

**ARTICLE I**  
**(Amended May, 2009)**  
**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 below:

<b>TABLE 1.01</b>	
<b>Zoning District Classifications and Symbols</b>	
<b>A-I</b>	<b>Agricultural, Intensive</b>
<b>A-L</b>	<b>Agricultural, Limited</b>
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

*1 Refer to Article 7.03 for the four symbols used to indicate the nature of PD zoning districts.*

1.02 Establishment of Boundaries

The Zoning District Classifications and Symbols listed in Table 1.01 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 are 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

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 Area Planning Commission of Randolph County, Indiana.

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' 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' district until otherwise changed by the Area Planning Commission, and approved by the legislative body having jurisdiction.

**ARTICLE II**  
**(Amended May, 2009)**  
**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 Restoration of Legally Established Nonconforming Uses, Structures and Buildings

Legally established nonconforming uses, buildings or 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.

2.04 Nonconformity and Discontinuation

The lawful 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 nonconforming use as such use, building or structure existed before the effective date of this ordinance. Provided, however, if such 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 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.

2.05 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.

2.06 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.

2.07 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.

2.08 Nonconforming Use Repair and Alteration

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

2.09 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 Area Planning Commission as evidenced by resolution of record.

2.10 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.

2.11 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, 3.02.1, 3.03.1, or 3.04.1. 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><u>TABLE 3.01.3</u></b> <b><u>Agricultural Limited Primary Uses</u></b>
<u>Single family residence, manufactured homes, modular homes and mobile homes</u>
<u>Barns, sheds, storage buildings and similar structures utilized in an agricultural enterprise</u>
<u>Commercial greenhouses and plant nurseries, including retail sales of products grown on the site</u>
<u>Fish hatcheries, lakes and ponds</u>
<u>Forests, forest propagation nurseries, arboretums</u>
<u>Granaries, grain process and milling for seed or feed</u>
<u>Grazing or feeding of livestock for animal increases or value increase</u>
<u>Production of grains, grasses, plants, vines and orchards</u>
<u>Stands for the sale of agricultural products</u>
<u>Truck gardens and related field crops, mushroom cellars, general gardening and apiaries</u>

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

<b><u>TABLE 3.01.2</u></b> <b><u>Agricultural Limited Accessory Uses</u></b>
<u>Amateur radio sending and receiving antennas and amateur radio antenna support structures</u>
<u>Barns, silos, granaries and similar agricultural storage buildings</u>
<u>Common recreational facilities</u>
<u>Child care home</u>
<u>Foster family care</u>
<u>Game courts</u>
<u>Home occupation</u>
<u>Off-street parking areas</u>
<u>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</u>
<u>Private swimming pools</u>
<u>Residential occupancy by domestic employees whose primary duties are performed on the premises</u>
<u>Satellite dish antennas</u>
<u>Signs (See Tables 3.11.1 and 3.11.2)</u>
<u>Storage or parking of accessory vehicles only within enclosed buildings or roofed structures</u>
<u>Underground storage rooms</u>

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 accessory buildings and structures not essential to an agricultural enterprise 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 unless attached to said primary structure. See Table 3.04.

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><u>TABLE 3.01.3</u></b> <b><u>Agricultural Limited Conditional Uses</u></b>
<u>Agricultural equipment sales and services</u>
<u>Athletic fields and courts, public and private</u>
<u>Cemetery, crematory, mausoleum</u>
<u>Church, convent, monastery, rectory, parish hall, synagogue</u>
<u>Country club, golf course, including commercially operated driving range and miniature golf</u>
<u>Fraternal or religious institution – building and grounds</u>
<u>Private recreational development</u>
<u>Public park, public playground and public community center</u>
<u>Parking, off-site for business or industrial uses</u>
<u>School</u>
<u>Commercial towers and antennas: radio, television and communications, primary communication tower</u>
<u>Municipal sewage disposal facilities and water reservoir, excluding accessory lakes and ponds</u>

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><u>TABLE 3.01.4</u></b> <b><u>Agricultural Limited Special Exception Uses</u></b>
<u>Advertising or billboard signs<sup>1</sup></u>
<u>Airports or aircraft landing field and heliports</u>
<u>Art gallery, museum</u>
<u>Child Care Center</u>
<u>Hospital, sanitarium</u>
<u>Institution for children</u>
<u>Land fill</u>

<a href="#">Public library</a>
<a href="#">Mobile home park</a>
<a href="#">Nursing home, senior citizen living facilities and center, assisted living center</a>
<a href="#">Private club or lodge</a>
<a href="#">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</a>
<a href="#">Sand and gravel mining</a>

*1 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.*

### 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:

**TABLE 3.03**  
**Minimum Lot Area and Dimensions**

<u>Use</u>	<u>Lot Area</u>	<u>Street Frontage</u>	<u>Lot Width*</u>
<u>Residence</u>	<u>2 acres</u>	<u>40 feet</u>	<u>100 feet</u>
<u>Livestock Grazing or Feeding</u>	<u>5 acres</u>	<u>none</u>	<u>none</u>
<u>All other uses provided in Tables 3.01.1, 3.01.2, 3.01.3 and 3.01.4</u>	<u>5 acres</u>	<u>none</u>	<u>none</u>

*\* As measured at the front building line.*

### 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:

**TABLE 3.04**  
**Minimum Front Setbacks**

<u>Limited Access or Interstate Highway</u>	<u>100 feet</u>
<u>Primary Arterial</u>	<u>50 feet</u>
<u>Secondary Arterial</u>	<u>40 feet</u>
<u>Collector Street</u>	<u>30 feet</u>
<u>Local Street</u>	<u>25 feet</u>
<u>Cul-de-sac Street</u>	<u>20 feet</u>

### 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><u>TABLE 3.05</u></b> <b><u>Minimum Side and Rear Setbacks</u></b>		
<b><u>Use</u></b>	<b><u>Side Setback</u></b>	<b><u>Rear Setback</u></b>
<u>Residence</u>	<u>15 feet</u>	<u>35 feet</u>
<u>Storage building, residential and agricultural</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Livestock and poultry buildings (excluding confinement buildings of any type)</u>	<u>15 feet<sup>1</sup></u>	<u>15 feet<sup>1</sup></u>
<u>Lakes and ponds<sup>2</sup></u>	<u>50 feet</u>	<u>50 feet</u>
<u>Structures and Buildings for Conditional and Special Exception Uses</u>	<u>As determined by the BZA</u>	

*1 The side and rear setback shall be 100 feet if adjacent to a residential zoning district.*

*2 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><u>TABLE 3.07</u></b> <b><u>Maximum Height<sup>1</sup></u></b>	
<u>Residences</u>	<u>35 feet</u>
<u>Detached garages and storage buildings<sup>2</sup></u>	<u>20 feet</u>
<u>Structures and Buildings for Conditional and Special Exception Uses</u>	<u>As determined by the BZA<sup>3</sup></u>

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

*2 Excluding storage buildings used in an agricultural enterprise.*

*3 The height of commercial towers and antennas for radio, television and communications, and primary communications tower, shall not exceed 150 feet unless otherwise approved by the Federal Communications Commission and, in addition to the minimum required front, side and rear setbacks as required herein, one additional foot of setback is required for each additional foot above 150 feet of height.*

### 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><u>TABLE 3.08</u></b> <b><u>Agricultural Parking</u></b>	
<b><u>Use</u></b>	<b><u>Requirement</u></b>
<u>Residence</u>	<u>2 per dwelling unit</u>
<u>Truck Gardens and open produce stands</u>	<u>3</u>

<u>Covered and Enclosed or partially enclosed produce stands</u>	<u>The greater of three (3) or one (1) for each 100 square feet covered, enclosed or partially covered or partially enclosed area</u>
<u>Conditional and Special Exception Uses</u>	<u>As determined by the BZA</u>

### 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><u>TABLE 3.11.1</u></b>			
<b><u>Permitted Agricultural Limited Signs</u></b>			
<b><u>Activity</u></b>	<b><u>Front Setback<sup>1</sup></u></b>	<b><u>Area<sup>2</sup></u></b>	<b><u>Height</u></b>
<u>Home Occupation</u>	<u>5 feet</u>	<u>4 square feet</u>	<u>4 feet</u>
<u>Greenhouse, plant nursery</u>	<u>15 feet</u>	<u>32 square feet</u>	<u>10 feet</u>
<u>Truck garden, produce stand</u>	<u>5 feet</u>	<u>9 square feet</u>	<u>4 feet</u>
<u>Temporary real estate</u>	<u>15 feet</u>	<u>9 square feet</u>	<u>3 feet</u>
<u>Weekend directional<sup>3</sup></u>	<u>2 feet</u>	<u>1 square foot</u>	<u>2 feet</u>

<u>Seed advertising<sup>4</sup></u>	<u>2 feet</u>	<u>1 square foot</u>	<u>2 feet</u>
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1 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.

