or physician residing on the premises. There shall be no surgery, physical therapy or other similar activities such as is customarily provided in sanitariums and hospitals.        |
| <b>Occupied Space</b>                             | The total area of earth horizontally covered by the structure, excluding detached garages, patios and porches and other accessory structures.   |
| <b>Octave band</b>                                | All the frequencies from one frequency to a second. In sound octave bands, the second frequency is usually twice the first one.   |
| <b>Octave band filter</b>                         | An electrical device that separates the sounds in each octave band and presents them to the sound-level meter.  |
| <b>Office/Warehouse</b>                           | A building devoted primarily to warehousing activities, but also includes accessory office space.   |
| <b>Off-Street Parking Area</b>                    | An area which is designated for the parking of vehicles and which is not a public way.  |
| <b>One- and Two-Family Dwelling Code, Indiana</b> | The nationally recognized model building code adopted by the Indiana Department of Fire and Building Services as mandated by Public Law 360, and which includes those supplements and amendments promulgated by the Indiana Department of Fire and Building Services.   |
| <b>Opaque</b>                                     | Neither reflecting nor emitting light; not transparent and not translucent.   |
| <b>Open Space</b>                                 | Any front, side or back yards, courts, or off-street parking space provided about a building in order to meet the requirements of this code.  |
| <b>Open Use</b>                                   | The use of a lot without a building, or a use for which a building with a floor area no larger than five percent of the lot area is only incidental.  |
| <b>Operational Support Meteorological Tower</b>   | A tower which is erected primarily to measure wind speed and wind direction and to gather other weather/climate data and which operates in support of a Wind energy Conversion System. It does not include towers and equipment used by airports, the Indiana Department of Transportation or other similar applications to monitor weather conditions. |
| <b>Orphanage</b>                                  | (See Institutions for Children)   |
| <b>Outlet Mall</b>                                | A type of integrated center containing multiple retail establishments, each one selling a single manufacturer's product.  |
| <b>Owner</b>                                      | The owner as shown on the records of the Randolph County Recorder's Office.   |

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| <b>Parcel</b>                         | A piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before the Subdivision Control Ordinance of Randolph County, Indiana.   |
| <b>Parcelization</b>                  | Any division of land complying with the terms of this ordinance and the Subdivision Control Ordinance of Randolph County, Indiana.   |
| <b>Parent Tract</b>                   | A piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before the enactment of this ordinance or the last division by recordation of a plat prior to the enactment of this ordinance provided such plat is not in violation of any previous ordinance. |
| <b>Park, Private</b>                  | Any land held in private ownership which is specifically designated as a park and which is reserved for recreational, educational, cultural, or aesthetic uses.  |
| <b>Park, Public</b>                   | Any area open to the general public which is specifically designated as a park and which is reserved for recreational, educational, cultural, scenic, or open space uses.  |
| <b>Parking Area</b>                   | A group of parking spaces, exclusive of any part of a street or alley, designed or used for the temporary parking of motor vehicles or bicycles.   |
| <b>Parking Space</b>                  | An open space, exclusive of maneuvering aisle and driveway, used for the temporary parking of one motor vehicle or bicycle.  |
| <b>Participating Landowner</b>        | A person(s) who has entered into a contractual agreement with a commercial Wind Energy Conversion System (WECS) company  |
| <b>Pennant</b>                        | A lightweight plastic, fabric, or other material, whether or not containing a message or any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.  |
| <b>Performance Standard</b>           | A criterion established for the purpose of (1) assigning proposed industrial uses to proper districts, and (2) establishing requirements for the control of noise, odor, smoke, toxic matter, vibration, fire and explosive hazards, or glare generated by, or inherent in, uses of land or buildings.                                       |
| <b>Permanent Foundation</b>           | A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.  |
| <b>Permanent Perimeter Foundation</b> | A permanent perimeter structural system completely enclosing the space between the floor joist of the home and the ground. Such structural system shall be below grade level at a depth of thirty inches and shall be composed of cement block or poured cement.   |

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| <b>Permitted Use</b>               | A use which is allowed by this Ordinance in specific zoning districts and which is one of the following:<br>(1) expressly permitted;<br>(2) use permitted as a conditional use;<br>(3) use permitted as a special exception;<br>(4) accessory use; or<br>(5) a legally established nonconforming use.   |
| <b>Person</b>                      | Includes any individual person, corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a single unit.   |
| <b>Pervious Surface</b>            | Any material which permits full or partial absorption of storm water.   |
| <b>Petitioner</b>                  | (See Applicant)   |
| <b>Plan Commission</b>             | The Area Planning Commission of Randolph County, Indiana.   |
| <b>Planned Industrial District</b> | A tract of land which is subdivided and developed according to the comprehensive plan for the use of a community of industries, with streets, rail lead tracks, and utilities installed before sites are sold to prospective occupants. The district is characterized by low density occupancy and a park-like character, with protective restrictions that are written into deeds or leases.   |
| <b>Planned Unit Development</b>    | A tract of land which is developed as an integrated unit under single ownership or control, which includes two (2) or more principal buildings, and where the specific requirements of a given district may be modified, and where the minimum area is fixed.   |
| <b>Planning Department</b>         | The staff of the Area Planning Commission.  |
| <b>Plan of Operation</b>           | A written statement describing the details of how a use is operated. Depending on the use, the description may include such information as the gross floor areas devoted to various activities; percentage amounts of income derived from various activities; number of employees on various work shifts; anticipated or known amounts and hours of customer and delivery vehicular or pedestrian traffic; hours of operation, differentiating among general office hours, delivery hours and hours open to the general public, etc.; amount, type and location of outdoor activities, lighting and storage; and an indication and brief description of regulations imposed by other governmental agencies. |
| <b>Plat</b>                        | A map or chart that shows a division of land and is intended to be filed or recorded.   |
| <b>Plat Map</b>                    | The official aerial photograph overlaid with mylar indicating lot lines, street and road rights-of-way, maintained by the Plat Department of the Randolph County Auditor's Office.  |
| <b>Plot Plan</b>                   | (See Site Plan)   |

**Pole Barn or Pole Structure**

Any permanent open or enclosed structure which is constructed using post and beam construction and which, upon completion of construction, the exterior of the structure gives the appearance of a shell building which was constructed primarily of either light metals or prefabricated steel.

**Pond**

A body of standing water having a depth greater than two (2) feet and an area of 225 square feet.

**Pool Room**

(See Billiard Room)

**Porch, Open**

A roof over-structure attached to the wall of a principal structure and open on one or more side(s) or enclosed on the sides with screens.

**Porch, Enclosed**

A roof over-structure attached to the wall of a principal structure and enclosed on the sides forming a heated or an unheated area.

**Primary Communications Tower**

A structure intended for transmitting and/or receiving television, radio, telephone, or messaging communications, including those used exclusively for dispatch communications if the tower is the primary use.

**Primary Residence**

The home in which you spend the majority of your time. (By law, you can only have one primary residence and it's used for such purposes as filing taxes, census taking, in-state tuition verification, acquiring a mortgage and other such activities.)

**Primary Use**

The main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which they may be used, occupied or maintained under this Ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.

**Principal Building**

A building in which the primary use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling).

**Private Recreational Development**

Any indoor or outdoor commercial recreational development which:

- (1) is privately planned and operated;
- (2) consists of such recreational uses and accompanying service uses as theaters, miniature golf courses, driving ranges, swimming pools, skating rinks, recreational courts, and similar uses; and
- (3) meets all of the zoning requirements and performance standards for commercial Planned Developments outlined in Section 7.00 of this Ordinance.

**Private School**

A school other than a public school.

**Private Use Airport**

Any area, site, or location, either on land, water, or upon any building, which is specifically adapted and maintained for the landing and taking off of aircraft, and which is not utilized or to be utilized in the interest of the public for such

purposes. The term does not include any public use airport or landing field or any military airport solely occupied by any federal branch of government using that airport for military purposes.

- Produce Stand** A structure, often of a temporary nature, from which agricultural produce is sold at retail.
- Professional Office** An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons, pharmacists, real estate agents, insurance agents and brokers.
- Protected Use** Dwelling unit, nursing home, hospital, fraternity, sorority or student cooperative, hotel, motel, Industrial park, medical center, planned unit development, residential facility for the developmentally disabled, shopping center
- Public or Commercial Sanitary Landfill, Refuse Dump, or Garbage Disposal Plant**  
A legal disposal site and/or facility employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards.
- Public Gathering Place**  
Child care center, a public park, church, convent, monastery, rectory, parish hall, synagogue, historic area, private recreational development and schools.
- Public Parking Garage**  
A garage, other than private garage, where parking, but not repairs, are available to members of the public or to persons occupying a hotel, club, or similar facility.
- Public Right-of-way**  
The property or space from the edge of the public way to the furthest from the adjoining private property line not controlled by the city, town, county or other governmental unit.
- Public Road** A road or road right-of-way owned and/or maintained by a public entity for the use of the public.
- Public Street** A street established for or dedicated to public use for vehicular traffic.
- Public Use Airport** Any area, site, or location, either on land, water, or upon any building, which is specifically adapted and maintained for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes. The term does not include any private use airport or landing field or any military airport solely occupied by any federal branch of government using that airport for military purposes.
- Public Way** Any street, road, avenue, alley, or sidewalk within the Town's boundaries provided and maintained by the Town for the vehicular and pedestrian use of its citizens, including those within the park system.
- Publishing** The act of producing for release or sale to the public of literature, information, musical scores and recordings, and art, including bookbinding and lithography, etc.

- Rear Lot Line** For an interior or corner lot, this is the lot line that is opposite the front lot line and farthest from it; except that for a triangular or other irregularly-shaped lot, it means the line ten feet long, parallel to the front lot line, and wholly within the lot that is farthest from the lot line.
- Rear Yard** The horizontal space between the nearest foundation of the back or rear side of a building and the rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.
- Reciprocal Setback/Setback Line/Setback Requirement for Agricultural Intensive District:**  
See **Article III-I. 3.I-13** Subsections 1., 2., and 3. (See also: Setback/Setback Line/Setback Requirement).
- Recreational Vehicle** A transportable vehicular structure designed as a temporary dwelling for travel and vacation uses which:
- (1) Is identified on the unit by the manufacturer as a travel trailer; and
  - (2) Is not more than eight (8) feet in body width; and
  - (3) Is of any weight provided its body length does not exceed twenty-nine (29) feet; or
  - (4) Is a structure mounted on an automobile or truck; and
  - (5) Is designed to be used for temporary sleeping and human habitation.
- Recreational Vehicle Park**  
Any site, lot, field, or tract of land designed with facilities for short-term occupancy by recreational vehicles only.
- Recyclable Material** Material which is intended for reuse, remanufacture, or reconstitution, consisting of items such as authorized by each member jurisdiction.
- Recycling** A process by which recyclable materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or sale.
- Recycling Collection Facility**  
A use designated to receive and store pre-sorted recyclable material not intended for disposal. The facility may include bins, boxes or containers transported by trucks, vans, or trailers and used for the collection of recyclable materials. The use excludes facilities which use power-driven processing equipment on site.
- Recycling Processing Facility**  
A use designed for the collection and processing of recyclable materials. Processing entails the preparation of materials for efficient shipment, or to an end user's specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding or cleaning but excludes burning or otherwise heating.
- Regulatory Flood** That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a probability of 1 percent in any given year.

**Regulatory Floodway**

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

**Residence**

A dwelling unit.

**Residential Zone**

Any zoning district permitting residential uses and development, particularly A-R, R-1, R-2 and R-3.

**Residential Facility for the Developmentally Disabled**

A properly licensed, community based living facility that provides a family or home-like environment and, in some cases, training for from four (4) to sixteen (16) developmentally disabled persons (as defined in P.L. 98-527 STAT 2662 1984) in a supervised group living program, as described in IC 16-13-22-1(1).

**Residential Facility for the Mentally Ill**

A properly licensed, community based living facility that provides a family or home-like environment and, in some cases, training for mentally ill individuals as defined and delineated in the Indiana State Code in a supervised group-living program.

**Residential Youth Facility**

An emergency shelter or a temporary residential home for abused or neglected or court-ordered children (as defined in IC 12-3-2 and 31-6-4-1[b]).

**Rest Home**

(See Nursing Home.)

**Restaurant**

A structure or part thereof where meals are prepared and sold to the public for consumption inside the structure.

**Restaurant, Carry-Out**

A restaurant where meals are sold for persons either parked in the cars, whether or not meals are provided for consumption inside the structure or on the site.

**Restaurant, Drive-In**

A restaurant that delivers meals for persons in their parked cars, whether or not meals are provided for consumption on the site.

**Restaurant, Drive-Thru**

A restaurant where meals are delivered to persons in their cars through a window in the structure.

**Restaurant, Sit-Down**

A restaurant where meals are primarily offered to and consumed by persons seated at tables within the structure or within designated outdoor seating areas immediately adjacent to the structure and where carry-out meals are only incidental to the principal use.

**Resultant Displacement**

The maximum amount of motion in any direction as determined by any three-component simultaneous measuring system approved by the commission; *Three-component simultaneous measuring system* is instrumentation that can measure earth borne vibrations in a horizontal as well as a vertical plane.

