

**UNIFIED ZONING
ORDINANCE
FOR
VIGO COUNTY,
INDIANA**

Unified Zoning Ordinance For Vigo County, Indiana

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Dated: October 21, 1996

SECTION 1

GENERAL PROVISIONS

A. Title.

This ordinance shall hereinafter be known and cited as "Unified Zoning Ordinance of Vigo County, Indiana."

B. Authority.

1. This Ordinance is adopted pursuant to the authority contained in Indiana Code 36-7-4 et seq.
2. Whenever any provision of this ordinance refers to or cites a section of the Indiana Code and that-section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

C. Purpose.

In adopting this Ordinance, the Board of Commissioners of the County of Vigo, the Common Council of the City of Terre Haute, the Town Board of Riley, the Town Board of Seelyville, and the Town Board of West Terre Haute act for the purpose of:

1. promoting the public. health, safety, comfort, morals, convenience, and general welfare; and
2. guiding the future development of the City of Terre Haute, the Town of Riley, the Town of Seelyville, the Town of West Terre Haute, and Vigo County;
3. securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
4. lessening or avoiding congestion in public ways;
5. ensuring that the needs of agriculture, industry, and business be recognized in future growth;
6. ensuring that residential areas provide healthful surroundings for family life;
7. ensuring that growth be commensurate with and promotive of the efficient and economical use of public funds; and
8. otherwise accomplishing the purposes of Indiana Code 36-7-4 et seq.

D. Effective Date.

This ordinance shall be effective on the following dates:

1. Within the corporate boundaries of the City of Terre Haute on January 21, 1997;
2. Within the corporate boundaries of the Town of Riley on January 21, 1997;
3. Within the corporate boundaries of the Town of Seelyville on;
4. Within the corporate boundaries of the Town of West Terre Haute on; and,
5. In the unincorporated areas of Vigo County on November 22, 1996.

E. Repealer.

The Comprehensive Zoning Ordinance for Terre Haute, Indiana, as adopted by the Common Council of the City of Terre Haute, Indiana, on the ___day of____, 19___, and all amendments thereto, are hereby repealed, in addition, all other ordinances or parts of other ordinances adopted by the Board of Commissioners of the County of Vigo, the Common Council of the City of Terre Haute, the Town Board of the Riley, the Town Board of Seelyville, or the Town Board of West Terre Haute in conflict with this ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

F. Severability.

It is hereby declared to be the intention of the Board of Commissioners of the County of Vigo, the Common Council of the City of Terre Haute, the Town Board of Riley, the Town Board of Seelyville, and the Town Board of West Terre Haute that the sections, paragraphs, sentences., clauses, and phrases of this Ordinance are severable and, if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance because the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, clause, or phrase.

G. Exclusion.

Nothing in this ordinance or in any rules, regulations, or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, plan commission, or board of zoning appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any agency of the State of Indiana, or the use of property owned or occupied by the State of Indiana or any agency of the State of Indiana.

H. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the health, safety, comfort, morals, convenience, and the general welfare of the public. In the case of any conflict or inconsistency between two or more provisions of this Ordinance (e.g., the restrictions set forth in an overlay district versus the restrictions set forth in a primary zoning district), the provision, which imposes the greater or higher standard of performance shall control.

I. Jurisdiction.

1. Upon adoption of this Ordinance by the Common Council of the City of Terre Haute, the Town Board of Riley, the Town Board of Seelyville, the Town Board of West Terre Haute, and the Board of Commissioners of the County of Vigo, the Area Plan Commission of Vigo County shall be the duly authorized Plan Commission for the incorporated areas of the City of Terre Haute, the Town of Riley, the Town of Seelyville and the Town of West Terre Haute, and the unincorporated areas of Vigo County pursuant to the Area Planning Law of the Indiana Code.
2. This ordinance shall be effective within the corporate boundaries of the City of Terre Haute, the Town of Riley, the Town of Seelyville, the Town of West Terre Haute, and the unincorporated areas of Vigo County upon its adoption by the Common Council of the City of Terre Haute, the Town Board of Riley, the Town Board of Seelyville, the Town Board of West Terre Haute, and the Board of Commissioners of the County of Vigo.

J. Subdivision of Land

The subdivision of land may occur in any and all zoning districts established by this ordinance.

K. Scope and Application.

Except as expressly provided otherwise in this ordinance:

1. No person may use or occupy any land, building, structure or improvement or authorize or permit the use or occupancy of any land, building, structure or improvement under his control except in accordance-with the applicable provisions of this Ordinance.
2. No land, building, structure or improvement shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted in the zoning district in which such land, building, structure or improvement is located.

L. Findings of Fact.

In adopting this Ordinance, the Board of Commissioners of the County of Vigo, the Common Council of the City of Terre Haute, the Town Board of Riley, the Town Board of Seelyville, Town Board of West Terre Haute, and the Area Plan Commission of Vigo County have paid reasonable regard to:

1. the general polices and patterns of development set out in the Comprehensive Plan for Vigo County, Indiana;
2. current conditions and the character of current structures and uses in each zoning district;
3. the most desirable use for which the land in each zoning district is adapted;
4. the conservation of property values throughout Vigo County; and, the responsible development and growth of Vigo County.

M. Private Provisions.

The provisions of this ordinance are not intended to abrogate any easement, covenant or any other private agreement or restriction.

N. Agricultural Nuisance Disclaimer of Vigo County Indiana.

Any applicant for an Improvement Location Permit for a nonagricultural land use as a primary use on any real estate located in or adjacent to the A-1 District and any land which is the subject of a petition for zone map change from the A-1 District to any other district shall be required to execute and record a commitment containing the following language:

Owner acknowledges that the real estate subject to this commitment is in or adjacent to an area zoned for agricultural land uses.

Owner hereby agrees: to waive any and all objection to any such agricultural land use on any real estate zoned for such uses within one-half (1/2) mile of any boundary of the real estate; and, that such agricultural land uses, including but not limited to associated odors, dust, pollen, noise, lights, hours of operation, weed control applications, pest control applications, and similar procedures related to the normal operation of such agricultural land uses, do not constitute a nuisance, public or private, provided that there is no significant change in the hours of operation or the type of agricultural land uses and the agricultural land uses would not have been a nuisance at the time the agricultural land uses began operation. This agreement does not limit Owner's rights under other applicable laws in the event of negligence in the operation of said agricultural land uses.

Exception: The provisions of this Section shall not apply to any real estate, which is part of a previously recorded plat or a petition for primary or secondary plat approval in which such plat contains a covenant applicable to all real estate within said plat, which provides the agricultural protection outlined above.

O. Exemptions to Height Limitations.

The following items shall be exempt from the building height limitations contained in individual zoning districts:

1. Chimneys, church spires, flag poles, accessory transmission and communication antenna, and similar structural appendages not intended as places of occupancy or storage, provided that no more than one-third (1/3) of the total roof area is occupied by such features.
2. Free-standing flag poles, accessory transmission and communication towers, and other similar structures, provided that such structures, and any guy wire anchors associated with such structures, shall be located in compliance with all setback provisions of the zoning district in which they are located.
3. Heating, ventilation and air conditioning equipment; roof water tanks; elevator shafts; solar collectors; skylights; and similar equipment to operate and maintain the building, provided that no more than one-third (1/3) of the total roof area is occupied by such features and further provided that such equipment shall be setback from the edge of the roof a minimum distance of one (1) foot for each floor ten (10) feet in elevation that such equipment, fixtures or devices extend above the roof surface.
4. Parapet walls not exceeding two (2) feet in height.

P. Exemptions for Public and Semi-Public Utilities.

Public or semi-public water and sewer utilities, which are designed as a part of and intended to serve the immediate area or neighborhood in accordance with applicable provisions indicated on a subdivision plat which has been approved by the Plan commission and recorded in the Office of the Recorder of Vigo County, Indiana, shall be exempt from the provisions of this ordinance.

Utility Substations and major utility facilities such as Water Treatment Plants, Waste Water Treatment Facilities and the like, which are designed as part of a larger service network or to independently provide service on a community or regional level shall be subject to all use and development standards regulations of this Ordinance.