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

3 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.

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

1 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.

2 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.

### **3.12 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 maybe 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-12.(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><u>TABLE 3.I-01.1</u></b>	
<b><u>Agricultural Intensive Primary Uses</u></b>	
<u>Single-family residence, modular homes, manufactured homes and mobile homes</u>	
<u>Barns, sheds, storage buildings and similar structures utilized in an agricultural enterprise</u>	
<u>Commercial greenhouses and plant nurseries, including retail sales of products grown on site</u>	
<u>Fish hatcheries, lakes and ponds</u>	
<u>Forests, forest propagation nurseries, arboretums</u>	
<u>Granaries, grain process and milling for seed or feed</u>	
<u>Grazing or feeding of livestock for animal increases or value increase</u>	
<u>Confinement Operations: Confined Feeding Operations &amp; Concentrated Animal Feeding Operations (as defined by the Zoning Ordinance)</u>	
<u>Production of grains, grasses, plants, vines and orchards</u>	
<u>Stands for the sale of agricultural products</u>	
<u>Truck gardens and related field crops, mushroom cellars, general gardening and apiaries</u>	

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

<b><u>TABLE 3.I-01.2</u></b>	
<b><u>Agricultural Intensive Accessory Uses</u></b>	
<u>Amateur radio sending and receiving antennas and amateur radio antenna support structures</u>	
<u>Barns, silos, granaries and similar agricultural storage buildings</u>	
<u>Child care home</u>	
<u>Foster family care</u>	
<u>Game courts</u>	
<u>Home occupation</u>	
<u>Off-street parking areas</u>	
<u>Private swimming pools</u>	
<u>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.</u>	
<u>Residential occupancy by domestic employees whose primary duties are performed on the premises</u>	
<u>Satellite dish antennas</u>	
<u>Signs (See Tables 3.I-11.1. and 3.I-11.2.)</u>	
<u>Storage or parking of accessory vehicles only within enclosed buildings or roofed structures</u>	
<u>Underground storage rooms</u>	

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. Accessory buildings and structures not essential to an agricultural enterprise shall be located no closer to the front lot line than the residential structure unless attached to said residential structure. See Table 3.I-04.

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><u>TABLE 3.I-01.3.</u></b> <b><u>Agricultural Intensive Conditional Uses</u></b>
<u>Agricultural equipment sales and service</u>
<u>Athletic fields and courts, public or private</u>
<u>Cemetery, crematory, mausoleum</u>
<u>Church, convent, monastery, rectory, parish hall, synagogue</u>
<u>Common recreational facility, private recreational development</u>
<u>Country club, golf course, including commercially operated driving range and miniature golf</u>
<u>Fraternal or religious institution – buildings and grounds</u>
<u>Public park, public playground and public community center</u>
<u>Parking, off-site for business or industrial uses</u>
<u>School</u>
<u>Commercial towers and antennas: radio, television and communications, primary communication tower</u>
<u>Municipal sewage disposal facilities and water reservoir, excluding accessory lakes and ponds</u>

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><u>TABLE 3.I-01.4</u></b> <b><u>Agricultural Special Exception Uses</u></b>
<u>Advertising or billboard signs<sup>1</sup></u>
<u>Art gallery, museum</u>
<u>Airports or aircraft landing field and heliports</u>
<u>Child Care Center</u>
<u>Hospital, sanitarium</u>
<u>Institution for children</u>
<u>Land fill</u>
<u>Public Library</u>
<u>Mobile home park</u>
<u>Nursing home, senior citizen living center or facility, assisted living center</u>
<u>Private club or lodge</u>
<u>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</u>
<u>Sand and gravel mining</u>

*1 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.*

**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:

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

<u>Use</u>	<u>Lot Area</u>	<u>Street Frontage</u>	<u>Lot Width<sup>1</sup></u>
<u>Residence*</u>	<u>2 acres</u>	<u>40 feet</u>	<u>100 feet</u>
<b><u>Confined Feeding Operation or Concentrated Animal Feeding Operation**</u></b>	<u>40 acres</u>	<u>40 feet</u>	<u>100 feet</u>
<u>All other uses provided by Tables 3.I-01.1, 3.I-01.2, 3.I-01.3 and 3.I-01.4***</u>	<u>40 acres</u>	<u>40 feet</u>	<u>100 feet</u>

*1 As measured at the front building line.*

*\*The minimum lot area for residence use shall be two (2) acres. There shall be no variance granted to reduce said two (2) acres requirement.*

***\*\* The minimum lot area allowed to be granted by variance by the Board of Zoning Appeals for a Confined Feeding Operation or Concentrated Animal Feeding Operation shall be no less than ten (10) acres. There shall be no variance granted to reduce said ten (10) acres requirement.***

\*\*\* The minimum lot size, except as otherwise provided herein, allowed to be granted for all other uses provided in Table 03.I-03 shall be determined by the Board of Zoning Appeals consistent with all provisions of Article III-I. The minimum lot area for any other use in Article III.I Agricultural Intensive District shall be no less than two (2) acres. There shall be no variance granted to reduce said two (2) acre requirement.

### 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:

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

<u>Limited Access or Interstate Highway</u>	<u>100 feet</u>
<u>Primary Arterial</u>	<u>50 feet</u>
<u>Secondary Arterial</u>	<u>40 feet</u>
<u>Collector Street</u>	<u>30 feet</u>
<u>Local Street</u>	<u>25 feet</u>
<u>Cul-de-sac Street</u>	<u>20 feet</u>

### 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:

**TABLE 3.I-05**  
**Minimum Side and Rear Setbacks <sup>1</sup>**

<u>Use</u>	<u>Side Setback</u>	<u>Rear Setback</u>
<u>Residence</u>	<u>15 feet</u>	<u>35 feet</u>
<u>Storage building, residential and agricultural</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Non-Confined Feeding or Non-Concentrated Animal Feeding Livestock and poultry buildings</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Lakes and ponds <sup>1</sup></u>	<u>50 feet</u>	<u>50 feet</u>
<u>Structures and Buildings for Conditional and Special Exception Uses</u>	<u>As determined by the Board of Zoning Appeals</u>	

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

### 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:

<u><b>TABLE 3.I-07 Maximum Height<sup>1</sup></b></u>	
<u>Residences</u>	<u>35 feet</u>
<u>Detached garages and storage buildings<sup>2</sup></u>	<u>20 feet</u>
<u>Structures and Buildings for Conditional and Special Exception Uses</u>	<u>As determined by the Board of Zoning Appeals<sup>3</sup></u>

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

*2 Excluding storage buildings used in an agricultural enterprise.*

*3 The height of towers and antennas for radio, television and communications, primary communication tower, shall not exceed 150 feet unless otherwise approved by the Federal Communications Commission and, in addition to the minimum required front, side and rear setbacks as required herein, one additional foot of setback is required for each additional foot above 150 feet of height.*

### 3.I-08 Parking

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

<u><b>TABLE 3.08.I Agricultural Parking</b></u>	
<u>Use</u>	<u>Requirement</u>
<u>Residence</u>	<u>2 per dwelling unit</u>
<u>Truck Gardens and open produce stands</u>	<u>3</u>
<u>Covered and Enclosed or partially covered or partially enclosed produce stands</u>	<u>The greater of three (3) or one (1) for each 100 square feet covered or enclosed or partially covered or partially enclosed area</u>

<u>Conditional and Special Exception Uses</u>	<u>As determined by the Board of Zoning Appeals</u>
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### 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. 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, provided no fencing shall exceed the provisions of this subsection.

### 3.I-11 Signs

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

<b><u>TABLE 3.I-11.1</u></b>			
<b><u>Permitted Agricultural Signs</u></b>			
<b><u>Activity</u></b>	<b><u>Front Setback<sup>1</sup></u></b>	<b><u>Area<sup>2</sup></u></b>	<b><u>Height</u></b>
<u>Home Occupation</u>	<u>5 feet</u>	<u>4 square feet</u>	<u>4 feet</u>

<u>Greenhouse, plant nursery</u>	<u>15 feet</u>	<u>32 square feet</u>	<u>10 feet</u>
<u>Truck garden, produce stand</u>	<u>5 feet</u>	<u>9 square feet</u>	<u>4 feet</u>
<u>Temporary real estate</u>	<u>15 feet</u>	<u>9 square feet</u>	<u>3 feet</u>
<u>Weekend directional<sup>3</sup></u>	<u>2 feet</u>	<u>1 square foot</u>	<u>2 feet</u>
<u>Seed advertising<sup>4</sup></u>	<u>2 feet</u>	<u>1 square foot</u>	<u>2 feet</u>

*1 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.*

*2 Only one side of a double-faced sign shall be used in calculating the permitted area.*

*3 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.*

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

*1 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.*

*2 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.*

### **3.I-12. Local Permitting Standards for Confinement Operations: Confined Feeding Operation (CFO) and Concentrated Animal Feeding Operation (CAFO)**

1. **LOCAL STANDARDS:** The local permitting standards for 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 set back 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) **No Confinement Operation** of 340 to 519 animal units is allowed to be sited within 870 feet of a residence.
  - (d) **No Confinement Operation** of 520 to 699 animal units is allowed to be sited within 1000 feet of a residence.
  - (e) **No Confinement Operation** of 700 to 1400 animal units is allowed to be sited within 1500 feet of a residence.
  - (f) **No Confinement Operation** of 1401 or more animal units is allowed to be sited within 2000 feet of a residence.
  - (g) **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.(c), 1.(d), 1.(e), and 1.(f).
  - (h) **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.(c), 1.(d), 1.(e), and 1.(f). 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.
  - (i) **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. (i), school shall mean the structure(s) which is the improvement situate 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.