**Reupholster Shop**

A business engaged in the repair or replacement of materials such as springs, padding, cushions, and fabric for chairs, sofas and similar furniture.

**Right-of-way**

A strip of land acquired by reservation, dedication, forced dedication, prescription, grant, or condemnation and intended to encompass a road, street, crosswalk, alley, or railroad and other similar uses.

**Right-of-way Line**

The property line that forms the boundary of a right-of-way.

**Ringelmann number**

The number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered as no smoke or Ringelmann No. 0.

**Road**

A street of any type as defined herein.

**Rooming House**

(See Lodging House)

**Sales, Rummage - Private**

A temporary sale, conducted by an individual or non-profit organization such as a church or club, where members of the group bring articles or items to a central structure or premises to be sold to raise money for use by the organization.

**Salvage**

The saving of items typically for the value of their component parts.

**Satellite Dish Antenna**

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or concave dish. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas. Satellite dish antennas, which are eighteen inches or less in diameter shall be excluded from this definition and the regulations of this ordinance.

**Satellite Manure Storage**

A structure designed and utilized for the offsite storage of manure for land application, which is located at least five hundred (500) feet from the property line of the real estate where the production facility which generated the manure is located.



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| <b>Schools</b>   | Public, charitable or non-profit institutions offering a general academic curriculum, including but not limited to primary and secondary schools, elementary schools, junior colleges, colleges and universities and military academies, which may also include living quarters, dining rooms, restaurants, heating plants, athletic and incidental facilities, but excluding trade and business schools.   |
| <b>Scope</b>   | The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.  |
| <b>Scrap Metal Yard</b>  | A general industrial use established independent of, or ancillary to, or connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operation; such an establishment shall not include junk yards, landfills, or automobile wrecking yards. The storage, or the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard. |
| <b>Screening</b>   | A hedge, fence, wall, earthen mound or berm, or any combination thereof, used to reduce the visual and audible effects between or among adjoining uses.   |
| <b>Searchlight</b>   | An apparatus containing a light and/or reflector for projecting a strong, far-reaching beam in any direction.   |
| <b>Section</b>   | A unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.   |
| <b>Services Involving Specified Sexual Activities or Display of Specified Anatomical Areas</b> | <p>An adult service establishment which includes any combination of two or more of the following activities:</p> <ol style="list-style-type: none"> <li>(1) The sale or display of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;</li> <li>(2) The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;</li> <li>(3) The operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five or fewer persons per machine at any one time and where the images so displayed are</li> </ol>  |

- distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas;
- (4) Live performance by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis specified sexual activities or specified anatomical areas; and
  - (5) The operation of a massage establishment.

**Service Station** A place where mechanical services and repairs, excluding body repair or painting, to motor vehicles are provided which may also include other services or products offered as a convenience to motorists, including but not limited to motor vehicle vital fluids and accessories, mechanical vehicle washing, and food, beverages and similar products.

**Setback** The horizontal distance from a street right-of-way line or lot line.

**Setback Line** The line delineating the minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining setback lines.

**Setback/Setback Line/Setback Requirement for Agricultural Intensive District**  
See **Article III-I. 3.I-13** Subsections 1., 2., and 3. (See also: Reciprocal Setback/Setback Line/Setback Requirement).

**Shared Housing** A dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit.

**Shelter, Emergency** Boarding and/or lodging and supporting services provided by non-profit, charitable, governmental, or religious organizations to primarily indigent, abused, needy, or homeless persons.

**Sheltered Living Facility**  
A supervised home for developmentally disabled persons needing a temporary or permanent sheltered living situation in the community. Developmentally disabled persons are those with organically based impairment, including but not limited to mentally retarded, cerebral palsied and epileptics.

**Shopping Center** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

**Side Lot Line** A lot boundary line other than a front or rear lot line.

**Side Yard** The horizontal space between the nearest foundation of a building to the side lot line and extending from the front yard to the rear yard of the lot, unoccupied other than by architectural appurtenances projecting not more than twenty-four inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escape, fireproof outside stairways and balconies projecting not over twenty-four inches into that space.

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| <b>Sign</b>                                | Any stationary object, device, symbol, or part thereof, subject to view from a public right-of-way, used primarily to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, designs, symbols, logos, fixtures, colors, motion, illumination, or projected images. Any displayed merchandise shall not be considered a sign (Traffic Ordinance).  |
| <b>Sign, Advertising</b>                   | (See sign)  |
| <b>Sign, Animated</b>                      | Any sign or exterior graphic display device, or any part thereof, which changes physical position by movement or rotation, but excluding a time and temperature sign as defined herein.   |
| <b>Sign, Announcement</b>                  | Any sign announcing a special event unrelated to the business, church, or public building before which the sign is placed.  |
| <b>Sign Area</b>                           | The area that includes the entire face of the sign, frame, artwork, and any spacing between letters, figures, and designs, but not including any incidental decoration or the bracing or structure of the sign. For window signs, the sign area shall be measured at the extremities of the lettering in each line.   |
| <b>Sign, Building</b>                      | Any sign erected, placed, attached or otherwise displayed upon a building or structure.   |
| <b>Sign, Business Hours</b>                | Any sign displaying operating hours of a business.  |
| <b>Sign, Canopy</b>                        | A sign that is a part of or attached to a canopy or service area canopy.  |
| <b>Sign, Changeable Copy</b>               | A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign, such as a reader board. A sign on which the message changes more than once per minute is considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of such information as time and temperature or pricing is considered a time and temperature sign as defined herein and not a changeable copy sign for the purposes of this ordinance. |
| <b>Sign, Commercial or Industrial Name</b> | Any sign displaying the name of a commercial business or industry.  |
| <b>Sign, Deceptive</b>                     | Any sign which is erroneous and/or misleads the public.   |
| <b>Sign, Display Surface</b>               | The area made available by the sign structure for the purpose of displaying the advertising message.  |
| <b>Sign, Electric</b>                      | Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.   |

**Sign, Electronic Message**

A sign or portion of a sign where the characters, letters or illustrations can be changed or rearranged either in the field or from a remote location without physically altering the face of the sign or the surface of the sign or where the message is animated often in a scrolling fashion.

**Sign, Event Oriented**

A sign, used no more than twenty-five (25) days per year, to commemorate a special event or sporting event, or to notify potential customers of a new business or sale. Event oriented signs include portable signs, beacons, pennants, strings of lights not permanently mounted to a rigid background unless containing no commercial message, inflatable signs, and tethered balloons.

**Sign, Flashing**

Any directly or indirectly-illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

**Sign, Freestanding**

Any sign independent of buildings and consisting of self-supporting elements.

**Sign, Garage Sale, Yard Sale and Auction**

Any sign advertising a garage sale or any other temporary sale at a residence.

**Sign, Gateway**

Any permanent freestanding sign marking the location at which a public street enters a subdivision, office park or similar unified development, which provides only the name of that development.

**Sign, Hanging**

Any sign suspended from or supported by a building or wall which projects outward at a perpendicular angle therefrom. Any sign suspended under a marquee, porch, walkway covering, or similar covering structure.

**Sign, Historic**

Any sign that has historic significance as determined by the Town Board on the recommendation of the Historic Preservation Commission.

**Sign, Historic Place**

Any sign indicating the historical significance of a site or structure.

**Sign, Movable**

Any sign not permanently affixed to the premises which may be moved from one location to another location with relatively few mechanical or physical operations.

**Sign, Neon**

A light source supplied by a tube which is built to form letters, symbols, or other shapes.

**Sign, Nonconforming**

Any legally existing sign which does not conform to the regulations of this Ordinance either at the effective date of the regulation establishing this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

**Sign, Obsolete**

Any sign which is obsolete in terms of identifying a business, service, attraction, or event which no longer exists or applies.

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| <b>Sign, Official</b>                | Any sign required by law or authorized for Public or Quasi-Public purpose to meet the needs of public information, health, safety, and welfare.  |
| <b>Sign, Off-premise</b>             | Any sign placed other than on the parcel of land or premise wherein or upon which the business in reference is located.  |
| <b>Sign, Off-premise Advertising</b> | A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises upon which it is located.  |
| <b>Sign, Obsolete Advertising</b>    | Any sign which is obsolete in terms of identifying a business, service, attraction, or event which no longer exists or applies (Traffic Ordinance).  |
| <b>Sign, On-premise</b>              | Any sign placed on the parcel of land or premise wherein or upon which the business, industry, or public use in reference is located.  |
| <b>Sign, "Open" and "Closed"</b>     | Any sign indicating that a business is open or closed.   |
| <b>Sign, Outdoor Advertising</b>     | A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises upon which it is located.  |
| <b>Sign, Parking</b>                 | Any privately owned sign indicating parking or directing vehicular traffic into a parking area.  |
| <b>Sign, Permanent</b>               | Any sign made of durable material affixed, lettered, attached to, or placed upon a fixed, non-movable, non-portable supporting structure.  |
| <b>Sign Permit</b>                   | An improvement location permit issued for the erection, construction, enlargement, alteration, moving, or conversion of any sign, which will have been issued pursuant to this Ordinance.  |
| <b>Sign, Political Election</b>      | Any temporary sign, pertaining to any national, state, or local election.  |
| <b>Sign, Portable</b>                | Any sign not permanently affixed to the ground or to a building or structure, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic. |
| <b>Sign, Prohibited</b>              | Any sign not permitted within the limits of Randolph County, Indiana.  |
| <b>Sign, Public</b>                  | Any sign required or authorized for any public purpose to meet the needs of public information, health, safety, and welfare.   |

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| <b>Sign, Real Estate</b>            | Any sign advertising for sale, rental, or lease the particular structure or land area upon which said sign is located.   |
| <b>Sign, Roof</b>                   | Any sign erected upon or over the roof or parapet of any building.   |
| <b>Sign, Temporary</b>              | An on premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located; or, any sign, except any real estate sign, which is not of a permanent nature.   |
| <b>Sign, Time and Temperature</b>   | A sign or portion of a sign with a limited function of displaying, through analogical or digital methods, electronically or mechanically presents the time of day or the current temperature or one other piece of information such as the Dow Jones average (either accrued total or change) or product or service pricing in a non-traveling mode of operation.  |
| <b>Sign, Two-sided</b>              | Any sign with two (2) identical faces no greater than twelve (12) inches apart or connected so as not to exceed a forty-five (45) degree angle.  |
| <b>Sign, Wall</b>                   | Any sign attached to, painted on, or erected against the exterior walls of a building or structure.  |
| <b>Sign, Window</b>                 | Any permanent sign applied to, attached to, or located within twelve (12) inches of the interior of a window which can be seen through the window from the exterior of the structure.  |
| <b>Single-family Dwelling</b>       | A building or structure on a separate lot containing one dwelling unit.  |
| <b>Site Plan</b>                    | A diagram delineating the boundaries of a property as well as the improvements thereon and any adjoining public rights-of-way and easements, and the dimensions of distances between such items.   |
| <b>Sleeping Unit</b>                | Sleeping or living quarters without cooking facilities and with or without individual bathroom facilities.   |
| <b>Smoke unit</b>                   | The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period. |
| <b>Social Rehabilitation Center</b> | An institution established for the purpose of treating, on a temporary resident or non-resident basis, persons with anti-social behavior problems not considered serious enough for the persons to be confined to an institution.  |

**Solar Energy System**

A device or combination of devices or elements that rely on direct sunlight as an energy source, including any substance or device that collects sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or, generating electricity. Examples of a solar energy system include the south wall and a solar hot water system.

**Sound Level Meter** An instrument standardized by the American Standards Association for measurement of the intensity of sound.

**Special Exception** A specific use which is allowed under "Special Exceptions" in certain zoning districts and has been deemed by the Board of Zoning Appeals to meet the specific conditions.

**Specific Anatomical Areas**

Any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specific Sexual Activities**

Any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- (4) Flagellation or torture in the context of a sexual relationship;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic touching, fondling or other such contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth herein.

**Specified Sexual Activities** (See Specific Sexual Activities)

**Staff** The planning, zoning and code enforcement support staff of the Plan Commission and the Board of Zoning Appeals.

**Standard Plant Unit** One of a number of alternative planting schemes used to landscape required transitional yards.

**State Agency** All boards, commissions, departments and institutions of the State of Indiana created pursuant to legislative acts.

**Street Frontage** Any portion of a lot which coincides with the right-of-way line of a public street.

**Stoop** An unroofed outdoor staircase and/or small platform whose sole purpose is to provide access to the entrance to a building.