Q. Exemptions for Transportation, Communications, Electric, Gas and Sanitary Services.

Service easement, including but not limited to those providing for roadways, railroad lines, pipelines, electric power lines, telephone lines, relay stations, lift stations, and the like, shall be exempt from the provisions of this ordinance.

Bus stations, railway terminals, gas storage tanks, power stations, treatment plants, and the like, shall be subject to all use and development standards regulations of this ordinance.

R. Determination of Land Uses Not Listed in this Zoning Ordinance.

It is recognized that this ordinance may require interpretation to assign all possible land uses to individual zoning districts. Therefore; -any land use which is not specifically set forth in this ordinance shall be reviewed by the Director for consistency with the Statements of Purpose in each zoning district and for compatibility with land use characteristics typical of land uses permitted within those districts and the Director shall determine the appropriate zoning district for any use which is not specifically set forth herein. In case of disagreement with the determination of the Director in assigning a land use to an appropriate zoning district, any aggrieved party may file an appeal before the Board pursuant to the provisions of Section 4 of this Ordinance.

If it is (i) determined by the Director, in agreement with the applicant or (ii) determined by the Board that a particular use is not permitted in any agricultural, residential, commercial, industrial or manufacturing, or special zoning district, then such use shall be deemed to require the PUD zoning district and shall be considered to be a permitted use only in a PUD zoning district in which such use is specifically included and described in a petition for zone map change to the PUD zoning district.

S. Commitments Required by the Plan Commission.

1. The Plan Commission may, under any circumstance, require or permit the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with recommending approval of a Zone Map Change to the PUD District, or any other zoning district, to a legislative body as a condition of development.

The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitments shall be in effect for as long as the real estate to which they apply remains zoned to the classification to which the real estate was zoned when the commitments were made or modified or terminated pursuant to Section 1, S., 2. below. The commitments shall authorize their recording by the Director in the office of the Recorder of Vigo County, Indiana upon the final approval of the zone map change by the legislative body. Following the recording of the commitments, the Director shall return the original recorded commitments to petitioner and shall retain a copy of the recorded commitments in its file.

The Plan Commission, Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval, and other-specially affected persons designated in such commitments shall be entitled to enforce such commitments pursuant to Indiana Code 36-7-4-1015 or as otherwise provided by applicable law.

The commitments required by the Plan Commission shall be in substantially the form set forth in Exhibit "A" of this Ordinance.

2. Modification of Commitments by the Plan Commission.

Commitments required or permitted by the Plan Commission may be modified or terminated by a decision of the Plan Commission, or its successor, made at a public hearing after notice to adjoining owners has been given pursuant to the Bylaws of the Plan Commission. Any modification or termination of the commitments shall not be effective until: (a) reduced to writing; (b) approved by the Plan Commission; (c) executed and notarized by the present owner(s) of the real estate; and, (d) recorded in the Office of the Recorder of Vigo County, Indiana.

The modification or termination of commitments shall be in substantially the form set forth in Exhibit "B" of this Ordinance.

T. Exceptions for Upper Level Dwellings in Commercial Districts

Notwithstanding any provisions of this Ordinance to the contrary, including provisions for nonconforming uses and structures contained in Section 7 of this Ordinance, any commercial building located in a C-1, C-2, C-3, C-4, C-5, C-6 or C-7 District which was originally designed and constructed to include a dwelling unit(s) in an upper level(s) shall be permitted to use, maintain, repair, operate or otherwise commence, continue or reuse such areas for dwelling purposes.

U. Yard Exemptions.

In all zoning districts, the following shall be exempt from the required yard and setback provisions:

1. Awnings, canopies, eaves, cornices or other laterally supported extensions, gutters, and one story bay windows, in each case not extending more than four (4) feet into a required yard;
2. Stair steps not exceeding four (4) feet above grade and not extending more than four (4) feet into a required yard;
3. Chimneys not projecting more than twenty-four (24) inches into any yard;
4. Arbors and trellises;
5. Flag poles;
6. Fences and walls not exceeding forty-two (42) inches in height in a front yard or six (6) feet in height in a side or rear yard, provided, however, the height of a fence or wall in a side or rear yard may be increased to ten (10) feet if the visibility through the fence at right angles is not reduced by more than eighty (80) percent.

V. Special Regulations for Residential Facilities for the Mentally Ill.

A residential facility for the mentally ill as defined in this Ordinance and by 1.C. 12-7-2-167 may not be located within three thousand (3,000) feet of another residential facility for the mentally ill, as measured between lot lines.

SECTION 2

DEFINITIONS AND RULES OF CONSTRUCTION

A. Interpretation of Terms or Words

The language of this Ordinance shall be interpreted in accordance with the following regulations:

1. The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual;
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires;
3. The word "shall" is mandatory, the word "may" is permissive;
4. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "arranged" to be used or occupied;
5. The word "lot" includes the words "plot", "tract", or "parcel"; and
6. Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", or "either ... or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either ... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.
7. The terms "more intensive district" and "less intensive district" are terms used herein to describe relationships between particular zoning districts based on the permitted uses within each district.
 - a. "More restrictive district", shall be synonymous with the term "less intensive district: and the term "less restrictive district" shall be synonymous with the term "more intensive district".
 - b. A "more intense district" shall mean one which permits more uses or the same uses at a greater density, progressing from Agricultural, to Residential, to Business, to industrial districts, in the sequence listed within each group of districts from least intensive to the most intensive.

B. Definitions.

The following terms or words used in the text of this Ordinance shall have the following Meanings,, unless a contrary meaning is (i) required by the context of a particular sentence or phrase or (ii) specifically prescribed in a particular sentence or phrase:

ABANDONMENT: The voluntary and intentional relinquishment of the owner's known right

ACCESSORY: Any use, building, structure or improvement, which is conducted and operated in conjunction with a principal use and which:

- (i) constitutes only a clearly incidental or clearly insubstantial part of the total activity that takes place on a lot; or
- (ii) is commonly associated and integrally related with the principal use.

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock in trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

AGRICULTURE or AGRICULTURAL OPERATIONS: An operation which consists of the following uses, individually or in combination: the production of grain or livestock; stables; forest or tree production; pasture; setting aside land in a government set-aside reserve program; a farmstead; dwellings for caregivers, care receivers or caretakers; uses accessory to agricultural operations on the site; or, uses accessory to agricultural operations in the area.

ALLEY: A public right-of-way, other than a street, road, or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

AIRPORT: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers.

AIRPORT AUTHORITY: The Hulman Regional Airport Authority.

AIRPORT CONICAL SURFACE AREA: The land area-designated as "Airport Conical Surface Area", on the Airspace Overlay District Zoning Map, beginning at the periphery of the Horizontal Surface Area and thence extending outwardly a distance of four thousand (4,000) feet -- said Conical Surface Area not including, however, the Precision Instrument and Non-Precision Instrument and Visual Approach Surface Areas and Transitional Surface Area.

AIRPORT HORIZONTAL SURFACE AREA: The land area designated as "Airport Horizontal Surface Area, on the Airspace Overlay District Zoning Map, the perimeter of which is determined by projecting arcs from the center of the inner line of each Precision Instrument, Non-Precision Instrument, and Visual Approach Surface Area, the dimension of said arcs for Precision Instrument Approach and Non-Precision Instrument Approach Surface Areas being ten thousand (10,000) feet and the dimension of said arcs for Visual Approach Surface Areas being five thousand (5,000) feet and connecting adjacent areas by lines tangent thereto -- not including, however, as a part of the Horizontal Surface Area, the Precision Instrument, Non-Precision Instrument and Visual Approach Surface Areas and Transitional Surface Area. When a five thousand (5,000) foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

AIRPORT PRECISION INSTRUMENT APPROACH SURFACE AREAS: The land area designated as "Airport Instrument Approach Surface Area" on the Airspace Overlay District Zoning map, located at the end of any runway served by a precision instrument approach for landings and takeoffs -- said Surface area having a width of one thousand (1,000) feet at a horizontal distance of two hundred (200) feet beyond the end of the runway and widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond the end of the runway, its centerline being the continuation of the runway centerline.