- (j) 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.

## **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-12.1.(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-12.1(c),.1.(d),.1.(e) and 1.(f), 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-12.1.(g).
- (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-12.1.(h).
- (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-12.1.(i).

## **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 \*\*) 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 or related to the issue(s) submect 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 prescribed by said Executive Director may be amended or 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.
  
- (d) 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 see that a person furnishes the required notice of hearing or that any person who receives such notice 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 1) and record that number in column 2.
2. Multiply the number in column 2 by the “animal unit factor” in column 3 to give the number of animal units by animal type. Record this number in column 4.
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 4 to get the total number of animal units for your facility.

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

Animals are confined for forty-five (45) days or more of a year, consecutive or nonconsecutive; and the confinement area is covered with less than fifty percent (50%) vegetation; and the number of animals exceeds the levels detailed below.

1. Three hundred (300) mature cow 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 (dry manure system).

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

Means animal feeding 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 weighting 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:

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

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 Area Planning Commission as evidenced by resolution of record:

<b>TABLE 4.01.1</b> <b>Residential Primary Uses and Districts</b>	
<b>District</b>	<b>Primary Uses</b>
A-R	One-family residences, manufactured homes and mobile homes All uses permitted in the agricultural zoning district <sup>1</sup>
R-1	One-family residences
R-2	One-family residences Two-family residences
R-3	One-family residences Two-family residences Multiple-family residences (Apartments)
All	Manufactured housing as defined by Article XIII

*1 Subject to the same standards or conditions that apply in general in the agricultural zoning district.*

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</b> <b>Residential Accessory Uses</b>
Amateur radio sending and receiving antennas
Common recreational facilities
Child care home
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
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
Travel agent, as a home occupation
Underground storage rooms

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.

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 Residential Conditional Uses</b>
Towers and antennas: radio, television and communications, etc.
Church, convent, monastery, rectory, parish house
School, college, university
Cemetery, crematory, mausoleum
Country club, golf course, excluding commercially operated driving range and miniature golf
Fraternal or religious institution
Park, playground and community center, public only
Parking, off-site for business or industrial uses
Water reservoir, excluding accessory lakes and ponds

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 Residential Special Exception Uses</b>
Sand and gravel mining
Airports or aircraft landing field and heliports
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
Athletic fields and courts, public or private

#### 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:

**TABLE 4.03  
Minimum Lot Area and Dimensions**

<b>District</b>	<b>Lot Area Sanitary Sewers</b>	<b>Lot Area Septic System</b>	<b>Street Frontage</b>	<b>Lot Width<sup>1</sup></b>
A-R	43,560 square feet <sup>2</sup>	43,560 square feet <sup>2</sup>	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

*1 As measured at the building setback line.*

*2 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:

**TABLE 4.04  
Minimum Front Setbacks<sup>1</sup>**

Limited Access or Interstate Highway	100 feet
Primary Arterial	50 feet
Secondary Arterial	40 feet
Collector Street	30 feet
Local Street	25 feet
Cul-de-sac Street	20 feet
Private Street	10 feet

*1 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</b>		
<b>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

1 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.

2 Or ten percent of the lot width, which ever is the lesser

3 For one- and two-family residences only.

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

5 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.

6 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</b>		
<b>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

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

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

3 Minimum requirements apply to each living unit of multiple-family residences.

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

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

*2 Excluding storage buildings used in an agricultural enterprise.*

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 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

*1 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 line 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 may be resolved by the Board of Zoning Appeals by resolution, which resolution shall apply only to the disputed fence 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 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

1 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.

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

3 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.

4 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.

5 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.

6 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 Prohibited Residential Signs</b>
Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>1</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
Flags other than official governmental, religious and school flags
Pennants, banners, streamers and wind signs <sup>2</sup>
Portable and/or flashing signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>3</sup>
Statuary utilized and intended for commercial advertising purposes
Balloon and similar lighter-than-air or gas filled advertising devices
Beacon, strobe and similar flashing or animated light devices
Advertising or billboard signs

*1 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.*

*2 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.*

*3 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.*

## 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 Area Planning Commission as evidenced by resolution of record:

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

<p>C-2 (Community)</p>	<p>All uses permitted in C-1  Ambulance service, public and private  Amusement establishment, including bowling alley, billiard room, dance hall, skating rink, swimming pool, and other similar recreational facilities  Appliance store, including radio and television  Automobile accessory store  Automobile repair, minor  Automobile service and repair, excluding painting and body repair  Bar or tavern, with live entertainment<sup>1</sup>  Bicycle store, including sales, rental and repair  Blueprinting and copying establishment  Camera and photographic processing and supply stores  Carpet, rug and linoleum store  Catering establishment  Clothing and costume rental shop  Coffee shop  Costume, dress making and millinery shops, tailoring  Currency exchange  Department store, with or without catalog departments  Golf driving range, miniature golf  Furrier shop, including incidental storage and conditioning of furs  Furniture store, including upholstering incidental to the retail operations  Hardware store  Hotel  Industrial machinery sales room with accessory repair or servicing  Interior decorating shop, including upholstering and making of draperies, slip covers and other similar articles incidental to the retail operations  Leather goods and luggage store  Liquor store, packaged goods only  Medical and dental clinic  Micro-brewery<sup>1</sup>  Motel  Night club<sup>1</sup>  Office supply store  Optician shop, including machining of glasses and lenses  Orthopedic, medical and surgical appliance store, excluding assembly or manufacture  Paint and wallpaper shop  Pet shop  Physical culture and health services, including gymnasium, swimming pool, reducing salon, masseur, and public bath  Restaurant, including live entertainment and dancing and serving of alcohol therewith<sup>1</sup>  Second hand store  Shoe store  Sporting goods store  Toy shop  Vehicle wash and detailing  Variety store  And other similar uses</p>
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C-3 (Regional)	<p>All uses permitted in C-1 and C-2, provided that residential uses are not allowed.</p> <p>Animal hospital<sup>2</sup></p> <p>Art needle-work and hand weaving production with two or more employees</p> <p>Auction room</p> <p>Automobile repair, major</p> <p>Automobile, truck, trailer, and farm equipment sales, display, rental, repair and storage, except salvage</p> <p>Battery and tire sale and installation</p> <p>Building material sales</p> <p>Commercial greenhouses</p> <p>Denture production and prosthetic fitting</p> <p>Dry-cleaning establishments</p> <p>Equipment and machinery, household or office, sales and repair</p> <p>Manufactured housing display, sales and service</p> <p>Laboratory, medical, dental, research, experimental and testing</p> <p>Laundries</p> <p>Linen, towel, diaper and similar supply services</p> <p>Machinery sales</p> <p>Mail order warehouse</p> <p>Mini-warehouse, self-storage facility</p> <p>Monument sales</p> <p>Motorcycle sales, including service and repair</p> <p>Optical lens production</p> <p>Parking garages and lots, commercial</p> <p>Plumbing and electrical showroom and repair shop</p> <p>Printing and engraving</p> <p>Printing establishment for letter presses, business cards, mimeographing and other similar custom services</p> <p>Recreational vehicles display, sales and service</p> <p>Restaurant, hotel or bar equipment store</p> <p>Self-storage warehouse, mini-warehouse</p> <p>Taxidermists shop</p> <p>Towers and antennas: radio, television and communications, etc.</p> <p>Trailer sales and rental</p> <p>Veterinary clinic<sup>2</sup></p> <p>And other similar uses</p>
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*1 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.*

*2 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.*

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 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
Country club, golf course, excluding permitted commercially operated driving range and miniature golf
Fraternal or religious institution
Hospital, sanitarium
Library, public
Park, playground and community center, public only
Parking, off-site for industrial uses
School, college, university
Towers and antennas: radio, television and communications, etc.
Water reservoir, excluding lakes and ponds

*1 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.*

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 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

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:

**TABLE 5.04**  
**Minimum Front Setbacks<sup>1</sup>**

<b>Street Type</b>	<b>Buildings/Structures</b>	<b>Parking</b>
Limited Access or Interstate Highway	75 feet	20 feet
Primary Arterial	50 feet	10 feet
Secondary Arterial	40 feet	10 feet
Collector Street	30 feet	6 feet
Local Street	25 feet	6 feet
Cul-de-sac Street	20 feet	6 feet
Private Street	10 feet	4 feet

*1 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 Maximum Height<sup>1</sup></b>	
<b>Zoning District</b>	<b>Height</b>
C-1	35 feet
C-2	50 feet
C-3	75 feet <sup>1</sup>

*1 The height of towers and antennas for radio, television and communications, etc., shall not exceed 150 feet unless otherwise approved by the Federal Communications Commission and, in addition to the minimum required front, side and rear setbacks as required herein, one additional foot of setback is provided for each additional foot above the maximum height allowed.*

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:

<b>TABLE 5.07 Front Transitional Yards</b>	
<b>Street Type</b>	<b>Transitional Front Yard Setback</b>
Limited Access or Interstate Highway	20 feet
Primary Arterial	10 feet
Secondary Arterial	15 feet
Collector Street	20 feet
Local Street	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:

<b>TABLE 5.08 Commercial Parking</b>	
<b>Use</b>	<b>Requirement<sup>1</sup></b>
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

*1 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.*

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

*3 Spaces at gasoline pumps may be included in calculating required parking.*

*4 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.*

*5 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. 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 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.

#### 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 of screening shall be resolved by the Board of Zoning Appeals by resolution, which resolution shall apply only to the disputed screening and premises.

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 outlot	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

- 1 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.
- 2 Only one side of a double-faced sign shall be used in calculating the permitted area.
- 3 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.
- 4 Directional signs may include the logo or other identification of the use or activity served but no other advertising message.
- 5 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.
- 6 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.
- 7 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 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

- 1 Only one side of a double-faced sign shall be used in calculating the permitted area.
- 2 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.
- 3 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.
- 4 Projecting signs, awnings, canopies and marquees shall maintain a minimum clearance of nine feet from the grade elevation or sidewalk.
- 5 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.
- 6 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 outlot 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 Prohibited Commercial Signs</b>
Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>1</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
Flags other than official governmental, religious and school flags
Pennants, banners, streamers and wind signs <sup>2</sup>
Portable signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>3</sup>
Statuary utilized and intended for commercial advertising purposes
Beacon, strobe and similar flashing or animated light devices

*1 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.*

*2 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.*

*3 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.*

#### 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 Area Planning Commission as evidenced by resolution of record:

**TABLE 6.01.1  
Industrial Primary Uses and Districts**

District	Primary Uses
M-1	All uses permitted in C-3 Bakery, industrial with accessory retail sales Blacksmith Bottling of alcoholic or non-alcoholic beverages Brewing and distillation of liquor and spirits and other malt products Canning Coffee roasting Contractors: construction, building trades, and signs, etc. Creamery Distribution center Food and tobacco preparation and packaging Electrical transmission distribution Exterminating Engineering and research laboratories Granaries, grain processing and milling Industrial schools and training facilities Machine shop, wood, metal, plastic and nonferrous metals 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 Motor truck terminal Publishing Railroad and other mass transportation terminals and facilities Tool and die shop Towers and antennas: radio, television and communications, etc. Upholstery shop Warehouses Water towers and storage tanks <sup>1</sup> Welding shop Wholesaling

M-2	<p>Any user 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>
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*1 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 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
Country club, golf course, including commercially operated driving range and miniature golf
Fraternal or religious institution
Hospital, sanitarium
Library, public
Park, playground and community center, public only
Parking, off-site for industrial uses
School, college, university
Towers and antennas: radio, television and communications, etc.
Water reservoir, excluding lakes and ponds

*1 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.*

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 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

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 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	50 feet	10 feet
Secondary Arterial	40 feet	10 feet
Collector Street	30 feet	6 feet
Local Street	25 feet	6 feet
Cul-de-sac Street	20 feet	6 feet
Private Street	20 feet	4 feet

1 Subject to Articles 6.07 and 6.12, Transitional Yards.

2 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 Maximum Height<sup>1</sup></b>	
<b>Zoning District</b>	<b>Height</b>
M-1	35 feet
M-2	50 feet

1 The height of towers and antennas for radio, television and communications, etc., shall not exceed 150 feet unless otherwise approved by the Federal Communications Commission and, in addition to the minimum required front, side and rear setbacks as required herein, one additional foot of setback is provided for each additional foot above the maximum height allowed.

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>Street Type</b>	<b>Transitional Yard Setback</b>
Limited Access or Interstate Highway	20 feet
Primary Arterial	20 feet
Secondary Arterial	20 feet
Collector Street	30 feet
Local Street	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.

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 of screening shall be resolved by the Board of Zoning Appeals by resolution, which resolution shall apply only to the disputed screening and premises.

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</b>
---------------------

<b>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

1 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.

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

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

4 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.

5 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 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 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

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

2 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.

3 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.

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

5 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.

6 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.

**TABLE 6.13.3  
Prohibited Industrial Signs**

Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>1</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
Flags other than official governmental, religious and school flags
Pennants, banners, streamers and wind signs <sup>2</sup>
Portable signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>3</sup>
Statuary utilized and intended for commercial advertising purposes
Balloon and similar lighter-than-air or gas filled advertising devices
Beacon, strobe and similar flashing or animated light devices

*1 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.*

*2 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.*

*3 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.*

#### 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 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:

## 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 exists, 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) above.
- (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 Checkpoint Agencies 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 Plain District

#### Statutory Authorization

The Indiana Legislature has by State Legislature, dealing with planning and zoning, granted the power to local units of government to control land use within their jurisdiction.

Therefore the Area Planning Commission of Randolph County, Indiana, does ordain as follows:

#### Statement of Purpose

The development of the flood hazard areas of the County could result in the potential loss of life and property, create health and safety hazards and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community and since these lands are suitable for open space uses that do not require structures or fill, the Area Planning Commission of the County of Randolph, does ordain as follows:

#### 8.01 Definition

Unless specifically defined below, words or phrases used in his 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.

##### 8.01.1 Development

Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

##### 8.01.2 Flood Plain

The area adjoining the river or stream which has been or may hereafter be covered by floodwaters.

##### 8.01.3 Flood Plain District

The purpose of the Flood Plain District is to guide development in those areas where detailed flood data has not been provided. These areas are identified as Zone A on the Flood Hazard Boundary Map or Flood Insurance Rate Map. The Flood Plain district may stand by itself or be combined with any other district.

##### 8.01.4 Natural Resources

Means the Indiana Natural Resources Commission.

8.01.5 Regulatory Flood

Means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having the probability of occurrence of one percent in any give year.

8.01.6 Structure

Anything constructed or erected on the ground or attached to the ground or attached to something attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.

8.01.7 Flood Protection Grade

Means the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. Exception: If a commercial or industrial building is flood proofed as hereinafter defined, the term “flood protection grade” applies to the water surface elevation for which the building protected.

8.02 Basis for Establishing Flood Plain Districts

Flood Insurance Rate Map (FIRM) provided by the Federal Emergency Management Agency (FEMA) indemnify the Flood Plain District in areas covered under the jurisdiction of this ordinance, which areas have converted to the Regular Phase of the National Flood Insurance Program are hereby incorporated herein and adopted as part hereof as referenced below, to wit:

	<u>Title</u>	<u>Map</u>	<u>Effective Date</u>
8.02.1	Town of Farmland	FIRM	July 3, 1985
8.02.2	Town of Ridgeville	FIRM	July 18, 1985
8.02.3	City of Winchester	FIRM	September 4, 1985
8.02.4	City of Union City	FIRM	May 21, 1976
8.02.5	Randolph County	FIRM	May 1, 1987

Upon conversion to the Regular Phase of the National Flood Insurance Program, Union City and Randolph County shall be furnished with a Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency, and upon receipt thereof by each subparagraphs 4 and 5 of subsection 8.02 hereof shall be amended to adopt the respective FIRM map and appropriate Effective Date thereof.

8.03 Designation and Duties of the Administrator, Randolph County, Indiana

The Executive Director for the Commission, is appointed to review all development and subdivision proposals to insure compliance with this ordinance.

#### 8.04 Permitted Uses in the Flood Plain District (Uses by Right)

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the Flood Plain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment.

- 8.04.1 Agricultural uses as general farming, pasture grazing, orchards, plant nurseries, and vineyards.
- 8.04.2 Forestry, wildlife areas and nature preserves.
- 8.04.3 Parks and recreational uses, such as golf courses, driving ranges and play areas.