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| <b>Storage Tank</b>               | A structure or container designed and constructed for the purpose of providing storage of solid, liquid or gaseous material.   |
| <b>Story</b>                      | That portion of a structure included between the surface of any floor and the surface of the ceiling above. A basement shall be considered a floor only if more than half of the distance between its floor and ceiling is above grade level.  |
| <b>Story, Half</b>                | That portion of a structure under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4-1/2 feet above the finished floor of such story. In dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story; in dwellings of three or more stories in height, a half story shall be counted as a story. |
| <b>Street</b>                     | A right-of-way that is established by a recorded plat or other means as a public way to provide the principal means of access to abutting property.  |
| <b>Street, Arterial</b>           | A main street designed for high volume traffic and into which other streets funnel.  |
| <b>Street, Back or Side</b>       | A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets.   |
| <b>Street, Collector</b>          | A street primarily designed and intended to carry vehicular traffic movement at moderated speeds between local streets and arterial streets while allowing direct access to abutting properties.   |
| <b>Street, Interstate Highway</b> | Any street, expressway or freeway, which is typically under the jurisdiction of the State of Indiana, primarily designed and intended to carry vehicular traffic movement at high speeds among states and providing no direct access to abutting properties.   |
| <b>Street, Limited Access</b>     | An arterial street onto which access is limited or otherwise minimized or restricted, not necessarily providing access to abutting properties.   |
| <b>Street, Cul-de-sac</b>         | A street having only one open end which is permanently terminated by a vehicle turn around.  |
| <b>Street, Dead End</b>           | A street having only one open end which is not terminated by a vehicle turn around.  |
| <b>Street, Local</b>              | A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds within the immediate geographical area with direct access to abutting properties.  |



**Street, Primary Arterial**

A street designed and intended to carry high volumes of vehicular traffic movement at low to moderately high speeds between other street types and often connecting cities, towns, other counties and developed areas.

**Street, Public**

A street or street right-of-way owned and/or maintained by a public entity for the use of the public.

**Street, Secondary Arterial**

A street designed and intended to collect and distribute moderate volumes of vehicular traffic movement at low to moderately high speeds similar to primary arterial street except servicing areas of lesser traffic generation.

**Street Frontage**

The horizontal distance for which a lot adjoins or coincides with a public street right-of-way from one intersecting side lot line to another.

**Structural Change or Alteration**

A substantial change in a supporting member of a building, such as a bearing wall, partition, column, beam, or girder, in an exterior wall or the roof.

**Structure**

Anything constructed or erected that requires location on, or in the ground, or attachments to something having a location on or in the ground.

**Structure, Accessory/Out Building**

A subordinate structure that is located on the same lot as a principal building, and which is not to be used for human habitation.

**Structure, Temporary**

A structure which is placed on a site for less than six months.

**Subdivision**

The division of an existing parcel of land into at least two smaller parcels so that either now or in the future the subdivider can do any of the following with one or more of the divided parcels:

- (1) Transfer ownership;
- (2) Construct buildings; or
- (3) Create new building sites for leasehold.

**Substation Wind Energy Conversion System (Substation/WECS Substation)**

A structure containing the apparatus which serves as the connection point for multiple below ground or above ground electrical collection lines of a Wind Energy Conversion System to the electric utility grid, with or without increasing voltage.

**Switchyard for Wind Energy Conversion System (Switchyard/WECS Switchyard)**

A structure containing the apparatus whereby transmission lines for a WECS connect to the electrical utility grid, that is, the location of "interconnection" to a public utility.

**Swimming Pool**

A temporary or permanent water-filled enclosure containing filtration and/or pumping equipment and/or a water depth of at least three feet at any point and a width of at least eighteen feet at any point, designed, used and maintained for swimming, diving, bathing or soaking. Hot tubs, spas, lap pools, whirlpool baths

and tubs, and Jacuzzi-type baths and tubs shall also be considered swimming pools if located outdoors. Temporary wading pools, consisting of only an enclosure capable of holding less than three feet of water throughout, shall not be considered swimming pools, nor shall permanent decorative or reflecting pools not designed or used for swimming, diving, bathing or soaking.

**Telecommunication** The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**Telecommunication Facility**

The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications transmission.

**Tent** A shelter designed to provide temporary quarters for travel, recreation or camping, with at least some portion of its walls and/or roof made of, or covered or protected by, canvas or any other fabric material.

**Through Lot** A lot fronting on two (2) parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

**Tourists Home Tower** (See Lodging House)  
Any structure that is designed and constructed for the purpose of telecommunication antennas or other uses including but not limited to a primary communications tower. For the purposes of Article XVII it does not include a Wind Energy Conversion Systems Facility(ies).

**Tower Height** The distance from the anchored base of the tower, whether on the top of another building or at grade, to the highest point of the structure, even if the highest point is the top of an antenna.

**Townhouse** A group or row of three (3) or more, but not more than six (6) attached single-household dwelling units extending from the basement to the roof and facing upon a street or place as herein defined.

**Toxic Substances** Those pollutants or combinations of pollutants, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly through food chains, will on the basis of information available, cause disease, death, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring.

**Trade or Business School**

A secretarial school, business school or college that is not publicly owned; or that is not owned, conducted, or sponsored by a religious, charitable, or non-profit organization; or that is not a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hairdressing, industrial arts or technical arts.

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| <b>Trailer</b>  | A vehicle which cannot be moved under its own power and is therefore hauled by another vehicle.  |
| <b>Transitional Yard</b>  | A required yard, provided in lieu of the minimum required front, side or rear yard as specified for the zoning district in which the property is located, wherever a residential zoning district, church, school or park property line adjoins a commercial or industrial zoning district.   |
| <b>Transmission Line</b>  | A cable or line conducting 12,000 volts or greater.  |
| <b>Transmission Lines for Gas, Oil, Electricity, or other Utilities</b> | A system of cross-country structures situated on nonresidential sites which is intended either for transmitting communications signals or for the movement of fossil fuels   |
| <b>Trash Transfer Station</b>   | A facility at which solid waste is transferred from a vehicle or a container to another vehicle or container for transportation, excluding a recycling collection facility or a recycling processing facility.   |
| <b>Truck Garden</b>   | A garden where vegetables are raised for market and may be sold from a structure located on the same site.   |
| <b>Travel Park</b>  | An area of land used or designed to be used to accommodate two or more camping parties, including cabins, tents, or other camping outfits, but not including a travel trailer park.  |
| <b>Truck Freight Terminal</b>   | Any land and/or buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. Said terminal facility may include areas for the short-term storage of trucks and trailers and also may include buildings or areas for the repair and cleaning of trucks and trailers associated with the terminal. (This definition and use are not meant to include any commercial truck stop operations.) |
| <b>Truck Stop</b>   | Any retail facility that dispenses motor fuels to the general public primarily for use in trucks and other commercial vehicles and which may sell other merchandise (motor oil, tires, batteries, parts, etc.), perform maintenance, servicing and repair work, and provide overnight accommodations and food service primarily for the use of truck crews.  |
| <b>Truck Tire Mobile Sales and Service</b>                              | A facility serving the trucking industry predominantly by delivering and installing on the interstate or other roads and street, new or retreaded tires to trucks that have suffered tire damage.  |
| <b>Two-family Dwelling</b>  | A building or structure on a separate lot containing two, attached dwelling units.   |
| <b>Unified Development Code</b>   | The combined Zoning and Subdivision Ordinances of the County, Cities and Towns of Randolph County.   |

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| <b>Untagged Vehicle</b>                         | A vehicle without a valid license plate or with a plate which does not match the registration.  |
| <b>Use</b>                                      | The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.   |
| <b>Use, Accessory</b>                           | A subordinate use that is located on the same lot as a principal use, and which is not to be used for human habitation.   |
| <b>Use, Principal</b>                           | The main use of the land or structures as distinguished from a subordinate or accessory use.  |
| <b>Vacant</b>                                   | Empty and not in use at that particular time.   |
| <b>Van Conversion</b>                           | (See Vehicle Conversion)  |
| <b>Variance (developmental standards)</b>       | A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards including, but not limited to, setback, height, bulk, and area that the Ordinance otherwise prescribes, provided, however, no use variance shall be granted. |
| <b>Vegetative Cover</b>                         | A pervious surface supporting plant materials.  |
| <b>Vehicle Conversion</b>                       | The process of modifying motor vehicles, commercial motor vehicles, or recreational vehicles to cause substantial change to the vehicle's interior or exterior for purposes of sale. Modification includes but is not limited to upholstery work, customized painting, or the installation of custom windows. |
| <b>Veterinary Clinic</b>                        | A facility devoted to the practice of veterinary medicine and surgery, defined as the diagnosis, prevention, and treatment of diseases, disorders and injury to animals.  |
| <b>Vision Setback</b>                           | (See Clear-sight Triangle)  |
| <b>Wagon</b>                                    | A trailer with four wheels which may also be pulled by animals.   |
| <b>Warehouse</b>                                | A structure, or part thereof, or area used principally for the storage of goods and merchandise.  |
| <b>Warehouse/Office</b>                         | (See Office/Warehouse)  |
| <b>Wheel Stop</b>                               | A concrete, metal or wood barrier not less than four inches in height and properly used in parking areas at each parking space or stall sufficient to prevent vehicular movement through such parking space.  |
| <b>Wholesale Produce Terminal</b>               | Any land and/or buildings used as a relay station for the wholesaling and transfer of farm produce from one party to another party or from one vehicle to another vehicle.  |
| <b>Wholesale Store (Business Establishment)</b> | Sale or resale, not for direct consumption.   |

**Wind Energy Conversion Systems (WECS):**

Permitted-Prohibited use within specific Zoning Classification Districts: See **Article XVI, Appendix A** for use districts, type of use for respective districts and districts in which WECS is prohibited use.

**Wind Energy Conversion Systems, Commercial (Commercial WECS)**

A WECS that is designed and built to provide electricity to the electric utility’s power grid. In general, commercial WECS have a 40kW or greater total name plate generating capacity

**Wind Energy Conversion Systems, Facility(ies) [WECS/WECS Facility/Facility(ies)]**

An electric generating facility comprised of, among other things, one or more wind turbines that operate by converting the kinetic energy of wind into electrical energy. Said energy may be used on site or distributed into an electrical grid. A WECS or a WECS Facility(ies) shall include, but not be limited to, any or all of the following, Wind Turbine Generator (WTG), Wind Turbine Generator Tower (WTG Tower), Meteorological Tower, Operational Support Meteorological Tower, Sub-Station, Switchyard, Transmission Line, Collection Line, Distribution Line, Power Line. Poles, Guy Wire, Transformer, Access Roads, Accessory Buildings and Structures and WECS Transmission Facility(ies).

**Wind Energy Conversion Systems, Micro (Micro-WECS)**

Micro-WECS is a type of non-commercial WECS which typically have a total name plate generating capacity of 1 kW or less and utilizing supporting towers of sixty (60’) feet or less.

**Wind Energy Conversion Systems, Non-Commercial (Non-Commercial WECS)**

A WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use, this includes WECS that are accessory to a permitted farm or agricultural operation that are designed and built to serve the needs of the farm or agricultural operation. In general, non-commercial WECS have less than 40 kW in total name plate generating capacity.

**Wind Energy Conversion System Operator [WECS Operator/WECS Facility(ies) Operator/WECS Transmission Facility(ies) Operator]**

The person responsible for the day-to-day operation and maintenance of the Wind Energy Conversion System, including, but not limited to WECS Facility(ies) Operator, WECS Transmission Facility(ies) Operator and third party sub-contractors. That for purposes of this Ordinance, the phrase “WECS Operator” shall include any and all of the above set forth in the definition heading.

**Wind Energy Conversion System Owner/WECS Transmission Facility(ies) Owner**

A person with an equity interest in the Wind Energy Conversion System, including, but not limited to, WECS Facility(ies) Owner, WECS Transmission Facility(ies) Owner and all respective successors and assigns. For purposes of this Ordinance, the phrase “WECS Owner” shall include any and all of the above set forth in the definition heading. Owner does not mean (i) the real property owner from whom land is leased for locating the Wind Energy Conversion Systems, unless the property owner has an equity interest in the

Wind Energy Conversion Systems; or, (ii) any person holding a security interest in the Wind Energy Conversion Systems solely to secure an extension of credit, or a person foreclosing on such security interest provided that after the judgment of foreclosure is entered by a court the person sells the Wind Energy Conversion Systems within one (1) year of the date of said judgment or the Wind Energy Conversion System(s) is decommissioned per the Decommissioning Plan and Decommissioning Agreement.

**Wind Energy Conversion Systems, Transmission Facility(ies) [WECS Transmission Facility(ies)]**  
Transmission lines, substations or switchyards pertaining to a commercial WECS. [See also: Wind Energy Conversion Systems, Facility(ies).]

**Wind Farm** A wind farm is a collection of wind turbines in the same location and used for the generation of electricity.

**Wind Turbine Generator (WTG)**  
A support structure to which the nacelle and rotor are attached, free standing or guyed structure that supports a wind turbine generator.

**Yard** A space on the same lot with a principal building that is open and unobstructed from the ground to the sky except as otherwise authorized by this Ordinance.

**Zone** A specifically delineated area or district within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

**Zoning District** Any area of Randolph County, Indiana, within which the zoning regulations are uniform. All references to residential, commercial, and/or industrial zoning districts are as shown on the Official Zoning Map for Randolph County, Indiana, its Cities of Winchester and Union City and Towns of Farmland, Parker, Lynn, Ridgeville, Modoc, Saratoga and Losantville.

**Zoning Lot** A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control. A Zoning Lot may or may not coincide with a Lot of Record.

**Zoning Map** A delineation of the boundaries of areas or divisions of the County, its Cities and Towns, for the purpose of regulating, limiting and determining the height and bulk of buildings, the intensity of the use of lot area, the areas of open spaces about the surrounding buildings for the purpose of classifying, regulating and restricting the location of trades and industries, and buildings designed for specified industrial, business and residential uses, and which map is attesting to and is on file in the office of the Plan Commission.