AIRPORT NON-PRECISION INSTRUMENT APPROACH SURFACE AREA: "the land area designated as "Airport Non-Precision Instrument Approach Surface Area" on the Airspace Overlay District Zoning Map, located at the end of any runway served by a non-precision instrument approach for landings and take-offs, said Surface Area having a width of five hundred (500) feet at a horizontal distance of two hundred (200) feet beyond the end of the runway and widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond the end of the runway, its centerline being the continuation of the runway centerline.

AIRPORT VISUAL APPROACH SURFACE AREA: The land area designed as "Airport Visual Approach Surface Area" on the Airspace Overlay District Zoning Map, located at the end of any: runway without an instrument approach for landings and take-offs said Surface Area having a width of five hundred (500) feet at a horizontal distance of two hundred (200) feet beyond the end of the runway and widening thereafter uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand two hundred (5,200) feet beyond the end of the runway, its centerline being the continuation of the runway centerline.

AIRPORT LANDING AREA: The area of the Airport used for the landing, take-off or taxiing of aircraft.

AIRPORT TRANSITIONAL SURFACE AREA: The land area designated as "Airport Transitional Surface Area" on the Airspace Overlay Zoning Map, located adjacent to each precision instrument, non-precision instrument, and visual runway, symmetrically on each side of such runway -- said Surface Area extending outward as indicated on the Airspace Overlay Zoning Map from a line five hundred (500) feet on either side of the centerline of a precision instrument runway plus two hundred (200) feet at each end thereof, to the inner line of the Horizontal Surface Area and from a line two hundred fifty (250) feet on either side of the centerline of a non-precision instrument or visual runway, for the length of such runway plus two hundred (200) feet at each end thereof, to the inner line of the Horizontal Surface Area; further symmetrically located adjacent to each Precision Instrument, Non-Precision Instrument, and Visual Runway Approach Surface Area, on each side thereof, having variable widths, as indicated on the Airspace Overlay Zoning Map, and extending the entire length of said Approach Surface Areas to their intersection with the outer line of the Conical Surface Area; and further located beyond said points of intersection, beginning at the outer lines of all. Precision Instrument Approach Surface Areas and extend a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the Airspace Overlay Zoning Map. The width prescribed in this definition shall be that width prescribed for the most precise approach existing or planned either end of that runway.

AIRSPACE HAZARD: Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a publicly owned, public use airport as determined to constitute an "airspace" or "airport" hazard either by the Federal Aviation Administration, the Indiana Department of Transportation, Aeronautics Section or Hulman Regional Airport Authority.

APARTMENT HOUSE: See Dwelling, Multifamily.

APARTMENT HOTEL: An apartmenthouse which "furnishes additional services ordinarily furnished by hotels; but where the services furnished are for its tenants by previous arrangements, and not for transients.

AUTOMOBILE OR TRAILER SALES AREA: An open area other than a street, used for the display, sale or rental of new or-used motor vehicles, trailers or mobile homes, in a commonly accepted state of repair and appearance. All repair work is to be done inside a building.

AUTOMOBILE SERVICE STATION: Any land, building, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for the servicing or lubricating of motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles, or painting motor vehicles and excluding public garages.

AUTOMOBILE WRECKING:The dismantling or disassembling of used motor vehicles and trailers; or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

BASEMENT: A story whose floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height below the average level of the adjoining ground.

BED AND BREAKFAST: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

BILLBOARD: See Sign, Advertising.

BOARD: The Area Board of Zoning Appeals or the division of said Board with the appropriate jurisdiction.

BOARDING HOUSE (LODGING HOUSE): Any dwelling other than a hotel or motel, where meals or lodging and meals for compensation are provided for not less than five (5) or more than twenty (20) persons by prearrangement for a definite period of time.

BUFFER STRIP: Open space, landscaped area, fence, wall, berm or any combination thereof used to physically separate or screen one user or property from another so as to visually shield or block noise, lights, or other nuisances.

BUFFER YARD. See Yard, Buffer.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or-movable property, of any kind and which .is permanently affixed to the land

BUILDING HEIGHT: The vertical distance, measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof, for a flat roof, to the deck line for a mansard roof and to the mean height level (between eaves and the ridge) for gable and hip roofs. Whenever a building is located upon a terrace or slope, height may be measured from the average height grade level of the building wall.

BUILDING LINE: A line beyond which the principal building and its accessory buildings may not project, except as otherwise stated in this ordinance.

BUILDING, PRINCIPAL: A building which contains the principal use of the building site on which it is located.

BULK REGULATIONS: Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.

CAMP (PUBLIC): Any area or tract of land used or designated to accommodate two (2) or more automobiles, campers, house trailers, or two (2) or more camping parties, including cabins, tents or other camping outfits.

CERTIFICATE OF USE AND OCCUPANCY: A certificate issued prior to, and authorizing the use and/or occupancy of, all building or land uses, and states that the building or land use meets all requirements of this ordinance and the building code, subject to any special provisions that may prevail. The certificate of use and occupancy shall be issued by respective building inspection departments and the Director shall keep copies of all the certificates of use of occupancy.

CHILD CARE: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth. (For reference see Indiana Code 12-7-2.)

CHILD CARE CENTER: A building where at least seventeen (17) children receive childcare from a provider:

- (a) while unattended by a parent, legal guardian, or custodian;
- (b) for regular compensation; and,
- (c) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

This term also applies to a building where childcare is provided to less than seventeen (17) children if the provider has applied for a license under Indiana Code 12-17.2-4 and meets the requirements under Indiana Code 12-17.2-4. (For reference see Indiana Code 12-7-2.)

CHILD CARE HOME: A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

- (a) while unattended by a parent, legal guardian, or custodian;
- (b) for regular compensation; and,
- (c) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays; Sundays, and holidays.

This term includes a Class I childcare home (that serves any combination of full-time and part-time children, not to exceed twelve (12) at any one (1) time) and a Class II child care home (that serves more than twelve (12) children but no more than any combination of sixteen (16) full-time and part-time children at any one (1) time. (For reference see Indiana Code 12-7-2.)

CHILD CARE MINISTRY: A child care operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code. (For reference see Indiana Code 12-7-2.)

CHILD CARING INSTITUTION:

- (a) A residential facility:
 - (1) that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
 - (2) with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
- (b) An institution that:
 - (1) operates under a license issued under Indiana Code 12-17.4;
 - (2) provides for delivery of mental health services that are appropriate to the needs of the individual; and,

- (3) complies with the rules adopted under Indiana Code 4-22-2 by the division of family and children. (For reference see Indiana Code 12-7-2.)

CLINIC: An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

CLUB OR LODGE: Buildings and facilities owned or operated by a corporation, association, person or persons for a fraternal, veteran, social, educational or recreational purpose, but not primarily for profit, which inures to any individual, and not primarily to render a service which is customarily carried on as a business.

COMMERCIAL: Engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or a maintenance or operation of offices or recreational, or amusement enterprises, but does not include material yards, junk yards, or railroad yards.

COMMISSION: The Area Plan Commission of Vigo County.

COMPREHENSIVE PLAN: The Comprehensive Plan for Vigo County as the same may be amended, modified, replaced or superseded from time to time.

CONDOMINIUM: The division of building and the related land into horizontal property interest meeting the requirements of and controlled by Indiana statutes for condominiums. (For reference see Indiana Code 32-1-6.)

CONVENIENCE MARKET. A retail establishment selling a limited number of food items, such as sandwiches; snacks, staple groceries, household items, lottery tickets 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 dispensing equipment by customers of the establishment on a self-service basis.

COUNTY COMMISSIONERS: The Board of Commissioners of the County of Vigo, Indiana.