#### 8.05 Other Uses in the Flood Plain District

All development applications located in the Flood Plain District which are not permitted by right (Sub-Section 8.04) will require the review and approval by Natural Resources prior to the issuance of a local permit(s). The Zoning Administration shall forward all such applications along with plans and specifications to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit(s).

#### 8.06 Non-Conforming Uses

Any building, structure or use of land in the Flood Plain District which is not in conformance with this ordinance constitutes a non-conforming use. All applications to repair, extend or enlarge a non-conforming use shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit(s).

#### 8.07 Variances

Applications for variances to the provisions of this ordinance shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit(s).

- 8.07.1 In addition to incorporating all terms and conditions of Natural Resources, the Board of Zoning Appeals shall do the following:
  - 8.07.1.1 All variances shall give the minimum relief necessary and be such that the maximum practical flood protections will be given to the proposed construction; and,

- 8.07.1.2 Issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

8.08 Natural Flood Insurance Program (NFIP) Regulation

The Zoning Administrator, during the review of improvement location permits, shall assure that all NFIP regulations, contained in CFR 44, Chapter 60.3(d) and as specified on Attachment A, Section 8.08 Review Sheet for NFIP Regulations which is hereby made a part of this ordinance pertaining to state and federal permits, sub-division review, building permit review, flood proofing non-residential structures, mobile home tie downs standards, utility construction, record keeping (including lowest floor elevations), and water course alterations and maintenance have been met.

8.09 Elevation Certificate

The Zoning Administrator shall furnish each applicant seeking development, use, variance, extension of non-conforming use or any other activity covered by this Unified Zoning Ordinance in a Flood Plain District an Elevation Certificate on a form prepared for or acceptable to the Federal Emergency Management Agency/National Flood Insurance Program, a copy of which is attached hereto "Attachment B." Said Elevation Certificate shall be completed as part of each application.

8.10 Disclaimer

Large Floods can and will occur on rare occasions. Therefore, this Article does not create any liability on the part of the community, Natural Resources, or the State of Indiana for any damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Attachment A

Section 8.08 National Flood Insurance Program (NFIP) Regulation Review Sheet

This section adopts the standards of Chapter 60.3(d) by reference. Although the specific requirements are not explicitly stated in the above section, the Zoning Administration is expected to enforce these standards. Therefore, this review sheet is provided to briefly describe the specific reference in Section 8.08 of this ordinance.

State and Federal Permits

Require that all other State/Federal permits are obtained.

### Subdivision Review

1. Review subdivision proposals to assure that
  - a) such proposals minimize flood damage
  - b) public utilities and facilities are constructed so as to minimize flood damage
  - c) adequate drainage is provided
2. Require base flood elevation data for subdivision proposals greater than fifty lots or five acres.

### Building Permit Review

1. Review permits to assure sites are reasonably free from flooding
2. Review permits of proposed construction and development and require:
  - a) Anchoring (including mobile homes) to prevent flotation and lateral movement
  - b) Use of flood resistant materials and utility equipment
  - c) Construction methods which minimize flood damage

### Flood Proofing Non-Residential Structures

Require certification of flood-proofing by engineer/architect (Structural dry flood proofing is allowed for non-residential structures. The engineer/architect shall certify to the elevations to which the structure is dry flood proofed.)

### Mobile Home Tie Down Standards

- A. Require all mobile homes to be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are:
  - 1) over-the-top ties be provided at each of four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than fifty feet long requiring one additional tie per side;
  - 2) frame ties be provided at each corner of the home with five additional ties per side;
  - 3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
  - 4) addition to the mobile home be similarly anchored.

- B. Require that an evacuation plan indicating alternate vehicular access routes be filed with appropriate Disaster Preparedness Authorities for mobile home parks and mobile home subdivisions located within flood hazard areas.

Record Keeping

Obtain and maintain records of elevation and flood proofing levels for new construction or substantial improvements. Obtain certification of flood proofing by engineer/architect. Lowest floor elevations shall be obtained for all new construction and substantial improvements. All information concerning and justifying any variances.

Attachment B

Elevation Certificate

O.M.B. No. 3067 0077

Expires May 31, 1993

F.E.M.A.'s Alan Birman advised on October 15, 1993, that this is still a valid form.  
(Make copies of Elevation Certificate when issuing to public)

## 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 clerks 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 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.

10.06.4 Violations and Penalties

Any building or structure erected, raised or converted, or land or premises used, in violation of any provision or requirement of this Ordinance is hereby declared to be a common nuisance and the owner of such building, land or premises shall be liable for maintaining a common nuisance. Any person, firm, company or corporation violating any provision or requirement of this Ordinance, or any amendment or supplement hereto, shall be guilty of a

misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10) nor more than three hundred (\$300). Each and every day during which such violation occurs may be deemed a separate offense.

10.06.5 Violation Remedies

The Area Planning Commission may initiate a suit for injunction in the Randolph County court having jurisdiction to restrain any individual, firm, company or corporation from violating the provisions of this Ordinance. The Area Planning Commission may also initiate a suit for mandatory injunction directing any individual, firm, company or corporation to remove any building or structure erected or to cease any use or activity which is in violation of the provisions and requirements of this Ordinance. If the Area Planning Commission is successful in such suit, the respondent shall bear the cost of the action.

10.06.6 Fee Schedule for Improvement Location Permits by District

<b>TABLE 10.06.6 Improvement Location Permit Fee Schedule</b>		
<b>District</b>	<b>Primary Use</b>	<b>Accessory Use</b>
A	\$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	

## 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 User 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 User 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 User Permit

Any alteration, expansion or modification of the use or improvements therefor authorized by a Conditional User 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** Means any use or activity which has ceased being conducted or otherwise operated for a period of one year.
- Access Aisle** Means accessible pedestrian space in a parking facility, between elements such as parking spaces, that provide clearances appropriate for use of the elements.
- Accessible Parking** Means a parking facility that can be used by all people including individuals with disabilities.
- Accessory Child Care**  
Means 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**  
Means the structure, accessory to the primary use, on which transmitting or receiving antennas are located.
- Accessory Structure** Means a structure which is subordinate to a principal structure and is located on the same zoning lot.
- Accessory Use** Means 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**  
Means the person within each member jurisdiction with the responsibility for enforcing this ordinance within that jurisdiction.
- Adult Bookstore** Means 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** Means 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** Means 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** Means 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** Means 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** Means 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** Means 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**

Means 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**

Means 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.

### **Airport Approach Area**

Means 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**

Means 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**

Means 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**

Means 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**

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

**Airport Horizontal Surface**

Means 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 Nonprecision Instrument Runway**

Means 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 nonprecision 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**

Means 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**

Means 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 nonprecision 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 nonprecision instrument runways having visibility minimums greater than  $\frac{3}{4}$  of a statute mile; and
  - (c) 1,000 feet for airport nonprecision instrument runways, having a nonprecision 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**

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

### **Airport Referenced Surfaces**

Means 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**

Means 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**

Means 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**

Means 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**

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

**Alteration**

Means any change in size, shape, character, occupancy, or use of a building or structure.

**Amateur Radio Antenna Support Structures**

Means poles, master towers and antennas used in the operation of amateur radios licensed by the Federal Communication Commission.

**Amusement Machine**

Means 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.

**Amusement Parlor**

Means any public area or room containing one (1) or more amusement machines.

**Animal Unit**

See Animal Unit Calculation Worksheet: **Article III.I APPENDIX AU: For Animal unit calculation .50 unit and above shall be raised to the next full animal unit; and, for animal unit calculation below .50 unit shall be reduced to the next full animal unit.**

**Animated Sign**

Means 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.

**Antenna**

Means 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.

**Apartment**

(See Dwelling)

**Apartment House**

(See Dwelling, Multiple-family)

**APC**

Means the Area Planning Commission of Randolph County, Indiana.

<b>Applicant</b>	Means the owner or owners of real estate or the lessee, developer or other person with the consent of the owner.
<b>Arcade</b>	(See Amusement Parlor)
<b>ATM</b>	Means 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.
<b>Atrium</b>	Means an open, unroofed court within the walls of a building or structure.
<b>Automobile</b>	(See Motor Vehicle)
<b>Automobile Body Shop</b>	(See Automobile Repair Shop)
<b>Automobile Repair Shop (Fully Enclosed)</b>	Means 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.
<b>Automobile Service Station (Gas, Filling Station)</b>	Means 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.
<b>Automobile Wrecking Yard</b>	Means 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.
<b>Awning</b>	Means 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.
<b>Back-lit</b>	(See definition for Internal Lighting.)
<b>Balcony</b>	Means a raised, railed platform projecting from the wall of a Structure.
<b>Banner</b>	Means any sign of lightweight fabric or similar material that is mounted to a building or free-standing structure, other than a flag.