**Zoo** See Exotic Animal Farm and Petting Zoo.

**Exotic Animal Farm** A business or enterprise which is privately owned and maintained on a privately owned area of property which houses and maintains for the purpose of exhibition to the public animals not generally native to such location. Any such business or enterprise shall operate in compliance with all federal, state or local laws, regulation and ordinances applicable to such business and enterprise. The

Plan of Operation (Conditional Use) for an Exotic Animal Farm, in addition to all other requirements of such Plan, shall include those set forth, as applicable, for a Petting Zoo. Nothing herein shall prevent the construction and operation of an Exotic Animal Farm which exhibits primarily animals which are native, indigenous, or generally kept or raised in this area. By-way-of-example and not limitation, are cattle, horses and sheep, however, the requirements of the Plan of Operation or otherwise shall be the same.

**Petting Zoo**

A business or enterprise which is privately owned and maintained on a privately owned area of property which houses and maintains animals, either native or non-native to such location, primarily for the purposes of exhibition and/or touching, petting, feeding or to otherwise interact with visitors, customers, guests or other third parties. Any such business or enterprise shall operate in compliance with all federal, state, or local laws, regulations and ordinances. The Plan of Operation (Conditional Use) shall in addition to all other requirements of such Plan, set forth in full, or in sufficient detail, applicable laws, ordinances and regulations to construct, maintain, and operate such a facility in conformity with such laws, ordinances and regulations. Also any stamp, permit or other document required to own, possess or display any animal shall be included in the Plan of Operation.

## ARTICLE XIV

### District Changes and Regulations Amendments

#### 14.01 Amendments

All amendments to this Ordinance shall be made in conformance with the provisions of IC 36-7-4. Any proposed amendments shall be submitted to the Area Planning Commission for report and recommendation prior to any action thereon by the appropriate legislative body.

#### 14.02 Procedure for Change

Petitions for any change of the regulation of district boundaries or classifications of land use as shown on the Zoning Map shall be filed with the Area Planning Commission's office, upon such forms and accompanied by such data and information as may be prescribed for that purpose, so as to assure the fullest practicable presentation of fact for the permanent record. Each such petition for a change of district boundaries or a reclassification of property submitted by the owner shall be verified by at least one such owner attesting to the truth and correctness of all facts and information presented in the petition.

#### 14.03 Notice and Hearing

Before submitting its recommendations on a proposed change in the regulations or reclassification of property to the appropriate legislative body, the Area Planning Commission shall hold a public hearing thereon, notice of which shall be given in accordance with its Rules of Procedure.

#### 14.04 Recommendation to Legislative Body

Following such hearing, the Area Planning Commission may recommend that the petition be granted as requested in the petition, that it be granted subject to conditions or commitments, or that it not be granted. These recommendations shall then be certified to the appropriate legislative body by a majority vote of the Area Planning Commission.

#### 14.05 Final Action

Following certification to the appropriate legislative body, that legislative body shall consider such recommendations and vote on passage of the proposed amendment to the text of the ordinance or to the Zoning Map. In the event the report of the Area Planning Commission is adverse to a proposed change referred to it, the amendment shall not be passed except by a three-fourths vote of the appropriate legislative body.

#### 14.06 Repeal of Conflicting Ordinances

The Zoning Ordinances of the Cities of Winchester and Union City, of the Towns of Farmland, Losantville, Lynn, Modoc, Parker City, Ridgeville, and Saratoga, and of the County of Randolph, Indiana, are hereby repealed. All other Ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are, to the extent of their inconsistency, repealed.





**ARTICLE XV**  
**(Amended May, 2009)**

**Severability**

15.01 Severability

If any part of provision of this Zoning Ordinance shall be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of this Zoning Ordinance not held so invalid or unenforceable, and such other parts and provisions shall to the full extent consistent with this Zoning Ordinance and applicable law continue in full force and effect. The intentions that this paragraph shall be construed in such a manner that if any part of provision is determined invalid or unenforceable, all remaining parts and provisions shall remain in full force and effect. In the event that any portion of any part or provision is determined invalid or unenforceable, all remaining parts and provisions shall remain in full force and effect. In the event that any portion of any part or provision shall be held invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining portions of such part or provision of this Zoning Ordinance not held so invalid or unenforceable and such remaining portions of such part or provision shall to the full extent consistent with this Zoning Ordinance and applicable law continue in full force and effect. The intention is that this paragraph shall be construed in such a manner that if any portion of any part or provision shall be held invalid or unenforceable, the remaining portions of such part or provision shall remain in full force and effect. For the purposes above provided, the provisions and parts of this Zoning Ordinance are hereby declared to be severable.

15.02 Emergency Clause, Attestation

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this Ordinance and that the same shall be in full force and effect from and after its passage by the following:



**ARTICLE XVI**  
**Wind Energy Conversion Systems**  
**Siting Regulations**

16.0 Purpose And Intent

16.0.1 Purposes

The purposes of this Article are to:

- A. Assure that the development and production of wind-generated electricity in Randolph County, Indiana, is safe and effective;
- B. Facilitate economic opportunities for local residents; and
- C. Develop standards for wind generated energy, utilize natural resources and ecologically sound energy sources, support Indiana's alternative energy sources potential and other such economic development tools.

16.0.2 Intent

The intentions of the Wind Energy Conversion Systems (WECS) siting regulations are to provide a regulatory scheme for the development, construction and operation of WECS in Randolph County, Indiana to establish reasonable guidelines and restrictions on the development, construction, operation, and decommissioning of WECS, wind farms and wind turbine generators (WTG), and to preserve the health and safety of Randolph County residents and the general public.

16.1 Applicability

- A. The provisions of this Article are applicable to those zoning districts which allow or may allow WECS and to govern the siting, development, operation and decommissioning of WECS, which generate electricity to be sold in the wholesale market or retail market, or which are utilized to generate electricity for private use and public use.
- B. When any part of the development, construction, operation or decommissioning of a WECS requires action, recommendations, hearing and/or decision by the Area Planning Commission of Randolph County, Indiana (APC) or the Board of Zoning Appeals (BZA) pursuant to the provisions of the Unified Zoning Ordinance of Randolph County, Indiana (Zoning Ordinance), or any law or regulation, notice shall be given pursuant to Indiana law, the Zoning Ordinance and the applicable By-Laws of the APC and the Rules of Procedure (Rules) of the BZA.
- C. Provisions of this Article or other parts of the Zoning Ordinance which are specifically made applicable to a specific type of WECS, e.g. commercial, shall apply to that type of WECS. Provisions without reference to a specific type of WECS, shall apply to all WECS unless determined otherwise by the Executive Director of the APC. The Executive Director of the APC may, upon proper notice, assign any question, general or as to a specific WECS or a WECS application, for discussion, action and/or instruction from the BZA. An applicant for a WECS, may appeal the requirement, decision or determination of the Executive Director in the manner prescribed by applicable Rules of the BZA, the Zoning Ordinance and statute(s).

## 16.2 Prohibition

No person shall construct, operate, or locate a WECS and/or Meteorological Tower or Operational Support Meteorological Tower within Randolph County without having fully complied with the provisions of this Article and all other applicable provisions of said Zoning Ordinance and any applicable Rules of the BZA and By-Laws of the APC and state and federal law and regulations.

## 16.3 Conflict With Other Regulations

Nothing in this Article is intended to pre-empt other applicable state and federal laws or regulations, including, but not limited to, compliance with all Federal Communications Commission (FCC) and all Federal Aviation Administration (FAA) rules and regulations and with the notification requirements of the FCC and FAA. Nor shall any provisions of this Article interfere with, abrogate, or annul any other ordinance, rule, regulation, statute or other provision of law. In the event that any provision of this Article imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provision which is more or most restrictive or which imposes the higher or the highest standard(s) shall control.

## 16.4 District Regulations

### 16.4.1 Location

Commercial WECS, non-commercial WECS, micro-WECS, Meteorological Tower and Operational Support Meteorological Tower are allowed, may be allowed, or shall not be allowed, in zoning districts as prescribed by Appendix A of this Article.

### 16.4.2 Height

A non-commercial WECS greater than two hundred (200') feet in height shall require the filing for a variance by petition and hearing before the BZA pursuant to this Zoning Ordinance. For commercial WECS and Meteorological Evaluation Tower (MET tower), there is no restriction on height, except those height limitations imposed by FAA rules and regulations. MET tower heights shall reflect the approximate height of the existing or prospective Wind Turbine Nacelle. A micro-WECS shall not exceed one hundred twenty five (125) feet in height and no micro-WECS shall exceed one hundred fifty (150) feet from the ground at the base of a micro-WECS to the tip of the blade at the highest point of the blade tip.

### 16.4.3 Horizontal Extension

The furthest horizontal extension of a WECS including, but not limited to, guy wires, provided, however, excepting the WECS collection system, WECS transmission lines and WECS access roads, shall not extend into a setback which is otherwise required for the zoning district in which the WECS is located or into a setback required for an adjacent and adjoining zoning district nor be less than twelve (12') feet from any structure or public right-of-way easement for any above-ground telephone line, electrical transmission line, electrical distribution line or other above ground communication or transmission line.

## 16.5 Setback Requirements

### 16.5.1 Minimum Setback Distances For COMMERCIAL Wind Turbine Generator Tower

Distance for a commercial WTG tower shall be measured from the center point of each WTG tower. The distance from said center point to each of the following shall be:

| <b>TABLE 16.5.1</b>  |   |
|--|---|
| <b>Minimum Setback Distance for Commercial Wind Turbine Generator Tower</b>  |   |
| <b>Distance from:</b>  | <b>Minimum Setback Distance</b>   |
| Property line.   | One and one-tenth (1.1) times the total height (measured from where the blade tip is at its highest point) to non-participating landowner's property line. A non-participating landowner may waive this requirement by written waiver. This setback requirement is waived if the affected adjoining or adjacent landowner is a participating landowner sharing a common property line with another participating landowner. |
| Dwelling: to the nearest corner of a dwelling.   | One thousand (1,000) feet. <sup>1</sup>   |
| Line of public road right-of-way.  | One and one-tenth (1.1) times the total height (measured from where the blade tip is at its highest point), provided that the distance shall be no less than three hundred and fifty (350') feet. <sup>2</sup>  |
| Line of other rights-of-way, including, but not limited to, railroads and utility easements, excluding private access easements. | One and one-tenth (1.1) times the total height (measured from where the blade tip is at its highest point), provided that the distance shall be no less than three hundred and fifty (350') feet.   |
| Wetlands, as defined by the U.S. Army Corps of Engineers: the nearest point of the wetland.                                      | As determined by a permit obtained from the Army Corps of Engineers   |
| Shoreline of all rivers  | One-half (1/2) mile   |
| Incorporated limits of a municipality.   | Fifteen hundred (1,500') feet from the incorporation line.  |
| Above-ground electric transmission line.   | One and one-tenth (1.1) times the total height (measured from where the blade tip is at its highest point).   |

<sup>1</sup>The setback for dwellings shall be reciprocal in that the nearest corner of a dwelling shall be constructed no less than one thousand (1,000') feet measured from the center of a WTG tower.

<sup>2</sup>The setback shall be measured from future public rights-of-way width if a road improvement plan or expansion plan of a public road exists at the time of application. Applicant shall have the responsibility of inquiry of the appropriate authority to determine if any public road improvement plan or expansion plan exists at the time of filing its application and shall set forth all relevant information including, but not limited to, that there are no improvement plans or expansion plans.

### 16.5.2 Commercial WECS Power Collection and Transmission System

For all substations, setbacks from property lines are waived if the affected adjacent or adjoining landowners sharing the common property line are all participating landowners.

#### A. WECS Substation

The substation setbacks shall be the same as those of a commercial WTG tower if the affected adjacent or adjoining landowner sharing a common property line is a non-participating landowner. A non-participating landowner may waive this set back requirement by written waiver.

**B. Poles and Underground Wiring**

For all poles carrying overhead wiring and for underground wiring connecting commercial WTG towers to a substation for connection to a utility’s electric transmission line, there are no setback requirements from property lines of participating or non-participating landowners so long as the poles and underground wiring are located within a recorded easement for such purpose.

**16.5.3 Minimum setback distances for NON-COMMERCIAL Wind Turbine Generator Tower and MICRO-Wind Turbine Generator Tower**

Distance for a non-commercial WTG tower and micro-WTG tower shall be measured from the center point of each non-commercial WTG tower and center point of a micro-WTG tower. The distance from each of the following shall be:

| <b>TABLE 16.5.3</b>   |   |
|---|---|
| <b>Minimum Setback Distance for Non-Commercial Wind Turbine Generator Tower</b>             |   |
| <b>Distance from:</b>   | <b>Minimum Setback Distance</b>   |
| Property line.  | One and one-tenth (1.1) times the total height (measured from where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that zoning district. |
| Dwelling: to the nearest corner of a dwelling.  | One and one-tenth (1.1) times the total height (measured from where the blade tip is at its highest point). <sup>1</sup>  |
| Line of public road right-of-way  | One and one-tenth (1.1) times the total height (measured from where the blade tip is at its highest point), provided that the distance shall be no less than the required yard setback prescribed for that district.  |
| Wetlands, as defined by the U.S. Army Corps of Engineers: the nearest point of the wetland. | As determined by a permit obtained from the Army Corps of Engineers.  |
| Shoreline of all rivers.  | One half (1/2) mile   |
| Above-ground electric transmission line.  | One and one-tenth (1.1) times the total height (measured from where the blade tip is at its highest point).   |

<sup>1</sup>The setback for dwellings shall be reciprocal in that the nearest corner of a dwelling shall be constructed no less than one and one-tenth (1.1) times the total height of the WTG tower (measured from where the blade tip is at its highest point.)