DAY-NIGHT SOUND LEVEL (DNL): A cumulative aircraft noise index that estimates the exposure to aircraft noise and relates the estimated exposure to an expected community response. The day-night sound level noise metric assess a 10 dB penalty to all noise events occurring between 10:00 p.m. and 7:00 a.m.

DIRECTOR: The Executive Director of the Vigo County Area Planning Department or its designated representative.

DISTRICT: A section or sections of the jurisdiction of the "Commission" for which the requirements governing the use-of buildings and premises, the bulk of buildings, the size of yards, the requirements of off-street parking and loading and the intensity of use are uniform.

DNL CONTOUR: A line linking together a series of points of equal cumulative noise exposure based on the DNL metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

DORMITORY: A building arranged and used for housing individuals, with common toilet and bath facilities, and not having individual cooking facilities.

DRIVEWAY. Access for vehicular movement to egress/ingress through a minimum front yard or minimum front buffer yard, extending to the right-of-way line of a private or public street.

DRIVEWAY, INTERNAL. Access for vehicular movement to egress/ingress through a minimum side yard or minimum rear yard to connect two (2) or more projects or parcels.

DUPLEX: See Dwelling, Two-family.

DWELLING: Any building, or portion of a building, which is designed or used primarily for residential purposes, including a single family, two-family and multifamily but not including hotels, boarding houses, lodging houses and tourist dwellings.

DWELLING, CAREGIVER: A second dwelling unit located on a lot in a zoning district which permits only one (1) single family dwelling as a matter of right and which is:

1. occupied by a family who provides weekly assistance to the family residing in the permitted single family dwelling; and,
2. approved by the Board through the grant of a Special Exception.

DWELLING, CARERECEIVER: A second dwelling unit located on a lot in a zoning district which permits only one (1) single family dwelling as a matter of right and which is:

1. occupied by a family who receives weekly assistance from the family residing in the permitted single family dwelling; and,
2. is approved by the Board through the grant of a Special Exception.

DWELLING, CARETAKER: A dwelling unit occupied by a family who provides weekly grounds maintenance on a lot occupied by an agricultural or business enterprise.

DWELLING, EMERGENCY: A temporary dwelling unit, located on the same lot as a permanent dwelling, which provides shelter while a permanent dwelling which has been damaged or destroyed by fire or other disaster is being repaired or rebuilt.

DWELLING, MANUFACTURED: A dwelling 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; provided, that each module must bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards; and provided further, that each unit must have been built after January 1, 1981, and must have at least 900 square feet of main floor area (exclusive of garages, carports, and open porches).

DWELLING, MOBILE: A movable or portable dwelling unit that: (a) 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; (b) is designed for occupancy by one family; (c) is erected or located as specified by the Vigo County Building Code; and, (d) was either: (i) constructed prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or, (ii) constructed subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

DWELLING, MODULAR: A dwelling 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; provided, that each module must bear the seal certified that it was built in compliance with Indiana Public Law 360; and, provided further, that the unit must have been built in compliance with the CABO One and Two-Family Dwelling Code.

DWELLING, MULTIFAMILY: A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls. Individual kitchen, dining and restroom/bathing facilities shall be provided in each separate dwelling unit.

DWELLING, SINGLE FAMILY: A dwelling unit which maintains a minimum width of twenty-three (23) feet over sixty (60) percent of the length of the structure and is either:

1. built in compliance with the CABO One and Two-Family Code and the Vigo County Building Code;
2. a modular dwelling; or,
3. a manufactured dwelling.

DWELLING, TWO-FAMILY: A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, sleeping, cooking, and eating. The term shall include mobile dwellings, modular dwellings and manufactured dwellings but shall not include recreational vehicles.

EASEMENT: A portion or strip of land which is part of a lot or parcel, but which has been reserved for a specific use or for access of persons, utilities or services.

ERECT: Activity of constructing, building, raising, assembling, placing, affixing, attaching, hanging, suspending, creating, or any other way of bringing into being or establishing. In the case of a wall sign, the term erect shall also include the activity of painting.

EXTENDED CARE FACILITY: A long-term facility, or a district part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

FAMILY: A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single house-keeping unit under a common housekeeping management plan based on an intentionally structured relationship, providing organization and stability.

FARMSTEAD: A single-family dwelling unit located in association with an agricultural operation and used for residency by the family, which owns and operates the agricultural operation, the family's household employees or the families farm employees.

FLOOR AREA, GROSS. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two abutting buildings.

FRONTAGE: See Lot Frontage.

GARAGE, MUNICIPAL: A structure owned or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.

GARAGE, PRIVATE: A structure that is accessory to a residential building, and that is used for the parking and storage of vehicles owned and operated by the residents thereof, and that is not a separate commercial enterprise available to the general public.

GARAGE, PUBLIC: A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE SALE: See Yard Sale.

GRADE, ESTABLISHED: The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street, the average sidewalk grade is to be used. If there is no sidewalk, the City Engineer shall establish the sidewalk grade.

HOME OCCUPATION: An occupation or business activity carried on within a legally established dwelling unit by a resident of said dwelling, where the occupation or business activity:

- (a) is clearly incidental and subordinate to the residential use;
- (b) does not alter the interior or exterior residential character of the dwelling unit;
- (c) is conducted primarily within the dwelling unit in which the operator actually makes his/her legal and primary place of residence;
- (d) does not include any outdoor storage or activities other than receipt or delivery associated with the business activity; and,

- (e) does not employ anyone on-site other than the operator or other legal residents of the dwelling unit.

HOTEL: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement, or moving of a building and land use referred to therein complies with the provisions of this Ordinance.

INOPERABLE MOTOR VEHICLE: Any automobile, truck; semitrailer, school bus or recreational vehicle, that lacks a motor, drive train, wheels, axles or transmissions; also a vehicle which does not carry a current year state registration or license tag.

INSTITUTIONAL USE: A non-profit, religious or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.

INTEGRATED CENTER: An area of development (commercial, industrial, or any combination of commercial, industrial and residential uses) of one or more lots, comprised of:

- (a) Two or more individual, non-related and separately operated uses in one building sharing common site facilities;
- (b) One or more buildings containing non--related and separately operated uses occupying a common site, which utilizes one or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, maintenance and similar common services; or,
- (c) One or more buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by the utilization on one or a combination of common facilities, such as driveway entrances, internal public or private street network developed in accordance with an approved plat, parking areas, maintenance or other services.

JUNK YARD: Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which does not carry a current, valid license, and is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

KENNELS: The use of land or buildings for the purpose of selling, breeding, boarding or training animals other than farm animals, or the keeping of four (4) or more dogs over four (4) months of age, or keeping six (6) or more cats over four (4) months of age, or the keeping of more than five (5) dogs and cats.

LEGALLY ESTABLISHED LOT: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.

LEGALLY ESTABLISHED NONCONFORMING BUILDING OR STRUCTURE: Any continuous, lawfully established building or structure erected or constructed (a) prior to the time of adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision, amendment to conform to the present requirements of the zoning district, or (b) pursuant to a granted variance of the zoning ordinance.

LEGALLY ESTABLISHED NONCONFORMING USE: Any continuous, lawful land use having commenced (a) prior to the time of adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision, amendment, to conform to the present requirements of the zoning district, or (b) pursuant to a granted variance.

LOT: A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of: (a) a single lot of record; (b) a portion of a lot of record; or (c) a combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record. A lot may or may not coincide with a lot of record.

LOT OF RECORD: A lot, which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, CORNER: A lot abutting upon the intersection of two (2) or more streets which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lot lines is the corner.

LOT FRONTAGE: The line of contact of an abutting property with the street right-of-way along a front lot line, which allows unobstructed, direct access to the property.

LOT, INTERIOR: A lot with frontage on one (1) side only.

LOT LINES:

- a. Front: the boundary of a lot along a right-of-way.
- b. Interior: the boundary of a lot, which is in common with two (2) other interior, lots fronting on the same right-of-way. For corner lots, that lot line that is in common with said corner lot and another corner lot or an interior lot fronting the same right-of-way.
- C. Alley: the boundary of a lot line along an alley.
- d. Rear: the boundary of a lot, which is neither, a front lot line, an interior lot line, nor an alley lot line.