<b>Basement</b>	(See also Cellar) Means that portion or 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.
<b>Baby Sitting</b>	Means care provided at the home of one or more children when parents or legal custodians are not at home.
<b>Bay Window</b>	Means 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>	Means 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>	Means an owner-occupied dwelling unit which (a) contains no more than four (4) guest rooms, (b) may provide meals to the guests inside the premises, (c) meets all applicable building, fire, and health codes and alcoholic beverage regulations, and (d) is allowed one advertising sign, not exceeding four (4) square feet in area, which shall be attached to the dwelling.
<b>Bedroom</b>	Means 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>	Means 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>	Means any public area or room containing any number of pool or billiard tables as the primary use.
<b>Billiard Table</b>	Means any table used for any form of the games commonly referred to as pool or billiards.
<b>Block</b>	Means 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>	Means the Board of Zoning Appeals of any jurisdiction within Randolph County.
<b>Boarding House</b>	Means 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>	Means 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.
<b>Building Area</b>	Means 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>	Means 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>	Means the Uniform Building Code, as adopted and modified by this jurisdiction.
<b>Building Coverage</b>	Means 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>	Means a building having no structural connection with another building.
<b>Building Height</b>	Means the vertical distance measured from the established finished grade level to the highest point of the under side 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 under side 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>	Means 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>	Means 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>	Means 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>	Means a vehicle for public passenger transportation having seats on either side of a central aisle.
<b>Bus, Private Passenger</b>	

	Means 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>	Means 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>	Means 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.
<b>BZA</b>	Means the Board of Zoning Appeals of any jurisdiction within Randolph County, Indiana.
<b>Campground</b>	Means 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>	Means 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) Means 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>	Means 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>	Means 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>	Means a building, or portion thereof, where automobiles are washed.
<b>Cellar</b>	Means 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.

- Cemetery** Means 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.
- Charitable Organization** Means any organization organized and operated exclusively for public charitable purposes as defined in the Internal Revenue Code of 1954, as amended.
- Child Care** Means 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.
- Child Care Center** Means 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 Indiana Code.
- Child Care Home** Means 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** Means any city or town within Randolph County.
- City Council** Means the legislative body of any City.
- Clear Distance** Means 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** Means 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** Means 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**

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

**Commercial Greenhouse**

Means 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** Means C-1, C-2 and C-3 zoning districts.

**Commission** Means the Area Planning Commission of Randolph County.

**Concentrated Animal Feeding Operation (CAFO)**

Means animal feeding 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 weighting 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 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** Means 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** Means 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)**

Animals are confined for forty-five (45) days or more of a year, consecutive or nonconsecutive; and the confinement area is covered with less than fifty percent (50%) vegetation; and the number of animals exceeds the levels detailed below.

1. Three hundred (300) mature cow 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 (dry manure system).

**Confinement Operation**

Means a Confined Feeding Operation (CFO) and/or a Concentrated Animal Feeding Operation (CAFO)

**Construction** Means 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**

Means 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 nonasbestos insulation.

<b>Convalescent Home</b>	Means 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.
<b>Convenience Store</b>	Means 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.
<b>Corner Lot</b>	Means a lot at the junction of and abutting two (2) or more intersecting or intercepting streets.
<b>Council</b>	(See City Council)
<b>County</b>	Means Randolph County, Indiana.
<b>Crawl space or underpinning</b>	Means 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.
<b>Cul-de-sac</b>	Means a street having one open end and being permanently terminated by a vehicle turn-around.
<b>Curb</b>	Means the defined edge between the pavement or gravel of a public street and the public right-of-way.
<b>Curb Cut</b>	Means the area of ingress to and/or egress from a property between the property line and the street pavement line.
<b>Dangerous Material</b>	Means 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>	Means a unit of measurement of the intensity (loudness) of sound.
<b>Deciduous</b>	Means a plant with foliage that is shed annually.
<b>Demolition</b>	Means any act or process which destroys in part or in whole a structure.

<b>Density</b>	Means the number of dwelling units per acre exclusive of rights-of-way.
<b>Detached Building</b>	Means a building that has no structural connection with another building.
<b>Development</b>	Means 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>	Means 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>	Means 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>	Means 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>	Means 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>	Means 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.
<b>Drive-in Movie Theater</b>	Means an outdoor entertainment facility where customers view movies from their vehicles.
<b>Drive-up</b>	Means 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.
<b>Driveway</b>	Means 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.
<b>Dwelling</b>	Means 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** Means 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**

Means 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**

Means 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**

Means 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**

Means 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**

Means 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**

Means 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**

Means 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**

Means 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**

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

**Enlarged** Means 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** Means 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.

**Established Airport Elevation**  
(See Airport Elevation)

**Established Building Setback Line**  
Means 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**

Means 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**

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

**Executive Director**

Means 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**

Means 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**

Means 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.

**Fence**

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

**Fire Department**

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

**Fire Hydrant**

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.

**Flag**

Means any pole-mounted fabric which is the official emblem of a governmental entity or church.

**Flood Hazard Areas**

Means 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>	Means 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>	Means 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>	Means that portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.
<b>Floor Area, Gross</b>	Means 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>	Means 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 $\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio}$
<b>Foot Candle</b>	Means 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>	Means the supporting member of a wall or structure below or at ground level and includes footings.
<b>Fraternity, Sorority, or Student Cooperative</b>	Means 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>	Means a rate of combustion described by a substance that burns actively and easily supports combustion.
<b>Frontage</b>	Means 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>	Means the building foundation line that is nearest the front lot line.

<b>Front Yard</b>	Means 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>	Means a structure which is used or intended to be used for the storage of commercial motor vehicles
<b>Garage, Private</b>	Means 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: (a) For any single-family dwelling - three (3) passenger vehicles; (b) For any two-family dwelling - four (4) passenger vehicles; (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 (d) For any other use - no limitation.
<b>Garage, Public</b>	Means 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>	Means 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>	Means 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>	Means the elevation of the ground, as established by a Certified Engineer or Civilian Surveyor, at a structure or site.
<b>Gross Leasable Area</b>	Means 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** Means 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** Means 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**

Means 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** Means 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** Means 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** Means 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**

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

**Hazardous Waste Disposal Facility**

Means 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**

Means 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**

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

**Highway Oriented Use**

Means 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**

Means any Historic Site, Landmark or District.

**Historic District**

Means 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**

Means 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**

Means 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**

Means 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**

Means 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.

**Housekeeping Unit** Means 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** Means 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**

Means 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** Means 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** Means a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

**Interested Person** Means any person who holds an interest in real estate which is the subject of a zoning decision 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. Service of notice to interested persons shall be made by certified mail on the last assessee of record.

**Interior Lot** Means a lot other than a corner lot or a through lot.

**Internal Lighting** Means 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**

Means 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** Means a runway equipped with electronic and visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

**Junk Yard** Means 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** Means 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** Means a structure devoted to experimental study such as testing and analysis.

**Lake** Means a body of standing water having a depth greater than two feet and an area of 225 square feet.

**Landing Area** Means the area of an airport used for landing, takeoff or taxiing of aircraft.

**Landscaped Area** Means land that has been decoratively or functionally altered by contouring and planting shrubs, trees, or vines, and with a living or nonliving ground cover.

**Light Industrial Use** Means 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** Means a highway to which abutting properties are denied access.

**Loading Berth** Means 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** Means 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** Means 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.

**Lot** Means:

- (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  
(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.
- (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.
- (3) A tract of land occupied or capable of being occupied by one or more structures.

**Lot Area** Means the area of a horizontal plan bounded by the front, side and rear lot lines.

**Lot Coverage** Means the percentage of the total lot area which is covered by buildings, including accessory or out buildings.

**Lot Depth** Means the average horizontal distance between the front and rear lot lines.

**Lot Ground Level** Means:

- (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;
- (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
- (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.

**Lot Line, Front** Means:

- (1) For an interior lot: means the line dividing the front yard and the abutting street.
- (2) For a through lot abutting two public streets: means the lines dividing each front yard from each abutting street.
- (3) For a through lot abutting both a public street and a lake or watercourse: means (a) the line dividing the front yard from the abutting street, and (b) the line dividing the other front yard from the abutting lake or watercourse.
- (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.

**Lot Line, Rear** Means the line or lines directly opposite the front lot line.

**Lot Line, Side** Means the connecting line or lines between the front and rear lot lines.

**Lot of Record** Means 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.

**Lot Width** Means the distance between the side lot lines as measured on the building line.

**Major Change** Means, 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.

**Maneuvering Aisle** Means 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.

**Maneuvering Space** Means 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.

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

**Manufactured Housing**  
Means any dwelling unit defined herein as manufactured, mobile or modular.

<b>Marquee</b>	Means 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>	Any 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.
<b>Massage Establishment</b>	Means 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.
<b>Medical Center</b>	Means 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.
<b>Medical Clinic</b>	Means 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.
<b>Medical Office</b>	Means 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.
<b>Minor Change</b>	Means, 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** Means 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**

Means 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**

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

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

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

**Motor Freight Terminal**

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

**Motor Vehicle** Means 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**

Means 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**

Means 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**

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

**Motor Vehicle Repair, Major**

Means 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**

Means 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**

Means 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**

Means 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**

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

**Motor Vehicle Wrecking Yard**

Means any place where one or more vehicle 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**

Means a dwelling containing more than two dwelling units.