<sup>2</sup>The setback shall be measured from future public rights-of-way width if a road improvement plan or expansion plan of a public road exists at the time of application. Applicant shall have the responsibility of inquiry of the appropriate authority to determine if any public road improvement plan or expansion plan exists at the time of filing its application and shall set forth all relevant information including, but not limited to, that there are no improvement plans or expansion plans.

16.5.4 Minimum Setback Distances For All Meteorological Towers and Operational Support Meteorological Towers

| <b>TABLE 16.5.4</b>   |  |
|---|--|
| <b>Minimum Setback Distance for MET Towers and Operations Support MET Towers</b>  |  |
| <b>Distance from:</b>   | <b>Minimum Setback Distance</b>  |
| Property line, measured from the center of the Meteorological Tower or Operational Support Meteorological Tower to the property line  | One and one-tenth (1.1) times the total height of the Meteorological Tower or Operational Support Meteorological Tower, provided that the distance is no less than the required yard setback. The setback requirement is waived if the affected adjacent or adjoining is a participating landowner sharing a common property line with another participating landowner(s). A non-participating landowner may waive this requirement by written waiver. |
| Dwellings, measured from the center of the Meteorological Tower or Operational Support Meteorological Tower to the nearest corner of the dwelling.  | One and one-tenth (1.1) times the total height of the Meteorological Tower or the Operational Support Meteorological Tower. <sup>1</sup>   |
| Public road right-of-way, measured from the center of the Meteorological Tower or the Operational Support Meteorological Tower to the edge of the right-of-way  | One and one tenth (1.1) times the total height of the Meteorological Tower or the Operational Support Meteorological Tower, provided that the distance is no less than the required yard setback. <sup>2</sup>   |
| Other rights-of-way, such as railroads and public utility easements, excluding private access easements, measured from the center of the Meteorological Tower or the Operational Support Meteorological Tower to the edge of the right-of-way | One and one-tenth (1.1) times the total height of the Meteorological Tower or the Operational Support Meteorological Tower, provided that the distance is no less than the required yard setback   |

<sup>1</sup>The setback for dwelling shall be reciprocal in that the nearest corner of a dwelling shall be constructed no less than one and one-tenth (1.1) times the total height of the Meteorological Tower or Operational Support Meteorological Tower measured from the center point of any such tower.

<sup>2</sup>The setback shall be measured from future public rights-of-way width if a road improvement plan or expansion plan of a public road exists at the time of application. Applicant shall have the responsibility of inquiry of the appropriate authority to determine if any public road improvement plan or expansion plan exists at the time of filing its application and shall set forth all relevant information including, but not limited to, that there are no improvement plans or expansion plans.

16.6 Safety Design and Installation Standards

16.6.1 Equipment Type

- A. Turbines  
All turbines shall be constructed of commercially available equipment and in conformance with subsection 16.6.4(A).
- B. Meteorological Towers and Operational Support Meteorological Towers  
All Meteorological Towers or Operational Support Meteorological Towers may be guyed.
- C. Experimental or Proto-Type Equipment



Experimental or proto-type equipment still in testing which does not fully comply with industry standards, may be approved by the BZA after notice and hearing pursuant to the variance procedures of this Zoning Ordinance.

#### 16.6.2 Industry Standards and Other Regulations

All WECS shall conform to applicable industry standards, as well as all local state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

#### 16.6.3 Controls and Brakes

##### A. Braking System

All WECS shall be equipped with a redundant braking system. This shall include both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.

##### B. Operation Mode

All mechanical brakes shall be operated in a fail-safe mode and in accordance with manufacturer's specifications.

C. Subparagraphs (A) and (B) are current standards, and any other braking system or operation mode which is utilized may be approved after notice and hearing before the BZA for a variance pursuant to the Zoning Ordinance.

#### 16.6.4 Electrical components

##### A. Standards

Electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant industry and national standards and be in conformance with industry standards for similar WECS in the United States.

##### B. Cables and Lines

All cables and lines, except transmission cables and lines, shall be buried no less than forty-two (42") inches underground. For any installation method of cables and lines except as provided herein, applicant shall apply for a variance before the BZA pursuant to this Zoning Ordinance.

#### 16.6.5 Color and Finish

In addition to all applicable FAA requirements, the following shall also apply:

##### A. Wind Turbines And Towers

- (i) Color: All wind turbines and towers that are part of a WECS shall be white, grey, or other non-obtrusive color.

##### B. Blades

- (i) All blades shall be white, grey, or other non-obtrusive color. Blades may be black in order to facilitate deicing.

C. Finishes

- (i) Finishes shall be matte or non-reflective.

D. Exceptions

- (i) A variance may be applied as provided by this Zoning Ordinance by the applicant for Meteorological Towers and Operational Support Meteorological Towers if there exists concerns relative to aerial spray applicators.

### 16.6.6 Warnings

A. Commercial WECS

For all commercial WECS, a sign or signs shall be posted on each WTG tower, pad-mounted transformer or otherwise and each substation warning and switchyard of high voltage. Signs with emergency contact information shall also be posted on each WTG tower or at other suitable and conspicuous locations on the WECS property. All access roads to a commercial WECS shall have posted in a conspicuous location the Emergency 911 Address road sign indicating such address of the WECS property upon which the access road is located. All signage required herein shall have a distinct, high contrast background and shall be of weather proof paint or other weather proof material.

B. Guy Wires and Anchor Points

For all guyed towers, one of the following alert and warning methods shall be used at each anchor point:

1. Visible and reflective objects, which may include, but are not limited to, flags, plastic sleeves, reflectors, or reflective tape placed on, or at, each anchor point of guy wires and along the innermost guy wires no less than fifteen (15') feet above ground level at the said guy wire locations.
2. Visible fencing not less than four (4') feet in height installed around each anchor point of guy wires.

C. Non-Commercial WECS and Micro-WECS

The following notices shall be clearly visible on all non-commercial WECS and micro-WECS:

1. "No Trespassing" signs shall be securely attached to each side of any perimeter fence.
2. "Danger" signs shall be securely posted at the height of five (5') feet on each WTG tower and on each side of all WECS accessory structures and facilities.
3. A sign shall be securely posted on each WTG tower clearly displaying an emergency telephone number(s) in weather proof paint or other weather proof material.
4. All manual electrical and/or overspeed shutdown disconnect switches shall be clearly labeled. Such labels shall be printed in weather proof paint or other weather proof material.
5. All signage required herein shall have a distinct, high contrast background and shall be of weather proof paint or other weather proof material.

D. Meteorological Towers and Operational Support Meteorological Towers

All Meteorological Towers and Operational Support Meteorological Towers shall be in compliance and have all FAA required aviation warnings. A variance may be applied pursuant to this Zoning Ordinance to paint aviation warnings on all Meteorological Towers and Operational Support Meteorological Towers.

#### 16.6.7 Climb Prevention

All commercial WTG tower designs, and as the same are actually constructed, shall include features to deter unauthorized climbing or have anti-climbing devices which shall include as minimum standards:

1. Fencing no less than ten (10') feet in height with locking portals; fencing shall enclose the entire tower; or,
2. Anti-climbing devices fifteen (15') feet vertically from the base of the WTG tower; or,
3. Locked WTG tower doors.

#### 16.6.8 Blade Clearance

The minimum distance between the ground and any protruding rotor blade(s) utilized on a commercial WTG tower shall be twenty-five (25') feet, as measured from the highest point of the ground within the arc of the blades and the lowest point of the arc of the blades. The minimum distance between the ground and any protruding rotor blade(s) which blades do not exceed twenty (20') feet in diameter, utilized on any and all other WTG towers shall be a minimum of fifteen (15') feet, as measured at the highest point of the ground within the arc of the blades and the lowest point of the arc of the blades. In all instances, the minimum ground to blade clearance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

#### 16.6.9 Lighting

##### (A) Intensity and Frequency

All WTG tower lighting, including, but not limited to, lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by FAA permits and regulations as the same are now or as the same may from time to time be amended.

##### (B) Shielding

Except with respect to lighting required by the FAA, lighting may require shielding so that no glare extends substantially beyond any WTG tower and WECS structures and facilities.

#### 16.6.10 Materials Handling, Storage and Disposal

##### (A) Solid Wastes

All solid wastes whether generated from supplies, equipment, parts, packaging, operation, maintenance of the facility, Decommissioning Plan and Decommissioning Agreement or otherwise, including, but not limited to, old parts and equipment related to the construction, operation, maintenance, Decommissioning Plan and Decommissioning Agreement of any WECS shall be removed from the site promptly and disposed of in

accordance with all federal, state and local laws and ordinances. The WECS owners and WECS operators shall have the same responsibility for compliance hereof.

(B) Hazardous Materials

All hazardous materials or hazardous waste related to the construction, operation, maintenance, Decommissioning Plan and Decommissioning Agreement of any WECS or otherwise generated by the facility shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws. The WECS owner and the WECS operator shall have the same responsibility for compliance hereof.

16.7 Other Applicable Standards

16.7.1 Guyed Wire Anchors

No guyed wire anchors shall be allowed within any public road right-of-way setback.

16.7.2 Sewer and Water

All WECS facilities shall comply with the septic system and well regulations as currently required or as hereinafter amended, of the Randolph County Health Department and the State of Indiana Department of Public Health.

16.7.3 Noise

The noise level of a micro WECS, a commercial WECS or a non-commercial WECS shall be no greater than sixty (60) decibels as measured from any part of the micro-WECS, commercial WECS or a non-commercial WECS to any part of the neighbor's house or residence which house or residence is nearest to any part of a WECS. This level may only be exceeded during short-term events such as utility outages and/or severe weather conditions.

16.7.4 Utility Interconnection

A WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as the regulations now exist and as the same are from time to time amended.

16.7.5 Signage

In addition to complying with Sign Standards, provided in other Articles of the Zoning Ordinance, the following signage regulations and standards shall also apply. In the event that one of the following regulations or standards conflicts with another sign regulation or standard prescribed by this Zoning Ordinance, the more/most restrictive regulation or standard shall apply.

(A) Surface Area

No sign shall exceed sixteen (16') square feet in surface area.

(B) Height

No sign shall exceed eight (8') feet in height.

(C) Manufacturer's or Owner's Company Name and/or Logo

The manufacturer's and/or owner's company name and/or logo may be placed upon the compartment containing the electrical equipment.

(D) Development Signs

An identification sign relating to a wind farm development may be located on each side of the total project area, provided that there shall be no more than one (1) sign located on any side of the wind farm development unless additional identification signs are required to provide reasonable notice to the general public of the wind farm development area.

(E) Other Signs and Logos

No other signs or logos shall be placed or painted on any WTG tower, except as required or allowed by this Article. In the event of a special circumstance peculiar to any wind farm development, a variance may be granted for such additional or alternative signage upon proper notice of hearing and hearing before the BZA for a variance as provided by the provisions of the Zoning Ordinance.

All signage required or permitted by this Article shall be made of industry accepted or required material and constructed to industry accepted standards. In the absence of industry accepted or required material or industry accepted construction standards, said signage shall be made of materials and constructed in a manner to be durable and long lasting. The same shall be painted or made of material with a distinct, high contrast background and be weather proof paint or other weather proof material to promote safety and protect the public from hazards and potential hazards.

16.7.6 Collection Cable/Lines

Collection cables and lines and communication lines installed as part of any WECS shall not be considered essential services.

16.7.7 Other Appurtenances

No appurtenances other than those associated with the WECS construction, operations, maintenance, decommissioning, removal, and permit requirements shall be connected to any WTG tower except after notice of hearing and hearing before the BZA pursuant to the applicable Article(s) of this Zoning Ordinance.

16.8 Operation and Maintenance

16.8.1 Physical Modifications

Any physical modification to any WECS or a part thereof which materially alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by all appropriate regulatory authorities. Like-kind replacements shall not require re-certification, unless required by a regulatory authority. Prior to making any material physical modification, the owner or operator of such WECS shall confer with the Randolph County Building Commissioner, Executive Director of the APC, Randolph County Surveyor, Randolph County Highway Department Superintendent, and any other appropriate regulatory authority as to whether or not the proposed physical modification requires re-certification of such WECS.