LOT WIDTH: The full width of a lot measured along the required front setback line.

MAIN FLOOR AREA: The area of a horizontal plane of the floor surface at or above grade level which is fully enclosed by the exterior walls, or the center line(s) of party walls separating such buildings or portions thereof, of the primary building or structure exclusive of decks, garages, exterior open balconies, open porches, and all areas with a vertical height clearance of less than seventy-eight (78) inches.

MANUFACTURING (INDUSTRY): Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

MINING: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas.

MOBILE HOME LOT: A piece of land, the location, shape and size of which have been established in an approved mobile home park plan, to be rented or sold for occupancy by a mobile dwelling.

MOBILE HOME PARK: A site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile dwellings or manufactured dwellings, and that may include services and facilities for the residents. Mobile Home Parks are licensed by the State Department of Health.

MOTEL: An establishment consisting of a group of attached living or sleeping unit accommodations, with bathroom and closet space for each unit, located on a single lot, and designed for use by transient automobile tourists.

NAVIGABLE AIRSPACE: The airspace above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101(24) 49 United States Code 1301, including the airspace needed to ensure safety in the take-off and landing of aircraft.

NET SITE AREA: The buildable area of a lot contained inside of and entirely enclosed by building lines. In all cases, the net site area is less than the lot area.

NONCONFORMING STRUCTURE: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this ordinance.

NONCONFORMING USE: A use or activity that was lawful prior to the adoption, revision or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this ordinance.

NON-PRECISION INSTRUMENT RUNWAY: A runway equipped, or to be equipped with, electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions providing horizontal distance guidance to the aircraft.

NUISANCE: Any use inconsistent with the public comfort, convenience, enjoyment, health, safety, and general welfare. The following factors are to be considered in making the determination thereof:

- a. Fire and explosion hazards;
- b. Electrical and radioactive disturbances;
- c. Noise and vibration;
- d. Dust, dirt, flying ashes;
- e. Glare;
- f. Smoke and odors;
- g. Unsanitary conditions attractive to vermin or fostering the spread of disease.

OFF-STREET LOADING: Designated areas located adjacent to buildings where trucks may load and unload cargo. Site design should provide adequate buffer from residential areas due to nature of the noisy machinery required to be kept running while loading and unloading throughout the night and/or early morning.

OFF-STREET PARKING SPACE: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, and may include accessory uses for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child-care facilities.

PARKING AREA. An area of paving, not including driveways or internal driveways, intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of the automotive vehicles to and from the actual parking space.

PERMITTED USE: Any use allowed in a district and subject to the restrictions applicable to that district.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PRECISION INSTRUMENT RUNWAY: A runway equipped, or to be equipped with, electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions providing vertical distance and horizontal distance guidance to the aircraft.

PRINCIPAL USE: The primary or predominant use of any lot or parcel.

PROHIBITED USE: A use that is not expressly permitted in a district.

PLANNED UNIT DEVELOPMENT: An area of a minimum contiguous size, as specified by the ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.

PUBLICLY OWNED, PUBLIC USE AIRPORT: An airport owned by a public entity available for use by the public, designated as a "Publicly Owned, Public Use Airport" on the Airspace Overlay Zoning Map, for which an Airspace Overlay District is established by this Ordinance.

RAILROAD RIGHT-OF-WAY: A strip of land with tracks and auxiliary facilities for tract operation, but not including freight depots or stations, loading platforms, train or motor car sheds, warehouses car or locomotive shops, or car yards.

RECREATION:

- a. Commercial: Recreation facilities operated as a business, and open to the public for a fee.
- b. Private non-commercial: Clubs or recreation facilities operated by a non-profit organization open only to its members.
- c. Outdoor: Any activity normally conducted outdoors, including swimming, tennis, baseball and football, whether conducted outdoors or within an enclosed building-or structure.
- d. Public: Recreation facilities operated by a governmental entity or as a non-profit enterprise by a nonprofit organization, and open to the general public.

RECREATIONAL VEHICLE PARK: Any lot car parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RELIGIOUS USE: A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to educational, instructional, social, residential or child care ministry uses.

RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED: A residential facility established under a program authorized by Indiana Code 12-11-1 which provides residential services for not more than eight (8) developmentally disabled individuals.

RESIDENTIAL FACILITY FOR THE MENTALLY ILL: A residential facility established under a program authorized by Indiana Code 12-22-1-1 which provides residential services for mentally ill individuals.

RIGHT-OF-WAY: Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare for passage of pedestrians, vehicles, or utilities, as set forth in a written grant, declaration or conveyance that is recorded in the office of the Vigo County Recorder.

RIGHT-OF-WAY, PUBLIC: Specific and particularly described strip of land, property; or interest therein dedicated to and accepted by the municipality or County to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the Vigo County Recorder.

RIGHT-OF-WAY, PRIVATE: Specific and particularly described strip of privately-held land devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the Vigo County Recorder.

ROOF LINE: The juncture of the roof and perimeter wall of the structure.

RUNWAY: The surface of the airport used for landing and taking-off of aircraft.

SANITARY LANDFILL: An incinerator, a composting facility, a garbage grinding facility, or any other facility that is suitable for solid waste disposal. (For reference see Indiana Code 36-9-30-2.)

SCENIC AREA: Airy public park or area of particular scenic beauty or historical significance designated by or pursuant to local, state, or federal law.

SIGN: Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or interests.

SIGN, ADVERTISING: An off-premise sign which directs attention to any business, profession, product, activity, commodity, or service, that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. Also known as an outdoor advertising sign.

SIGN, AWNING: A building identification sign or graphic printed on or in some fashion attached directly to the material of an awning.

SIGN, CANOPY: Any sign that is part of or attached to a canopy over a door, entrance, or window.

SIGN, CONSTRUCTION: A temporary sign, which identifies the construction activity on a property and announces the project, owner or developer, contractor, subcontractor, architect, engineer, funding sources or related information. SIGN, DIRECTIONAL: Any incidental sign, which serves solely to designate the location or direction of any place or area located on the same lot.

SIGN, DIRECTORY: An on-premise sign on which the name, title, street number, or use of building is displayed,

SIGN DISPLAY SURFACE: The surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN, FREESTANDING: A sign that is attached to, erected on or supported by some structure (such as a pole, mast or frame) that is not itself an integral part of or attached to a building or structure whose principal function is something other than the support of a sign.

SIGN, GROUND: Any freestanding sign constructed in or on the ground surface with a maximum height not exceeding four (4) feet above grade.

SIGN, IDENTIFICATION: Any sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

SIGN, INCIDENTAL: A sign relating to the lot or use thereof and designated accessory uses, direction, identification, information, construction, or real estate for sale, lease, or rent.

SIGN, MARQUEE: Any building identification sign painted, mounted, constructed or attached in any manner on a marquee.

SIGN, NONCONFORMING: A sign, which qualifies as a legally established nonconforming structure.

SIGN, OFF-PREMISE: See Sign, Advertising.

SIGN, ON-PREMISE: A sign, which directs attention to a building, business, product, activity, or service offered on the property on which the sign is located.

SIGN, PARKING AND LOADING: Any incidental sign which serves to designate the location of any parking or loading area on a lot and may include the name of the owner or the establishment for which such parking or loading area it is provided.

SIGN, POLE: Any freestanding sign which has its supportive structures) anchored in the ground and which has the lowest portion of its sign display surface elevated a minimum of ten (10) feet above the grade.

SIGN, PORTABLE: Any sign or sign structure not securely attached to the ground or other permanent structure, or a: sign designed to be transported from place to place, including but not limited to signs transported by means of wheels; a sign attached to A- or T-frames; menu and sandwich board sign; balloon used as a sign, umbrella used for advertising; and, sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.

SIGN, PYLON: Any freestanding sign anchored in the ground with its sign display surface extending upward from the ground surface and which as a height exceeding four (4) feet above grade.

SIGN, ROOF: Any sign erected on or wholly constructed upon a roof of any building and supported solely on the roof structure.