**Municipal Solid Waste Landfill (MSWLF)**

Means 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 purposes 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)**

Means 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**

Means the Indiana Department of Natural Resources Commission.

**Naturally Ventilated Barn or Structure:**

Means 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 Site Area**

Means the total area of a parcel of land, excluding rights-of-way.

**Noise Pollution**

Means 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.

**Noncomplying Use**

Means a use which does not comply with the terms of this ordinance or conditions of its approval.

**Non-conforming Building or Structure**

Means 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 requirement of the Zoning Ordinance or amendments thereto of the district in which the same is located.

**Nonconforming Lot**

Means a Lot of Record which does not conform to the lot area or lot width regulations of this Ordinance.

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

**No-parking Setback** Means an open space in which all parking is prohibited.

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

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

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

**Nursing Home** Means 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.

**Occupied Space** Means the total area of earth horizontally covered by the structure, excluding detached garages, patios and porches and other accessory structures.

**Octave band** Means all the frequencies from one frequency to a second. In sound octave bands, the second frequency is usually twice the first one.

**Octave band filter** Means an electrical device that separates the sounds in each octave band and presents them to the sound-level meter.

**Office/Warehouse** Means a building devoted primarily to warehousing activities, but also includes accessory office space.

**Off-Street Parking Area**

Means an area which is designated for the parking of vehicles and which is not a public way.

**One- and Two-Family Dwelling Code, Indiana**

Means 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.

**Opaque** Means neither reflecting nor emitting light; not transparent and not translucent.

**Open Space** Means 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.

**Open Use** Means 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>Orphanage</b>	(See Institutions for Children)
<b>Outlet Mall</b>	Means a type of integrated center containing multiple retail establishments, each one selling a single manufacturer's product.
<b>Owner</b>	Means the owner as shown on the records of the Randolph County Recorder's Office.
<b>Parcel</b>	Means 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>	Means any division of land complying with the terms of this ordinance and the Subdivision Control Ordinance of Randolph County, Indiana.
<b>Parent Tract</b>	Means 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>	Means 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>	Means 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>	Means 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>	Means an open space, exclusive of maneuvering aisle and driveway, used for the temporary parking of one motor vehicle or bicycle.
<b>Pennant</b>	Means 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>	Means 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>	

Means 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.

**Permanent Perimeter Foundation**

Means 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.

**Permitted Use**

Means a use which is allowed by this Ordinance in specific zoning districts and which is one of the following: (1) expressly permitted; (2) use permitted as a conditional use; (3) use permitted as a special exception; (4) accessory use; or (5) a legally established nonconforming use.

**Person**

Includes any individual person, corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a single unit.

**Pervious Surface**

Means any material which permits full or partial absorption of storm water.

**Petitioner**

(See Applicant)

**Plan Commission**

Means the Area Planning Commission of Randolph County, Indiana.

**Planned Industrial District**

Means 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.

**Planned Unit Development**

Means 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.

**Planning Department**

Means the staff of the Area Planning Commission.

**Plan of Operation**

Means 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.

**Plat** Means a map or chart that shows a division of land and is intended to be filed or recorded.

**Plat Map** Means 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.

**Plot Plan** (See Site Plan)

**Pole Barn or Pole Structure**

Means 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** Means 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** Means 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** Means 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**

Means 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 Use** Means 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** Means 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**

Means 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** Means a school other than a public school.

**Private Use Airport** Means 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** Means a structure, often of a temporary nature, from which agricultural produce is sold at retail.

**Professional Office** Means 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**

Means 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**

Means 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**

Means the public right-of-way is hereby defined as the property or space from the edge of the public way to the adjoining private property line not controlled by the City, Town or County.

### **Public Street**

Means a street established for or dedicated to public use for vehicular traffic.

**Public Use Airport** Means 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** Means 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** Means 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 means 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** Means 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-12 Subsections 1., 2., and 3.** (See also: **Setback/Setback Line/Setback Requirement**).

**Recreational Vehicle** Means 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** Means any site, lot, field, or tract of land designed with facilities for short-term occupancy by recreational vehicles only.

**Recyclable Material** Means material which is intended for reuse, remanufacture, or reconstitution, consisting of items such as authorized by each member jurisdiction.

**Recycling** Means 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**

Means 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**

Means 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 bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding or cleaning but excludes burning or otherwise heating.

**Regulatory Flood**

Means 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**

Means 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**

Means a dwelling unit.

**Residential Zone**

Means any zoning district permitting residential uses and development, particularly A-R, R-1 and R-2

**Residential Facility for the Developmentally Disabled**

Means 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**

Means 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**

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

**Restaurant, Carry-Out**  
Means 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**  
Means 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**  
Means a restaurant where meals are delivered to persons in their cars through a window in the structure.

**Restaurant, Sit-Down**  
Means 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**  
Means 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* means instrumentation that can measure earth borne vibrations in a horizontal as well as a vertical plane.

**Reupholstery Shop**  
Means 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** Means 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** Means the property line that forms the boundary of a right-of-way.

**Ringelmann number**  
Means 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** Means a street of any type as defined herein.

**Rooming House** (See Lodging House)

**Sales, Rummage - Private**

Means 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** Means the saving of items typically for the value of their component parts.

**Satellite Dish Antenna**

Means 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 antenna which are eighteen inches or less in diameter shall be excluded from this definition and the regulations of this ordinance.

**Schools**

Means 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.

**Scope**

Means the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Scrap Metal Yard**

Means 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 yard. 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.

**Screening** Means 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.

**Searchlight** Means an apparatus containing a light and/or reflector for projecting a strong, far-reaching beam in any direction.

**Section** Means a unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.

**Services Involving Specified Sexual Activities or Display of Specified Anatomical Areas**

Means an adult service establishment which includes any combination of two or more of the following activities:

- (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;
- (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;
- (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 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** Means 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** Means the horizontal distance from a street right-of-way line or lot line.

**Setback Line** Means 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-12 Subsections 1., 2., and 3.** (See also: **Reciprocal Setback/Setback Line/Setback Requirement**).

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

**Shelter, Emergency** Means 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**

Means 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** Means 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** Means a lot boundary line other than a front or rear lot line.

**Side Yard** Means 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.

**Sign** Means 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).

**Sign, Advertising** (See sign)

**Sign, Animated** Means 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.

**Sign, Announcement**

Means any sign announcing a special event unrelated to the business, church, or public building before which the sign is placed.

**Sign Area**

Means 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.

**Sign, Building**

Means any sign erected, placed, attached or otherwise displayed upon a building or structure.

**Sign, Business Hours**

Means any sign displaying operating hours of a business.

**Sign, Canopy**

Means a sign that is a part of or attached to a canopy or service area canopy.

**Sign, Changeable Copy**

Means 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.

**Sign, Commercial or Industrial Name**

Means any sign displaying the name of a commercial business or industry.

**Sign, Deceptive**

Means any sign which is erroneous and/or misleads the public.

**Sign, Display Surface**

Means the area made available by the sign structure for the purpose of displaying the advertising message.

**Sign, Electric**

Means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

**Sign, Electronic Message**

Means 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**

Means a sign, used no more than twenty-five 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**

Means 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**

Means any sign independent of buildings and consisting of self-supporting elements.

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

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

**Sign, Gateway**

Means 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**

Means 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**

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

**Sign, Historic Place**

Means any sign indicating the historical significance of a site or structure.

**Sign, Movable**

Means 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**

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

**Sign, Nonconforming**

Means 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**

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

<b>Sign, Official</b>	Means 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>	Means 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>	Means 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>	Means 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>	Means 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>	Means any sign indicating that a business is open or closed.
<b>Sign, Outdoor Advertising</b>	Means 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>	Means any privately owned sign indicating parking or directing vehicular traffic into a parking area.
<b>Sign, Permanent</b>	Means 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>	Means 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>	Means any temporary sign pertaining to any national, state, or local election.
<b>Sign, Portable</b>	Means 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>	Means any sign not permitted within the limits of the Randolph County, Indiana.
<b>Sign, Public</b>	Means any sign required or authorized for any public purpose to meet the needs of public information, health, safety, and welfare.
<b>Sign, Real Estate</b>	Means any sign advertising for sale, rental, or lease the particular structure or land area upon which said sign is located.
<b>Sign, Roof</b>	Means any sign erected upon or over the roof or parapet of any building.
<b>Sign, Temporary</b>	Means 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>	Means 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 nontraveling mode of operation.
<b>Sign, Two-sided</b>	Means 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>	Means any sign attached to, painted on, or erected against the exterior walls of a building or structure.
<b>Sign, Window</b>	Means 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>	Means a building or structure on a separate lot containing one dwelling unit.
<b>Site Plan</b>	Means 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>	Means sleeping or living quarters without cooking facilities and with or without individual bathroom facilities.
<b>Smoke unit</b>	Means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The

products so computed shall then be added to give the total number of smoke units observed during the entire observation period.