## 16.8.2 Interference

Prior to the commencement of construction of a commercial WECS, a communications study shall be conducted by the applicant, owner and/or operator to determine whether or not the operation of the WECS may produce interference with public or public serving utility microwave transmissions and if so, to determine the most effective method to mitigate interference with public or public serving utility microwave transmissions. If necessary, as outlined hereinafter, the applicant, owner and/or operator shall as part of the commercial WECS application process and the commercial WECS construction implement or incorporate the means determined to be the most effective method to mitigate interference with electromagnetic communications including, but not limited to, radio, telephone, microwaves, or television signals caused by the commercial WECS. Applicant, owner and/or operator shall comply with the following:

(A) Preconstruction Requirements

- (i) The applicant, owner, and/or operator shall complete a communications study to, among other things, determine the most effective method to mitigate interference with any public or public serving utility microwave transmissions.

(B) Construction

- (i) The applicant, owner, and/or operator, as part of a commercial WECS construction, shall implement the method or methods determined by the communications study to be the most effective method to minimize interference with public or public serving utility microwave transmissions.

(C) Post Construction

- (i) If, after construction of a commercial WECS, the owner and/or operator receives a written complaint related to interference with the broadcast and/or reception of residential television, telecommunication or microwave transmissions, the WECS owner and WECS operator shall take all additional reasonable steps to mitigate such interference. Interference with private telecommunications system including, but not limited to, Global Positioning System, shall be between the WECS owner and/or WECS operator and the complainant.

(D) Failure To Remedy A Complaint: Penalty

- (i) If an agreement to remedy a known interference is not reached within one hundred eighty (180) days from the date of the written complaint or if an agreement to remedy is reached, however, the agreement is not implemented and completed within thirty (30) days of the date of such agreement i.e. the remedy is not fully implemented by the owner and/or operator of the commercial WECS causing such interference, unless all parties agree in writing to an extension of time, the complainant in the event that the interference is other than with a private telecommunications systems, may file a complaint with the Executive Director of the APC. The Executive Director shall make an appropriate investigation and determine if the complaint is meritorious, and if so, refer the same to the BZA for determination as to whether or not the BZA seek remedies available to it including, but not limited to, fines and/or injunctive relief, temporary or permanent, which may result in an order requiring the offending WECS to be enjoined from operating. The BZA shall have no jurisdiction with regard to a complainant regarding interference with private telecommunications system and the WECS owner and/or operator, however, nothing in the Zoning Ordinance shall preclude such a complainant from seeking any remedy available to a complainant either at law or in

equity, and as there is no administrative remedy for such a complainant, there is no prerequisite administrative action i.e. no exhaustion of an administrative remedy, to preempt or prevent direct action at law or equity by the complainant against the WECS owner and/or operator.

- (ii) In order for a complainant to have a valid complaint, the interference with the broadcast and/or reception of residential television, telecommunication, and/or a microwave transmission which is the subject matter of the complaint, such residential television, telecommunication, or microwave transmission shall have been “in service” on or before the date on which the WECS or any part of the WECS causing such interference is issued an Improvement Location Permit. For purposes of this provision, residential television, telecommunication or microwave transmission, the same shall be considered continuous i.e. “in service” if the preceding owner(s) or possessor(s) of the affected real estate had residential television, telecommunication, and/or microwave transmission on or before the date of issuance of the Improvement Location Permit; notwithstanding a reasonable break not to exceed ninety (90) days of “in service” in order to provide a new owner(s) or possessor(s) the opportunity to obtain such services. The break of “in service” either all or part may occur prior to, or subsequent to, the date of issuance of the Improvement Location Permit, however, the same shall not exceed ninety (90) days. Provided, further, the complainant must have comparable service to that of the preceding owner(s) or possessor(s). The Executive Director shall make this provision part of the investigation of the complaint.

### 16.8.3 Declaration Of Public Nuisance

Any WECS declared unsafe by the Randolph County Building Commissioner by being in breach of, or, out of compliance with its WECS permit(s) may seek to be rehabilitated and declared safe by appropriate repair(s) and other essential steps necessary to eliminate the breach(es) so as to be in compliance with such WECS permit(s). A WECS declared by the Randolph County Building Commissioner by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, abandonment or as provided herein to be determined unsafe, is hereby declared to be a public nuisance. In the absence of such repair and rehabilitation in the time determined reasonable by the Randolph County Building Commissioner which time shall not exceed one hundred eighty (180) days, such WECS shall be demolished and removed in accordance with the approved Decommissioning Plan and Decommissioning Agreement.

## 16.9 Decommissioning

### 16.9.1 Decommissioning Plan and Agreement

Prior to receiving an Improvement Location Permit and Building Permit, under this Ordinance, the applicant, owner and operator shall submit a Decommissioning Plan to the County and shall enter into a Decommissioning Agreement with the County outlining the anticipated means, costs and method of payment of all costs in carrying out such Decommissioning Agreement at the end of the WECS life or the life of any part of a WECS, upon becoming irreparably damaged, upon becoming an abandoned use, or upon being declared a public nuisance as provided by Section 16.8.3.

### 16.9.2 Discontinuation and Abandonment

A WECS shall be considered an abandoned use after one (1) year without energy production, unless a plan developed by the WECS owner and WECS operator is submitted to, and approved

by, the Randolph County Building Commissioner outlining the necessary procedures and time schedule for commencing or returning the WECS to energy production. Failure by the WECS owner and/or operator to commence energy production at such WECS or return such WECS to energy production within the time schedule which has been approved by Randolph County Building Commissioner to conclude the necessary energy production procedures, the WECS shall be considered an abandoned use.

### 16.9.3 Removal

The WECS owner and/or the WECS operator is required to remove all physical material pertaining to the WECS and all improvements of said WECS which is forty (40") inches or less below ground level and removal to not less than forty (40") inches for any WECS facility which is more than forty (40") inches below ground level. All materials shall be so removed within three hundred sixty five (365) days of the discontinuation of energy production subject to 16.9.2, irreparable damage to the facility, abandonment of the WECS, or is an unrehabilitated WECS which has been declared to be a public nuisance pursuant to 16.8.3 and shall, within said time limit, also require the WECS owner and/or WECS operator to restore the WECS area to as near as practicable the condition of the WECS site immediately prior to the beginning of construction of such WECS. All expenses involved in such removal and restoration shall be paid by the WECS owner and WECS operator, or done by Randolph County at the WECS owner's expense and WECS operator's expense as specifically provided by the Decommissioning Agreement. The WECS access roads built on the real property upon which WECS was situated or any access road built to facilitate the WECS in any manner shall be removed; provided, however, that if the then real property owner upon which an access road is situated desires that all or any reasonable part(s) of such access road(s) remain, the owner and operator shall not be required to remove such roads. This provision regarding access road removal shall also apply to Randolph County in the event that Randolph County should carry out the WECS decommissioning.

### 16.9.4 Written Notices

Prior to implementation of any procedures or remedy for the resolution of any WECS owner's and/or operator's failure to decommission the WECS pursuant to the Decommissioning Agreement and the Ordinance, the Board of County Commissioners shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, except upon such longer time to which all said parties agree, for good faith negotiations between the WECS owner and/or operator and the Board of County Commissioners or its duly appointed representative, to resolve the default(s). In the event the negotiations fail to resolve the default issue(s), either party may pursue any and all remedies available by the terms of the Zoning Ordinance, the Decommissioning Plan and Decommissioning Agreement.

### 16.9.5 Costs Incurred By The County

In the event the owner and/or operator shall fail to decommission the WECS in accordance with the Zoning Ordinance and the Decommissioning Plan and Decommissioning Agreement, the owner and/or operator shall pay all costs incurred by the County to remove the WECS. The County shall be entitled to apply the salvage value of the WECS to the costs of removal.



## 16.10 Liability Insurance

The owner and operator of a WECS shall maintain a general liability policy covering death, bodily injury and property damage and shall be required to name Randolph County, Indiana, its agents and employees as additional insureds, and said policy shall carry dollar amounts satisfactory to the Board of County Commissioners and with agreed upon dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner and operator and said Board of County Commissioners and provided in the Decommissioning Agreement or other appropriate plan or agreement between the Board of County Commissioners and WECS owner and WECS operator.

The Board of County Commissioners shall be authorized to require the WECS owner and/or operator to furnish a certificate of insurance and annual renewal certificate of insurance pursuant to this provision. The Board of County Commissioners may require the certificate of insurance and any renewal certificate at a time agreed between the Board of County Commissioners and WECS owner and/or operator, provided, however, the Board of County Commissioners may require the certificate of insurance as part of the application procedures or at such earlier time that said Commissioners believe the same to be necessary and appropriate.

## 16.11 Application Procedures

Permits and variances shall be applied for and reviewed under the procedures established by this Ordinance.

### 16.11.1 Applications for All Wind Energy Conversion Systems

An application for all WECS and WECS facilities shall include the following information:

- (i) **Contact Information of WECS Applicant:**  
The name(s), address(es), telephone number(s) and e-mail address(es) (if available) of the applicant(s), together with a description of the applicant's business structure and overall role in the proposed project.
- (ii) **Contact Information of WECS Owner:**  
The names(s), address(es), telephone number(s) and e-mail address(es) (if available) of the WECS owner(s), together with a description of the owner's business structure and overall role in the proposed WECS, and documentation of real estate ownership of any real property upon which any part of the proposed WECS is to be located. The WECS owner shall inform the Executive Director of the APC of any change of WECS ownership, in whole or in part, and shall furnish the required information regarding such owner.
- (iii) **Contact Information of WECS Operator:**  
The name(s), address(es), telephone number(s) and e-mail address(es) (if available) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project. The WECS operator shall inform the Executive Director of the APC of any change of the WECS operator and furnish the required information regarding such operator.
- (iv) **Legal Description:**  
The legal description and the 911 Emergency Address of the real property upon which the WECS is to be located and general location of the WTG towers and WECS facilities and improvements on such property.
- (v) **WECS Description**  
A WECS description, including to the extent possible, information on each WTG tower proposed, including, but not limited to, the following:

1. Number of turbines;
  2. Type of towers;
  3. Name plate generating capacity;
  4. WTG tower height;
  5. Rotor diameter;
  6. Total Height;
  7. Anchor base;
  8. The means of interconnecting with the electrical grid;
  9. The potential equipment manufacturer(s); and,
  10. All accessory structures.
- (vi) **Site Plan**  
A site plan, drawn to scale, including distances pertaining to all applicable setback requirements. All drawings shall be at a scale of one (1") inch equals thirty (30') feet (1 inch = 30 feet). Any other scale must be approved by the Executive Director of the APC. No individual sheet or drawing shall exceed twenty four (24") inches by thirty six (36") inches without the prior consent of said Executive Director.
- (vii) **Randolph County Inspection/Approval Building**  
This subparagraph i.e. (vii) shall have application only to non-commercial WECS and micro-WECS. Upon receipt of an application for a non-commercial WECS or micro-WECS, the Building Commissioner shall visit the site of the proposed non-commercial WECS or micro WECS. The Building Commissioner shall inspect the site, the WECS' location, proposed foundation, and base in the event of a pole-type WECS, guy wires and any other part or component the proposed design and any other matter pertaining to such non-commercial WECS or micro-WECS, which the Building Commissioner shall deem necessary and appropriate in order to obtain and maintain, structural integrity of the WECS, safety to the owner and neighbors and general public with regard to the maintenance, operation and use of such WECS. That the applicant shall implement, comply and construct the WECS in conformity with the determinations, directions, modifications and orders of the Building Commissioner. The Building Commissioner may come upon the premises upon which such WECS is being constructed at all reasonable times to and including the time of the incident submission of the application to the completion of such WECS and any issuance of final approval and authorization in order to permit the WECS to become operational. That the provisions included in this subparagraph 16.11.1 (vii) shall have no application to commercial WECS.
- (viii) **Proof of Correspondence and Cooperation with Wildlife Agencies:**  
For the purposes of demonstrating compliance with required permits, the applicant shall provide written documentation that the applicant is in direct correspondence, cooperation and in compliance and shall remain in compliance with all regulations and requirements of the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. The applicant shall also directly correspond with the local Farm Service Agency, and any regulations and requirements of the Farm Service Agency together with any regulations and requirements of the U.S. Fish and Wildlife Service and Indiana Department of Natural Resources which can be properly and adequately handled by, or through, said Farm Service Agency may be done through said agency.
- (ix) **Other Information:**  
All other information reasonably requested by the BZA, APC and Executive Director of the APC.

#### 16.11.2 Applications for Non-Commercial Wind Energy Conversion Systems

In addition to the application requirements listed in 16.11.1, applications for non-commercial WECS shall include, but not be limited to, the following information:

- (i) **Demonstration of Energy Need:**  
The primary purpose of the production of energy from a non-commercial WECS shall be to serve the energy needs of the tract or parcel of real property upon which the WECS is to be located. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of the WTG towers fulfill this need. Net-Metering may be allowed, but net metering to the extent that the primary purpose of the applicant's WECS is to produce energy in excess of demonstrated need shall not be the sufficient basis upon which to approve or permit a non-commercial WECS.
- (ii) **Statement of FAA compliance:**  
A statement of compliance with all applicable FAA rules and regulations, including, to an airport and a copy of the FAA's response to a submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1).
- (iii) **Utility notification:**  
No non-commercial WECS application shall be approved until written evidence has been provided that each local utility company has been informed of the applicant's intention to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (iv) **Compliance with National Electrical Code:**  
A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. (This information is frequently supplied by the manufacturer.)
- (v) **Noise profile in conformity with Subsection 16.7.3**

### 16.11.3 Applications for Commercial Wind Energy Conversion Systems

In addition to the application requirements listed in 16.11.1, applications for commercial WECS shall include the following information:

#### A.(i) Engineering Certification

For all commercial WECS and commercial WECS facilities, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the Building Permit Application, that the turbine, foundation and WTG tower designs of the WECS are within accepted professional standards, given local soil and climate conditions. An engineering analysis of each WTG tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including, but not limited to, the WTG tower, base and footings.