SIGN STRUCTURE: Any structure including supports, uprights, bracing and framework that supports or is capable of supporting any sign.

SIGN, TALL: Any sign with an overall height in excess of the maximum height of freestanding identification signs in the zoning district in which the sign is located.

SIGN, TEMPORARY: Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for limited periods only. Examples of such signs include, but are not limited to the following: real estate, construction, special event, political, garage sale, home improvement/remodeling, model home and seasonal/holiday signs.

SIGN, WALL: Any sign attached to or erected on a wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, within eighteen (18) inches of said wall, and containing only one sign display surface.

SIGN, WINDOW: Any sign placed: (i) inside of and within two (2) feet of a window; or, (ii) upon a window, and is intended to be seen from the exterior of the window.

SITE PLAN: The design plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berm, buffers, and screening devices; surrounding development; and, any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SOLID WASTE: Any garbage, refuse, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an, air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include

- (a) solid or dissolved material in a domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);
- (b) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);
- (c) Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or,
- (d) vegetative matter at composting facilities registered under Indiana code 13-7-35. (For reference see Indiana Code 13-7-1.)

SPECIAL EXCEPTION: A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this ordinance and authorized by the Board.

STREET: Any public or private right-of-way, with the exception of alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

STREET, PRIVATE: A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, easement, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.

STREET, PUBLIC: A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

STRUCTURAL ALTERATION: Any change, including addition thereto, other than incidental repairs, which would prolong the life of the supporting members of a building, such as a bearing wall, column, beam, girder, cribbing, joist, or rafter.

SUBDIVISION: All divisions of a quarter section, tract, or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future of sale or building development.

SUBDIVISION CONTROL ORDINANCE: The Subdivision Control Ordinance for the Vigo County Areas.

TEMPORARY USE, BUILDING OR STRUCTURE: A use, building or structure which is: (i) established for a fixed-period of time, not exceeding eighteen (18) consecutive months in duration or eighteen (18) months in the aggregate during any thirty-six (36) month period; (ii) seasonal in nature; or, (iii) providing emergency dwelling needs, and which is consistent and compatible with the purpose, intent and land uses authorized within the zoning district in which such temporary use is located. Upon the cessation of a temporary use or the end of the season for which the use was established, all structures, buildings or debris associated with said temporary use shall be removed from the site.

TRANSFER STATION: A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. The term does not include the following:

- (a) a facility where the solid waste that is transferred has been generated by the facility; or,
- (b) a recycling facility. (For reference see Indiana Code 13-7-1.)

TRAVEL TRAILERS OR CAMPERS: A single-family, independent or dependent, vehicular portable structure built on a chassis, either self-propelled or non-self-propelled, factory designed, constructed, or reconstructed, including appurtenances thereto, to be movable and portable without permanent foundation or skirting. It is less than two hundred forty (240) square feet measured at the floor line, thirty (30) feet or less in length, and eight (8) feet or less in width. A camper is designed for attachment to a truck or utility trailer.

USE: The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

VISUAL RUNWAY: A runway other than a precision instrument or non-precision instrument runway.

YARD: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky and extends along a lot line and at right angles to such lot line to a depth or width specified in the district in which such lot is located.

YARD, BUFFER. That portion of any yard abutting a Residential District having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two or more land uses of different intensity.

YARD, MINIMUM. That portion of any front, side or rear yard abutting a lot line having a minimum depth as required by the particular zoning district in which it is located.

ZONE: (See District)

YARD SALE: A public or private sale conducted by the owner or occupier of a premise, and conducted within a residence, garage, other accessory buildings or outside thereof, which sale is of six or more items of personal property owned or in the possession of the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale.

ZONE MAP: A map showing the jurisdictional limits and area of the commission and dividing the land into various districts.

SECTION 3

ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAPS

3.01 Establishment of Zoning Districts.

The territory within the jurisdiction of the Commission is hereby classified and divided into the following districts:

<u>Symbol</u>	<u>District Name</u>
A-1	Agriculture and Rural Residential District
C-1	Neighborhood Commercial District
C-2	Community Commercial District
C-3	Regional Commercial District
C-4	Commercial Office District
C-5	Commercial Entertainment District
C-6	Highway Commercial District
C-7	General Commercial District
C-8	Central Commercial District
M-1	Light Industrial District
M-2	Heavy Industrial District
R-S	Single-Family Residential Suburban District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-2M	Medium Density Residential District
R-3	Multifamily Residential District
R-3H	High Density Residential District
R-T	Mobile Home Trailer Park District
OS	Open Space District
AP	Hulman Regional Airport District
ANO	Hulman Regional Airport Noise Overlay District
ASO	Hulman Regional Airport Airspace Overlay District
MO	Mining Overlay District
PUD	Planned Unit Development District

3.02 Official Zoning Maps.

A. Establishment of the Official Zoning Maps.

There shall be a maps known and designated as the Official Zoning maps, which shall be comprised of the following maps:

1. the City of Terre Haute Zoning Maps;
2. the Town of Riley Zoning Maps;
3. the Town of Seelyville Zoning Maps;
4. the Town of West Terre Haute Zoning Maps;
5. the Vigo County Zoning Maps;
6. the Noise Overlay Zoning Maps;
7. the Airspace Overlay Zoning Map;
8. the Flood Insurance Rate Maps of the City of Terre Haute: and,
9. the Flood Insurance Rate Maps of Vigo County.

B. Incorporation of Official Zoning Maps.

The Official Zoning Maps are attached hereto and hereby incorporated herein by reference, together with all explanatory matter thereon, and are hereby declared to be a part of this ordinance.

C. Boundaries.

Boundaries of the districts established in Section 3.01, above, are as shown on the official Zoning Maps.

D. Identification of Official Zoning Maps.

The Official Zoning Maps shall be identified by certification and bear the seal of the commission under the following words: "This is to certify that these are the Official Zoning Maps referred to in Unified Zoning Ordinance of Vigo County, Indiana", together with the date of adoption of this Ordinance. Certification should be by the signature of President of the Commission and attested by the Secretary of the Commission. The title "Official Zoning Maps" in large letters shall be placed in an appropriate open space around the map or in the title block.

E. Maintenance of Official Zoning Map.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the official Zoning maps, such changes shall be entered on the official Zoning Maps by the Director promptly after the amendment has been approved by the legislative body with an entry on the Official Zoning Maps as follows: "On [date], by official action of the [official name of the legislative body], the following changes were made on the Official Zoning Maps: [explanation or description of the map change]", which entry shall be initialled by the Director and attested by a notary public. Upon entering any such amendment on the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued. No changes of any nature shall be made on the official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of any kind by a person or persons shall be considered a violation of this ordinance and punishable under Section 6 of this ordinance.

F. Location of the Official Zoning Maps.

Regardless of the existence of purported copies of the official Zoning Maps, which from time to time, may be published, the Official zoning maps shall be located in the Department. It shall be the final authority as to the current zoning status of land and water areas in the Vigo County.

G. Preservation of the official Zoning Maps.

Excluding the Flood Insurance Rate Map of Vigo-County and the Flood Insurance Rate Map of the City of Terre Haute, the Department shall keep two (2) copies of the original Official Zoning Maps and two (2) copies of supersede Official Zoning Map pages for reference purposes.

H. Replacement of Official Zoning Maps.

In the event that the official Zoning Maps become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the respective legislative bodies may, by resolution, adopt new official Zoning Maps, which shall supersede the prior Official Zoning Maps. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such correction shall have the effect of amending the original official Zoning Maps or any subsequent amendments thereof. The Official zoning maps shall be authenticated by the signature of the President of the Commission, attested by Secretary of the Commission and bear the seal of the Commission. Unless the prior Official Zoning Maps have been lost or totally destroyed, the prior maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

I. Streets, Alleys, Public Ways, Thoroughfares, and Railroad Right-of-Ways.

All streets, alleys, public ways, thoroughfares, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon these streets, alleys, public ways, thoroughfares, and railroad rights-of-way. If the center line of a street, alley, public way, thoroughfare, or railroad right-of-way serves as a district boundary, the zoning of those areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to that center line.