**Social Rehabilitation Center**

Means 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.

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

**Special Exception** Means 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**

Means 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**

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

**Standard Plant Unit**

Means one of a number of alternative planting schemes used to landscape required transitional yards.

**State Agency** Means all boards, commissions, departments and institutions of the State of Indiana created pursuant to legislative acts.

<b>Street Frontage</b>	Means any portion of a lot which coincides with the right-of-way line of a public street.
<b>Stoop</b>	Means an unroofed outdoor staircase and/or small platform whose sole purpose is to provide access to the entrance to a building.
<b>Storage Tank</b>	Means a structure or container designed and constructed for the purpose of providing storage of solid, liquid or gaseous material.
<b>Story</b>	Means 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>	Means 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>	Means 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>	Means a main street designed for high volume traffic and into which other streets funnel.
<b>Street, Back or Side</b>	Means 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>	Means 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>	Means 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>	Means 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>	Means a street having only one open end which is permanently terminated by a vehicle turn around.

<b>Street, Dead End</b>	Means a street having only one open end which is not terminated by a vehicle turn around.
<b>Street, Local</b>	Means 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.
<b>Street, Primary Arterial</b>	Means 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.
<b>Street, Public</b>	Means a street or street right-of-way owned and/or maintained by a public entity for the use of the public.
<b>Street, Secondary Arterial</b>	Means 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.
<b>Street Frontage</b>	Means 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.
<b>Structural Change or Alteration</b>	Means 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.
<b>Structure</b>	Means anything constructed or erected that requires location on, or in the ground, or attachments to something having a location on or in the ground.
<b>Structure, Accessory/Out Building</b>	Means a subordinate structure that is located on the same lot as a principal building, and which is not to be used for human habitation.
<b>Structure, Temporary</b>	Means a structure which is placed on a site for less than six months.
<b>Subdivision</b>	Means 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: <ul style="list-style-type: none"> <li>(1) Transfer ownership;</li> <li>(2) Construct buildings; or</li> <li>(3) Create new building sites for leasehold.</li> </ul>
<b>Swimming Pool</b>	Means 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.

**Tent** Means 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** Means 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** (See Lodging House)

**Townhouse** Means 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** Means 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** Means 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.

**Trailer** Means a vehicle which cannot be moved under its own power and is therefore hauled by another vehicle.

**Transitional Yard** Means 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.

**Transmission Lines for Gas, Oil, Electricity, or other Utilities** Means 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.

**Trash Transfer Station**

Means 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.

**Truck Garden** Means a garden where vegetables are raised for market and may be sold from a structure located on the same site.

**Travel Park** Means 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.

**Truck Freight Terminal** Means 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.)

**Truck Stop** Means 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.

**Truck Tire Mobile Sales and Service** Means 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.

**Two-family Dwelling** Means a building or structure on a separate lot containing two, attached dwelling units.

**Unified Development Code** Means the combined Zoning and Subdivision Ordinances of the County, Cities and Towns of Randolph County.

**Untagged Vehicle** Means a vehicle without a valid license plate or with a plate which does not match the registration.

**Use** Means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

**Use, Accessory** Means a subordinate use that is located on the same lot as a principal use, and which is not to be used for human habitation.

**Use, Principal** Means the main use of the land or structures as distinguished from a subordinate or accessory use.

**Vacant** Means empty and not in use at that particular time.

**Van Conversion** (See Vehicle Conversion)

**Variance (developmental standards)**

Means 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.

**Vegetative Cover** Means a pervious surface supporting plant materials.

**Vehicle Conversion**

Means 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.

**Vision Setback** (See Clear-sight Triangle)

**Wagon** Means a trailer with four wheels which may also be pulled by animals.

**Warehouse** Means a structure, or part thereof, or area used principally for the storage of goods and merchandise.

**Warehouse/Office** (See Office/Warehouse)

**Wheel Stop** Means 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.

**Wholesale Produce Terminal**

Means 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.

**Wholesale Store (Business Establishment)**

Means sale or resale not for direct consumption.

**Yard** Means 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** Means 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** Means 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 Losanstown.
- Zoning Lot** Means 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** Means 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.

## 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 effect 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 pursuant to the provisions of the Unified Zoning Ordinance of Randolph County, Indiana (Zoning Ordinance), notice shall be given pursuant to the Zoning Ordinance and the applicable By-Laws of the Area Planning Commission of Randolph County, Indiana (APC) and the Rules of Procedure (Rules) of the Board of Zoning Appeals of Randolph County, Indiana (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 application, for discussion 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.

## **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, meteorological tower, or operational support meteorological tower 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, there is no restriction on height, except those height limitations imposed by FAA rules and regulations. A micro-WECS shall not exceed sixty (60) feet in height except after a petition and hearing for a variance before the BZA pursuant to this Zoning Ordinance.

### **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>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).

### 16.5.2 Commercial WECS Power Collection and Transmission System

#### A. WECS Substation

<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.

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. The substation set backs 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>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>3</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. <sup>4</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 the required yard setback prescribed for that district.
Wetlands, as defined by the U.S. Army Corps	As determined by a permit obtained from the

<sup>3</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>4</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.

of Engineers: the nearest point of the wetland.	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).

#### 16.5.4 Minimum setback distances for all Meteorological Towers and Operational Support Meteorological Towers

Distance from:	Minimum Setback Distance
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>5</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>6</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

### 16.6 SAFETY DESIGN AND INSTALLATION STANDARDS

#### 16.6.1 Equipment type

##### A. Turbines:

<sup>5</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>6</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.

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 substation warning 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 switch(es) 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 six (6') 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 the residence nearest any part of the micro WECS, the commercial WECS or the non-commercial 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 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.

#### **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 (24 inches by 36 inches) without the prior consent of said Executive Director.

(vii) Engineering Certification:

For all WECS and 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.

(vii) 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.

(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 and Local Airport Board Approval:

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). A letter from the local aviation board stating its approval of the siting of the WTG tower(s) and WECS facilities.

(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. 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 and Local Airport Board Approval:

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). A letter from the local aviation board stating its approval of the siting of the WTG tower(s) and WECS facilities.

6. Substations: dimensions and location

7. Electrical cabling
8. Ancillary equipment
9. Any structure within one quarter (1/4) mile of the proposed WECS.
10. Setback lines
  - (a) Distances from each individual WTG tower to each setback requirement.
11. Location and number/name of all roads which abut, or traverse the proposed site.
12. 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.
13. 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.
14. 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.
15. 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. 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. BZA approval upon petition and hearing for a variance pursuant to this Zoning Ordinance for any Meteorological Tower or Operational Support Meteorological Tower which is greater than two hundred (200') feet in height.

#### **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 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.

## 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)

## APPENDIX A.



(Adopted August, 2006)

(Amended May, 2009)

## **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 applications 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.

Town Council of Farmland, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

Attest: \_\_\_\_\_ Clerk-Treasurer

Town Board of Losanstown, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Trustee

Attest: \_\_\_\_\_ Clerk-Treasurer

Town Council of Lynn, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

Attest: \_\_\_\_\_ Clerk-Treasurer

Town Council of Modoc, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

Attest: \_\_\_\_\_ Clerk-Treasurer

Town Council of Parker City, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

Attest: \_\_\_\_\_ Clerk-Treasurer

Town Council of Ridgeville, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_\_.

President

\_\_\_\_\_

Trustee

\_\_\_\_\_

Trustee

\_\_\_\_\_

Attest: \_\_\_\_\_ Clerk-Treasurer

Town Council of Saratoga, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_\_.

President

\_\_\_\_\_

Trustee

\_\_\_\_\_

Attest: \_\_\_\_\_ Clerk-Treasurer

Common Council of the City of Union City, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_\_.

Indiana

Common Council of the City of Union City,

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Approved by Me, \_\_\_\_\_, Mayor of the City of Union City, Indiana.

Attest: \_\_\_\_\_ Clerk-Treasurer

Common Council of Winchester, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

Indiana  
Common Council of the City of Winchester,

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Approved by Me, \_\_\_\_\_, Mayor of the City of Winchester, Indiana

Attest: \_\_\_\_\_ Clerk-Treasurer

Board of County Commissioners, Randolph County, Indiana

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ President  
Commissioner  
Commissioner

Attest: \_\_\_\_\_ Auditor