#### A.(ii) A Preliminary Site Plan

In place of a site plan provided by 16.11.1(vi), a commercial WECS shall include a preliminary site plan, drawn to scale as provided in 16.11.1(vi), including distances, and certified by a registered land surveyor, and shall illustrate the following:

1. Property lines upon tract(s) subject to the application, together with property lines and with the names of owners of record of each adjacent or adjoining tract(s).
2. The latitude and longitude of each individual wind turbine, along with individual identification of each WECS.
3. Dimensional representation of the structural components of the tower construction including, but not limited to, the base and footings.
4. Location and name/number of WECS public road and any WECS access road(s).
5. Statement of FAA compliance:

A statement of compliance with all applicable FAA rules and regulations, including, but not limited to, any necessary approvals for installations within close proximity to an airport and a copy of the FAA's response to a submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1).

6. Substations: dimensions and location
7. Switchyards: dimensions and locations
8. Electrical cabling
9. Ancillary equipment
10. Any structure within one quarter (1/4) mile of the proposed WECS.
11. Setback lines  
Distances from each individual WTG tower to each setback requirement.
12. Location and number/name of all roads which abut, or traverse the proposed site.
13. The location of all above-ground utility lines upon public property, upon a right-of-way, or upon private property within a distance of two (2) times the height of any proposed WECS structure.
14. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one (1) mile of a proposed WECS.
15. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one (1) mile of a proposed WECS.
16. All other information reasonably requested by the BZA, APC and Executive Director of the APC.

B. Topographic Map

A USGS topographical map, or map with similar data, of the property and the surrounding area, including, but not limited to, any other WECS property or WTG tower within ten (10) rotor distance, but no less than a one quarter (1/4) mile radius from the proposed WECS site, with contours of not more than five (5') foot intervals.

C. Noise Profile In Conformity With Subsection 16.7.3.

- D. Location of all known WTG towers within a one (1) mile radius of the proposed WECS, including a written description of the potential impacts on any existing WECS within said one (1) mile radius and wind resources on adjacent or adjoining properties whether or not there are existing WECS located upon the adjacent or adjoining property

E. Copy Of The Communications Study

F. Landowner Agreements

1. A Memorandum of Agreement for all agreements of any description signed by participating landowners authorizing the placement of the identified WECS on landowner's property.
2. Fully executed Setback Waiver Agreements, if applicable, signed by non-participating landowners for adjoining or adjacent property.
3. An executed copy of any other waiver agreement signed by participating or non-participating landowner(s).

#### 16.11.4 Applications for all Meteorological Towers and Operational Support Meteorological Tower

In addition to the application requirements listed in 16.11.1, applications for Meteorological Towers and Operational Support Meteorological Towers shall include the following information:

##### A. Agreement

A copy of the agreement by which the landowner has authorized the placement of a Meteorological Tower and/or Operational Support Meteorological Tower on landowner's property. All confidential information may be redacted from such agreement.

##### B. Preliminary Site Plan

A preliminary site plan with distances drawn to the appropriate scale set forth in 16.11.1 (vi) including, but not limited to, the following:

1. Property lines upon tract(s) subject to the application, together with property lines and with the names of owners of record of each adjacent or adjoining tract.
2. The latitude and longitude of each individual Meteorological Tower or Operational Support Meteorological Tower.
3. Dimensional representation of the structural components of the tower construction, including, but not limited to, the base and footings.
4. Electric cabling.
5. Ancillary equipment.
6. Required setback lines.
  - (i) Distance from each individual Meteorological Tower or Operational Support Meteorological Tower to each setback requirement.
7. Location and number/name of all roads which abut or traverse the proposed site.
8. The location of all above-ground utility lines upon public property, upon a right-of-way or upon private property within a distance of two (2) times the height of any proposed Meteorological Tower or Operational Support Meteorological Tower.
9. The location of all underground utility lines.
10. All other information reasonably requested by the BZA, APC and the Executive Director of the APC.

##### C. Approval

The Administrator will review the application requirements set down in 16.11.4 for each MET tower and will provide written approval upon the satisfactory completion of said requirements. Decisions of the Administrator may be appealed to the BZA.

#### 16.11.5 Aggregated WECS Applications

Aggregated WECS may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and reviews, and as appropriate, approvals. All permits shall be issued pursuant to Article 16.11.7.

#### 16.11.6 Fees

- A. Commercial WTG towers, non-commercial WTG towers, micro WTG towers Meteorological Towers Operational Support Meteorological Towers, and any WECS accessory buildings, structures or facilities:

As prescribed by the County's Official Schedule of Fees.

- B. Aggregated WECS

Applications shall be assessed fees for each WECS construction phase as prescribed by the County's Official Schedule of Fees.

#### 16.11.7 Improvement Location Permit and Building Permit

- A. Commercial WTG Towers, Non-Commercial WTG towers, Micro WTG towers, Meteorological Towers, Operational Support Meteorological Towers, and WECS Accessory Buildings, Structures or Facility(ies):

1. All application requirements as set forth in Subsection 16.11, APPLICATION PROCEDURES, together with all other applicable requirements of this Article and the Zoning Ordinance, shall be completed and approved by all required authorities, federal, state and local, before an Improvement Location Permit or Building Permit is issued.

- B. Aggregated WECS

For aggregated WECS, Improvement Location Permits and Building Permits shall be issued individually for each WTG tower, Meteorological Tower and Operational Support

Meteorological Tower upon meeting the requirements of this Article and any other applicable provisions of the Zoning Ordinance and compliance with all agreements applicable to the WECS contemplated by this Zoning Ordinance.

#### 16.12 Pre-Construction Requirements For Non-Commercial Wecs

The Executive Director of the APC shall determine from the requirements set forth in Subsection 16.13 which requirements shall be complied with by the applicant, owner or operator prior to issuance of an Improvement Location Permit or a Building Permit for a non-commercial WECS. The Executive Director of the APC may, upon proper agenda notice, assign any question, general or as to a specific non-commercial WECS application, for discussion and/or instruction from the BZA. An applicant for a non-commercial WECS may appeal the requirement, decision or determination of the Executive Director in the manner prescribed by applicable Rules of the BZA, the Zoning Ordinance and statute(s).

#### 16.13 Pre-Construction Requirements For Commercial Wecs

That prior to the issuance of an Improvement Location Permit and a Building Permit, and in addition to all other application requirements and any other requirements for the applicant, owner and/or operator to be in compliance with the Zoning Ordinance, the following shall be submitted to the Executive Director of the APC:

(A) Form, Content and Title of Agreements

The plans and agreements set forth in Subsections 16.13.1 (Decommissioning Plan and Decommissioning Agreement), 16.13.2 (Economic Development, Drainage, and Road Use and Maintenance Agreements), 16.13.3 (Erosion Control Plan), 16.13.4 (Utility Plan), 16.13.5 (Avoidance and Mitigation of Damages to Public Infrastructure), 16.15 (Construction Requirements) and 16.16.1 (Road Repairs) may be merged into one or more agreements. Any agreement title or document name/designation made by the parties shall be sufficient provided such plans and agreements are in compliance with the requirements of the Zoning Ordinance and all other requirements of applicable federal, state and local laws, rules, regulations and ordinances.

16.13.1 Decommissioning Plan and Decommissioning Agreement

(A) Decommissioning Plan and a Decommissioning Agreement

16.13.2 Economic Development, Drainage, and Road Use and Maintenance Agreements

An Economic Development Agreement, a Drainage Agreement, and a Road Use and Maintenance Agreement approved by the Board of County Commissioners of Randolph County, Indiana. The Economic Development Agreement shall be developed in conjunction with the Randolph County Community Economic Development Foundation. The Drainage Agreement must prescribe or reference provisions to address crop and field tile damages and repairs thereof.

16.13.3 Erosion Control Plan

An erosion control plan developed in consultation with the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction(s).

16.13.4 Utility Plan

A utility plan drawn to the same scale as the site plan illustrating the location of all underground utility lines associated with the entire WECS.

16.13.5 Avoidance and Mitigation of Damages to Public Infrastructure

In addition to complying with the approved Road Use and Maintenance Agreement, an applicant, owner, and/or operator proposing to use any county road(s), for the purposes of transporting any component of a commercial WECS, substation and/or any other equipment for the construction, operation or maintenance of a commercial WECS shall comply with the following pre-construction requirements.

(i) Identification of road and services

All roads and services, to the extent that all proposed routes that will be used for transportation of construction materials, construction of the WECS, and/or maintenance of the WECS shall be identified. If the route includes a public road, such route shall be approved by the Randolph County Highway Department Superintendent.

(ii) Pre-construction survey

The applicant, owner and/or operator shall conduct a pre-construction baseline survey in coordination with, and acceptable to, the Randolph County Highway Superintendent and

such survey shall be a part of the Road Use and Maintenance Agreement to determine existing road conditions for assessing current needed improvements and potential future damage. The survey shall include, but not be limited to, photographs, and/or video, or a combination thereof, and a written agreement to document the condition of the public facility as the same exists on the date of the baseline survey.

#### 16.14 Amendments and Changes To The Preliminary Site Plan

Any change of location of any WTG and any material change in the location of other WECS facilities and any material change in the method of the WECS operation shall at the time any such change is made, the same shall be furnished to the Executive Director of the APC, Building Commissioner, Highway Superintendent, County Surveyor and any other person(s) designated and authorized by the Board of County Commissioners.

It shall be the duty and responsibility of the applicant, owner and/or operator to obtain any variance required by such change and to comply with any other requirement necessitated by such change. Any variance required by this Section shall be obtained prior to construction or implementation of such change.

#### 16.15 Construction Requirements

During construction, the applicant shall demonstrate and document to the satisfaction of the Building Commissioner, Highway Superintendent, County Surveyor, Executive Director of the APC and any other person(s) designated and authorized by the Board of County Commissioners, that the following requirements are being met:

##### 16.15.1 Dust control

All reasonable dust control measures required by the Board of County Commissioners during construction of the WECS are being followed together with any additional steps or adjustments for dust control which may from time to time be required by the Board of County Commissioners.

##### 16.15.2 Drainage

Reasonable storm water best management practices as required by the approved Drainage Plan/Agreement.

#### 16.16 Post-Construction Requirements For All Wecs

Post-construction, the applicant shall comply with the following provisions:

##### 16.16.1 Road Repairs

Any road damage caused by the transport of any matter or material utilized in any way regarding the WECS, in the construction of the WECS, the installation of the same, and/or the removal and decommissioning of the same, shall be repaired to the satisfaction of the Randolph County Highway Department Superintendent (as per the Road Use and Maintenance Agreement). The Superintendent may choose to require either remediation of road(s) upon completion of the WECS or said Superintendent is authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be determined by a professional highway engineer selected by the Board of County Commissioners may be required by the Superintendent to insure Randolph County that future repairs are completed to the satisfaction



of the unit(s) of local government. The cost of such bond shall be paid by the WECS applicant, owner and/or operator and said bond shall remain in full force and affect until the Decommissioning Plan and Decommissioning Agreement are fully completed as prescribed by this Zoning Ordinance and the Decommissioning Agreement.

#### 16.16.2 As-Built Plans Requirement

Where upon completion of all development, the exact measurements of the location of utilities, structures and components erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, and/or operator shall submit a copy of the Final Construction Plans (as-built plans), if amended, said Plans shall be submitted as amended, to the Executive Director of the APC with the exact measurements shown thereon. Said Executive Director, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s) or as the same were from time to time amended, shall approve, date and sign said Construction Plans for the WECS, which the applicant, owner, and/or operator shall then record.

#### 16.16.3 Change In Ownership

It is the duty and responsibility of the WECS applicant, WECS owner and/or WECS operator and any subsequent WECS owner and WECS operator, in addition to the notice requirements of any WECS plan(s) and WECS agreement(s) to notify by written affidavit the Executive Director of the APC of any change in the ownership of the WECS or any part of the ownership thereof and/or any change of any description whatsoever in the operation of a WECS during the life of the WECS, to and through the time that the final Decommissioning Plan and Decommissioning Agreement are concluded and all applicable acceptances, releases and performance standards of any description have been met and concluded and accepted by the appropriate local, state, federal or private authority, department, agency, and person(s) and all financial payments or other financial obligations are fully satisfied and all appropriate parties are in receipt thereof. In order for the owner and/or operator to inform said Executive Director of the required information regarding changes as herein provided, said notice shall be sent by certified mail with certified funds for any required recording fees and any other applicable fee(s) to the Executive Director of the Area Planning Commission of Randolph County, Indiana, 325 South Oak Street, Suite 204, Winchester, Indiana 47394, or by personally delivering the same to said Executive Director.

#### 16.17 Definitions

See Article XIII of this Ordinance.