J. Procedure Relating to Vacated Areas.

Whenever any street, alley, public way, thoroughfare, railroad right-of-way, waterway, or other similar area is vacated by the proper authority, the districts adjoining each side of such street, alley, public way, thoroughfare, railroad rights-of-way, waterway, or similar area shall be extended automatically to the center of such vacation and all areas included in the vacation shall then and thenceforth be subject to all appropriate provisions of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

K. Procedure Relating to Annexed or Disannexed Areas.

Territory annexed or disannexed from a town or city on or after the effective date of this Ordinance shall remain as zoned unless changed by an amendment of this Ordinance

L. Rules for Interpretation of District Boundaries.

Where uncertainty exists, with respect to the boundaries of districts as shown on the official zoning Map, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, alleys, public ways, or thoroughfares shall be construed to follow such centerlines.
2. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated, as approximately following corporate limits shall be construed as following such corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shorelines; and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
6. Boundaries indicated, as approximately following the centerlines of stream, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines. Provided, however, when streams meander from the stream bed as it existed on the effective date of this Ordinance, the boundaries shall be construed as following the original stream bed.
7. Boundaries indicated, as approximately following floodplain lines shall be construed to follow such contour lines. In addition to the boundaries shown on the zone maps, the floodplain boundaries of minor ditches and streams may be designated as being one hundred (100) feet either side of the edge of the water at mean elevation, or the outer edges of a horizontal plane established at an elevation of five (5) feet above the mean water level, which is the greater distance. In this case the stream, or ditch, shall be designated as one, which flows at least one hundred eighty (180) days of the year.
8. Boundaries indicated as parallel to or extensions of features indicated in Section 3.02., L., 1. through 7., above, shall be so controlled. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the map.
9. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Maps, or another circumstances not covered by section 3.02., L., 1. through 6., above, the Director shall interpret the boundaries. An appeal to the Board may be requested by any person aggrieved by such interpretation.
10. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed twenty-five feet (25) feet beyond the district line into the remaining portion of the lot.

SECTION 4

ADMINISTRATION

4.01 Area Plan Commissions.

A. Establishment.

The area planning law is hereby re-adopted and the Area Plan Commission of Vigo County, Indiana, is hereby re-established in accordance with Indiana Code 36-7-4-200 et seq.

B. Membership.

In accordance with Indiana Code 36-7-4-211; the representation and composition of the Commission shall be as follows:

1. Vigo County representation:

- a. One (1) member appointed by the legislative body of the county from its membership;
- b. Five (5) citizen members appointed by the county legislative body of the county following the procedures prescribed in this subsection. In order that the citizen representation is apportioned over the entire County, the legislative body of the County shall divide the unincorporated areas of the County into five (5) planning districts. The township trustees of each township shall nominate one (1) resident freeholder of the township as a candidate for the office of planning commissioner. From the list of nominees submitted by the trustees, the legislative body of the County shall appoint one (1) resident freeholder from each planning district to serve as a citizen member on the Area Plan Commission.

2. The representation for the City of Terre Haute, Indiana shall be as follows:

- a. One (1) member of the Board of-Works or the Board of Sanitary Commissioners appointed by the Mayor of the City of Terre Haute;
- b. One (1) member of the legislative body appointed by the legislative body;
- c. Three (3)-citizen members appointed by the executive.

3. The representation for the Town of Riley, Indiana shall be one (1) member and shall be appointed by the Town Board of the Town of Riley.

4. The representation for the Town of Seelyville, Indiana shall be one (1) member and shall be appointed by the Town Board of the Town of Seelyville.

5. The representation for the Town of West Terre Haute, Indiana shall be one (1) member and shall be appointed by the Town Board of the Town of West Terre Haute.

Qualifications and terms of citizen members are as prescribed by the Area Planning Law (Indiana Code 36-7-4-216).

C. Organization.

1. Meetings and Minutes.

The Commission shall fix the time for holding regular meetings each month or as necessary. The Commission shall keep minutes of its meetings. The minutes of Commission meetings and all records shall be filed in the Department and are public records.

2. Officers.

At the first meeting in each year, the Commission shall elect from its members a President and a Vice President. The Vice President may act as President of the Commission during the absence or disability of the President. The Commission may appoint a Secretary, who is not required to be a member of the Commission.

D. Duties and Powers.

The Commission is hereby vested with the duties and powers imposed upon and granted to an area plan commission under area planning law, including, without limitation, the powers and duties listed below. To effectuate the purposes of this Ordinance, the Commission:

1. shall exercise general supervision of, and make rules for, the administration of the affairs of the Department;
2. shall make recommendations to the participating legislative bodies concerning:
 - a. proposals to amend the Comprehensive Plan;
 - b. proposals to amend or partially repeal the text of this ordinance;
 - c. proposals to change the official Zone Maps whether by incorporating an additional map or by amending or deleting a map; and,
 - d. planned unit development proposals under the terms of this ordinance;
3. shall approve all plans and commitments as provided in this Ordinance;
4. may establish a schedule of reasonable fees to defray the administrative costs connected with:
 - a. processing and hearing administrative appeals and petitions for rezoning, special exceptions, variances, planned unit development approvals;
 - b. issuing Improvement Location Permits and special exception permits; and
 - c. other official actions taken under this Ordinance;

5. may invoke any legal, equitable, or special remedy available under this Ordinance or applicable law for the enforcement of the provisions of this Ordinance or actions taken hereunder;
6. may request the Vigo County Prosecutor to take appropriate action in any case involving the violation of this Ordinance and the Prosecutor shall act when so requested;
7. may designate a hearing examiner or a committee of the Commission to conduct any public hearing required to be held by the Commission;
8. shall appoint the Director and fix the Director's compensation, provided that, to the extent permitted by applicable law, the appointment of the Director must be confirmed by the Board of Commissioners of the County of Vigo within thirty (30) days after the Commission's appointment of the Director, provided further that the Board of Commissioners of the County of Vigo shall be deemed to have confirmed such appointment unless such appointment is disaffirmed by the Board of Commissioners of the County of Vigo at a regular or special meeting by a majority of the Commissioners within thirty (30) days after the Commissioner's appointment of the Director;
9. may appoint one or more attorneys to advise the Department and to assist in the enforcement of this ordinance and the area planning law, provided that, to the extent permitted by applicable law, the appointment of any such attorney must be confirmed by the Board of Commissioners of the County of Vigo within thirty (30) days after the Commission's appointment of any such attorney, provided further that the Board of Commissioners of the County of Vigo shall be deemed to have confirmed such appointment unless such appointment is disaffirmed by the Board of Commissioners of the County of Vigo at a regular or special meeting by a majority of the Commissioners within thirty (30) days after the Commissioner's appointment of any such attorney;
10. may employ one (1) attorney on a full-time basis, provided that, to the extent permitted by applicable law, the appointment of any such attorney must be confirmed by the Board of Commissioners of the County of Vigo within thirty (30) days after the commission's appointment of any such attorney, provided further that the Board of Commissioners of the County of Vigo shall be deemed to have confirmed such appointment unless such appointment is disaffirmed by the Board of Commissioners of the County of Vigo at a regular or special meeting by a majority of the Commissioners within thirty (30) days after the Commissioner's appointment of any such attorney;
11. shall keep a complete record of all departmental proceedings;
12. shall record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Department;
13. shall prepare, publish, and distribute reports, ordinances, and other materials relating to the activities authorized under Indiana Code 36-7-4;
14. shall adopt a seal;

15. shall certify official acts;
16. supervise the fiscal affairs of the Department;
17. prepare and submit an annual budget in the same manner as other departments of county government and be limited in all expenditures to the provisions made for the expenditures by the County Council of Vigo County; and,
18. may exercise all powers conferred on it by State law, local ordinance, or rule in the manner so prescribed. This Section shall not be construed as a limitation on such powers.