## APPENDIX “A”

### WIND ENERGY CONVERSION SYSTEMS: ZONING DISTRICTS

Micro WECS allowable use:

- Residential, Low Density (AR)
- Agricultural Limited (AL)
- Agricultural Intensive (AI)

Micro WECS will require Conditional Use approval with BZA in:

- Community Commercial (C2)
- Community Regional (C3)
- Light Industrial (M1)
- General Industrial (M2)

Non-Commercial WECS will require Conditional Use approval with BZA in:

- Residential, Low Density (AR)
- Agricultural Limited (AL)
- Agricultural Intensive (AI)
- Community Commercial (C2)
- Community Regional (C3)
- Light Industrial (M1)
- General Industrial (M2)

Commercial WECS allowable use:

- Residential, Low Density (AR)
- Agricultural Limited (AL)
- Agricultural Intensive (AI)

Commercial WECS will require Conditional Use approval with BZA in:

- Community Commercial (C2)
- Community Regional (C3)
- Light Industrial (M1)
- General Industrial (M2)

All types of Wind Energy Conversion Systems will not be allowed in:

- Residential, Medium Density (R1)
- Residential, High Density, Urban (R2)
- Residential, High Density (R3)
- Neighborhood Commercial (C1)



## ARTICLE XVII

### Tower Regulations

#### 17.0 Intent

The intent of the following standards is to provide sensible and reasonable use of land for towers such as telecommunication (radio, television, cellular, and etc.) and/or primary communication towers and their facilities. (Wind Energy Conversion Systems Facility(ies) are covered in Article XVI.) It is also intended to encourage sharing of telecommunication towers to make the best use of every tower location. To promote public safety by regulating structural standards permitted locations, height, fencing and setbacks. Lastly, these standards are intended to minimize adverse, undesirable visual effects of towers through careful design and siting.

#### 17.1 Permit Required

An Improvement Location Permit shall be required prior to the construction, erection, placement, modification or alteration of a tower. A Tower Application must be submitted for all towers over one hundred (100) feet.

#### 17.2 Location

The location of towers shall be permitted in all zoning districts within Randolph County Indiana.

A. Such Towers And Facilities Shall Be Located According To The Following Order Of Preference:

1. Co-location on existing buildings, towers or other structures.
2. New tower in agriculture district.
3. On existing public/semi-public buildings, lands, towers or other structures such as water towers or utility poles.
4. On existing privately owned buildings such as grain legs or tall commercial structures.
5. New tower in industrial or commercial districts, not near residential areas.
6. New tower in commercial districts near residential areas.
7. New tower in residential district.

B. Reasons For Not Locating On A Preferred Site Would Include, But Not Be Limited To, The Following:

1. Unwillingness of the site owner to entertain a communication facility;
2. Economically impractical;
3. Topographic limitations of the site;
4. Adjacent impediments that would obstruct adequate telecommunications transmission;
5. Physical site constraints that would preclude the construction of a telecommunication facility.
6. Technical limitations of the telecommunication system;
7. Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's telecommunication network;
8. Co-location reasons listed in 17.5 B

17.3 Application For Tower/Antenna Construction Or Placement Requirements:

- A. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
- B. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical designs of proposed structures, parking, fences, landscape plan and existing land uses on adjacent property [site plan not required if antennae is to be mounted on an approved existing structure].
- C. A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the area.
- D. A report from a structural engineer registered in Indiana showing the tower antenna capacity by type and number, and a certification that the tower is designed to current federal, state and local codes.
- E. Identification of the owners of all antennae and equipment to be located on the site;
- F. Written authorization from the site owner for the application;
- G. Evidence that a valid FCC license for the proposed activity has been issued.
- H. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- I. A written agreement to remove the tower and/or antenna within the prescribed terms listed in 17.6.
- J. Evidence that applicable conditions in 17.4 are met (including co-location in 17.5).
- K. A 911 address or longitude/latitude coordinates of tower.
- L. Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

17.4 Conditions

Applicant must show that all applicable conditions are met.

- A. The proposed telecommunications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable telecommunications regulations and applicant's technical design requirements.
- B. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.

- C. Applicant must show that the order of preference in 17.2 A was followed in the selection of the proposed site location for valid technical reasons. Co-location is covered in 17.5 of this article.
- D. Applicant must show that a new tower is designed to accommodate co-location of additional wireless telecommunication companies calculated by the following:
  - 1. If the facility/tower is designed to accommodate only one (1) service provider, the maximum height shall be one hundred twenty (120) feet from grade.
  - 2. If the facility/tower is designed to accommodate two (2) service providers, the maximum height shall be one hundred sixty (160) feet from grade.
  - 3. If the facility/tower is over one hundred sixty (160) feet from grade it shall be designed to accommodate no less than three (3) service providers.
  - 4. Agree to allow public safety agencies to occupy up to four (4) antennas free of charge.
- E. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
- F. A tower must not be painted or illuminated unless otherwise provided by state or federal regulations.
- G. A permit for a proposed tower site within one (1) mile radius in an Agriculture district and within half (1/2) mile radius in a residential district, of an existing tower, grain leg or other tall structure shall not be issued unless the applicant certifies that the existing structure does not meet applicant's technical design requirements, or that a co-location agreement could not be obtained. Co-location is covered in 17.5 of this article.
- H. General zoning district regulations except setback and height shall apply to the use. Setback and height conditions in this section apply.
- I. A minimum setback from property lines and public right of ways shall be equal to the height of the tower plus fifty (50) feet, except for non-commercial towers of one hundred (100) feet or less in height which shall have a setback equal to the height of the non-commercial tower.
- J. Equipment shelters shall meet all the general requirements, including setback requirements of the district in which they are located.
- K. A commercial telecommunication tower shall not be sited on a property with a residence.
- L. A maximum height is to be determined by State and Federal regulation and the ability to meet conditions in 17.4 C and 17.4 I.
- M. The proposed tower structure, and any associated structures, or apparatus shall be enclosed in a chain link fenced area. Fencing shall be a minimum of eight (8) feet high and shall have an offset barbed wire top starting at eight (8) feet above ground.
- N. Use of any portion of a telecommunication structure, including fencing, for the purpose of placing any signs other than site information signs or warning signs is prohibited.

- O. “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.

#### 17.5 Co-Location

- A. The developers/owners of any telecommunication equipment shall first attempt to co-locate their equipment onto an existing tower or tall structure. Supply certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be reasonably accommodated. The applicant’s certification shall include a listing of all existing towers and facilities, a description of each existing site, and a discussion of the ability or inability to reasonably co-locate on each existing site according to the following:
  - 1. For a proposed tower in an A-L, A-I or A-R district, all towers and facilities within an eight (8) mile radius of the proposed site.
  - 2. For a tower in a commercial, industrial or residential district, all towers and facilities within one and a half (1 1/2) mile radius of the proposed site.
- B. Reasons for not co-locating on a site would include, but not be limited to, the following:
  - 1. No existing towers or facilities are located within the above radius of the site;
  - 2. Existing towers or facilities are not of sufficient height to meet the applicants engineering requirements.
  - 3. Existing towers or facilities do not have sufficient structural strength to support applicant’s proposed antenna and related equipment.
  - 4. Applicant’s planned equipment would cause radio frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause interference with the applicant’s planned equipment which cannot be reasonably prevented;
  - 5. Unwillingness of the owner of the existing tower or facility to entertain a reasonable co-location proposal;
  - 6. Existing towers or facilities do not provide an acceptable location for requisite coverage for the applicant’s communications network.
- C. The developers/owners of any new tower shall permit co-location of other communication equipment following conditions set forth in 17.4 D. Police and fire departments are exempt from the co-location requirements of section 17.4 D, 17.5 A and 17.5 C. As a condition of granting an application for tower/antenna construction or placement in Randolph County the Board of Zoning Appeals and/or the Area Planning Director shall require a written agreement with the petitioner to allow co-location within the prescribed terms listed in 17.4 D and 17.5 C.

#### 17.6 Decomissioning

- A. If any telecommunication antenna or telecommunication antenna tower structure is discontinued, the owner shall provide the Area Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the telecommunication antenna or telecommunication antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Area Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the telecommunication antenna or telecommunication antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from

submittal of the FCC notice to the Area Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be used within twelve (12) months, the telecommunication antenna or telecommunication antenna tower structure shall be presumed abandoned, and the owner shall obtain within 90 days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned within 60 days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Area Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal. The Area Planning Commission, at time of application for construction, may require posting of a bond covering the cost of removal of the antenna or tower; the bond to be forfeited to the Area Planning Commission upon failure to remove the antenna or tower in a timely manner as required above.

#### 17.7 Approval Required For Application

- A. Filing for an Administrative Review and Approval is required for all towers less than three hundred (300) feet above grade. This process will be conducted by the Director of the Area Planning Department of Randolph County and/or his designee.
- B. Filing for a Special Exception and subsequent approval from the Board of Zoning Appeals is required for:
  - 1. All towers equal to or exceeding three hundred (300) feet above grade.
  - 2. All towers located in a residential district, except for non-commercial towers under one hundred (100) feet.
  - 3. All towers within one thousand (1000) feet of any residential district, except for non-commercial towers under one hundred (100) feet.
- C. Exempt from approval requirements.
  - 1. Removal or replacement of transmission equipment on an existing tower or base station that does not result in substantial modification.
  - 2. Ordinary maintenance of existing facilities and support structure.
  - 3. Wireless facilities placed on utility poles, water towers, grain legs, etc.
  - 4. COWs placed for a period of not more than one hundred twenty (120) days at any location within Randolph County or after a declaration of an emergency or disaster by the Governor.

#### 17.8 Appeal

- A. Any decision of the administrator may be appealed to the BZA by application according to the Rules of Procedure-Board of Zoning Appeals of Randolph County Indiana Article VII, section 2 and 3.

#### 17.9 Fees

- A. There shall be an application fee of five hundred dollars (\$500.00) for all commercial towers.
- B. There shall be an application fee of ten dollars (\$10.00) for all non-commercial towers.





## ARTICLE XVIII

### Variances

A variance is a variation in the development standards and the variations set forth in paragraph 7. of this Article which the Board may grant in certain circumstances according to the provisions set forth from the requirements of the Unified Zoning Ordinance of Randolph County, Indiana, which variation would be in conflict with a literal application Ordinance. A variance shall not include authorizing a use not among the permitted uses specified in this Ordinance for the district in which the property is located.

1. In order that the spirit of this Ordinance may be observed and substantial justice done, the Board of Zoning Appeals may, upon application or appeal, grant the variations set forth in paragraph 7, hereof.
2. The Board shall grant or deny an application for a variance properly filed and which otherwise complies with this Ordinance and the Board's Rules of Procedure.
3. A variance may be approved only upon a determination in writing that:
  - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
  - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and,
  - c. That strict application of the provisions of the Zoning Ordinance will result in practical difficulties in the use of the property.
4. In making its determination as to whether there are "practical difficulties in the use of the property", the Board of Zoning Appeals shall take into consideration the extent to which the following conditions, all favorable to the applicant or appellant, have been established by the evidence:
  - a. That the particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular difficulty upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification; and,
  - c. That the alleged difficulty has not been created by any person presently having an interest in the property.
5. In authorizing a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and will be complied with.
6. In exercising its power, Board of Zoning Appeals may, in conformity with the provisions of the rules, laws of the State of Indiana and of the Zoning Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination made, and to that end shall have all powers of the officer from whom the appeal is taken.

7. Variations from the regulations of the Zoning Ordinance shall be granted by the Board of Zoning Appeals only in accordance with the standards set forth above and may be granted in the following instances only, and in no others:
  - (a) to permit the extension and/or substitution of a nonconforming use as provided in Article II of the Zoning Ordinance.
  - (b) to permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in the Zoning Ordinance for the district in which it is located, provided that such use be of a temporary nature and not involve the erection of a substantial structure, and further provided that an Improvement Location Permit for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period. Further, the Board may include any and all conditions to provide conformity to this Article;
  - (c) to permit extension of any district where the boundary line of a district divides a zoning lot provided that the zoning lot is in single ownership on the effective date of this ordinance;
  - (d) to permit any yard of less dimension than required by the applicable regulations;
  - (e) to permit any building or structure to exceed the height limitations imposed by the applicable regulations;
  - (f) to permit the use of a lot for a use otherwise prohibited because of insufficient lot dimensions or area, but in no event shall the area of the lot be less than ninety (90%) percent of the required lot area;
  - (g) to permit the use of a lot of record which is less than the prescribed zoning lot in lineal and area dimensions but whose frontage is greater than fifty (50%) percent in width of every improved zoning lot on the same block on the same side of the street at the time of construction provided that if such lot or record is in the same ownership on or after the effective date of the Zoning Ordinance as an adjoining unimproved lot on the same street, it shall not be improved with a residential use unless both lots are combined in a single zoning lot for this purpose or unless further subdivision produces the requisite minimum lot width;
  - (h) to permit such other variance, not heretofore provided for, required to expand, alter or renovate institutions of public service, religious, philanthropic or eleemosynary use existing on the date of this amendment; and,
  - (i) any such other duties as may be required by the provisions of the Zoning Ordinance.
8. All variances granted within a flood plain district shall be subject to the requirements of Article VIII, 8.07, in addition to all other requirements for a variance and of a flood plain area.