E. Rules and Procedures.

The Commission shall prescribe uniform rules and procedures pertaining to investigations and hearings in keeping with the terms of this ordinance and State Law.

4.02 Area Planning Department.

A. Establishment.

The Area Planning Department for Vigo County in the Vigo County government is hereby re-established in Vigo County, Indiana in accordance with Indiana Code 36-7-4 et seq. The Area Planning Department for Vigo County shall consist of the Commission, the Board, the Director and such staff, as the Commission considers necessary.

B. Exercise of Planning and Zoning Authority.

The Department shall exercise exclusively the planning and zoning functions of Vigo County, the City of Terre Haute, the Town of Riley, the Town of Seelyville, and the Town of West Terre Haute.

C. Duties and Powers of the Director.

1. It shall be the duty of the Director to supervise the general administration of the Department.
1. It shall be the duty of the Director to propose annually a plan for the operation of the Department and administer such plan after its approval by the Commission.
3. It shall be the duty of the Director to enforce and administer this Ordinance; receive and review all applications required by this Ordinance; issue Improvement Location Permits; and number and file all Certificates of Use and Occupancy.
4. The Director shall, when requested by the Commission or Board, or when the interests of the County or a participating municipality so require, make investigations in connection with matters referred to in this Ordinance and render written reports on the same.

5. The Director shall prepare and submit an annual report of the activities of the Department and the status of this Ordinance to the Commission, the Board, and the participating legislative bodies,
6. The Director shall keep the records of the Department, including, without limitation, records of applications, permits issued, certificates issued, inspections made, reports rendered, and notices or orders issued. The Director shall maintain records of all final determinations and decisions of the commission and the Board.
7. The Director shall transmit to the Commission or Board the recommendation of the Department on all applications, petitions, or matters requiring official action by the Commission or Board.
8. The Director shall maintain the Official Zoning Maps and designate on the official Zoning Maps all map amendments, planned unit developments, special exceptions, and conditional uses granted under the terms of this Ordinance.
9. The Director shall provide and maintain information for the public relative to all matters arising out of this Ordinance.
10. Subject to the approval of the Commission, the Director shall appoint and remove the employees of the Department, according to the standards and qualification fixed by the Commission without regard to political affiliation.
11. The Director shall perform such other duties as the Commission may direct in accordance with the provisions of this ordinance.

4.03 Area Board of Zoning Appeals.

A. Creation.

1. Establishment.

The Area Board of Zoning Appeals of Vigo County is hereby re-established in accordance with Indiana Code 36-7-4-900 et seq.

2. Composition, Divisions, and Jurisdiction.

- a. The Area Board: of Zoning Appeals of Vigo County shall consist of two (2) divisions, which divisions shall be designated, for identification purposes, as follows:

- (1) the Area Board of Zoning Appeals of Vigo County, Division 1, which shall have exclusive territorial jurisdiction over all matters properly before the Board involving or affecting property within unincorporated areas of the Vigo County; the corporate boundaries of the Town of Riley, the corporate boundaries of the Town of Seelyville, or the corporate boundaries of the Town of West Terre Haute; and,

(2) the Area Board of Zoning Appeals of Vigo County, Division 2, which shall have exclusive territorial jurisdiction over all matters properly before the Board involving or affecting property within the corporate boundaries of the City of Terre Haute.

b. Each Division of the Board, as hereinabove provided, shall be appointed as follows:

(1) Division 1 of the Board shall consist of five (5) members appointed as follows:

(a) three (3) citizen members appointed by the Board of Commissioners of the County of Vigo, of whom one (1) must be a member of the Commission and two (2) must not be members of the Commission;

(b) one (1) citizen member appointed by the Vigo County Council, who must not be a member of the Commission; and

(c) one (1) citizen member appointed by the Commission, who must be a member of the Commission other than the member pointed under 4.03, A., 2., b., (1), (a) above.

(2) Division 2 of the Board consists of five (5) members appointed as follows:

(a) three (3) citizen members appointed by the Mayor of the City of Terre Haute, of whom one (1) must be a member of the Commission and two (2) must not be members of the Commission;

(b) one (1) citizen member appointed by the Common Council of the City of Terre Haute, who must not be a member of the Commission; and

(c) one (1) citizen member appointed by the Commission, who must be a member of the Commission other than the member pointed under 4.03, A., 2., b., (2), (a).

C. All members of Division 1 of the Board must be residents of the unincorporated areas of Vigo County, the corporate boundaries of the Town of Riley, the corporate boundaries of the Town of Seelyville, or the corporate boundaries of the Town of West Terre Haute.

- D. All members of Division 2 of the Board must be residents of the corporate boundaries of the City of Terre Haute. The members of each Division of the Board shall be initially appointed pursuant to State law to staggered terms: two (2) members initially appointed under 4.03, A., 2., b., (1), (a) and 4.03, A., 2., b., (2), (a) shall be appointed for four (4) year terms; the member initially appointed under 4.03, A., 2., b., (1), (b) and 4.03, A., 2., b., (2), (b) shall be appointed for three (3) year terms; the member initially appointed under 4.03, A., 2., b., (1), (c) and 4.03, A., 2., b., (2), (c) shall be appointed for two (2) year terms; and the remaining members initially appointed under 4.03, A., 2., b., (1), (a) and 4.03, A., 2., b., (2), (a) shall be appointed for terms of one (1) year; and, thereafter, each member shall be appointed for a four (4) year term.
- e. Each appointing authority may, at any time, appoint one (1) alternate member for each member that it has appointed who shall be available to replace any member who becomes disqualified under Indiana Code 36-7-4-909. The terms of all alternate members shall expire on the date of expiration of the term of the member for whom they serve as an alternate.

3. Organization.

At the first meeting of each year, each Division of the Board shall elect a Chairman and a vice Chairman from among its members. The Vice Chairman may act as Chairman during the absence or disability of the Chairman. The Board may appoint and fix the duties of a Secretary.

B. Procedure.

1. Rules of Procedure.

Each Division of the Board shall adopt rules concerning the filing of appeals, applications for variances and special exceptions, the giving of notice, the conduct of hearings and other subjects, or other matters as required or permitted by State law.

2. Meetings and Records.

Each Division of the Board shall, keep minutes of its proceedings, prepare written findings of fact in all cases heard by it, record the vote on all actions taken by it, and record the disqualification, abstention, or failure to vote of each member on all actions taken by it. All minutes and records shall be filed in the office of the Board and shall be public records.

3. Findings and Decisions.

All decisions of each Division of the Board on all matters within their respective jurisdiction and authority shall be in writing and supported by specific findings of fact pertaining to the matter under consideration or as required by State Law.

4. Appeal to Court.

Each decision of the Board is subject to review by certiorari as prescribed by State law.

C. Powers and Duties.

1. The Board:

- a. shall, hear and determine appeals from .and review any order, requirement, decision, oar determination made by the Director, a staff-member, hearing officer or administrative official under the this ordinance;
 - b. shall hear and determine appeals from and review any order, requirement, decision, or determination made by an administrative board or other body except the Commission in relation to the enforcement of this Ordinance; or
 - c. shall hear and determine appeals from and. review any order, requirement, decision, oar determination made by an administrative board or other body except the Commission in relation to the enforcement of those provisions of this Ordinance requiring the procurement of an improvement Location Permit or occupancy permit.
 - d. shall hear, and approve or deny, all special exceptions as specified in Section 18 of this Ordinance.
 - e. shall hear, and approve or deny, all variances from development standards of this Ordinance. A variance from development standards may be approved only upon written determination that:
 - (1) the approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and,
 - (3) the strict application of the terms of this Ordinance would result in an unnecessary hardship in the use of the property.
2. Each Division of the Board may impose conditions as a part of its approval of any special exception to protect the public health, and for reasons of safety, comfort and convenience as set forth in Section 18.
3. Each Division of the Board shall exercise all powers conferred on it by State law, local ordinance, or rule in the manner so prescribed. This Section shall not be construed as a limitation on such powers.

4. Commitments.

Each Division of the Board may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel in the case of a petition for a conditional use, special exception, or a variance from the terms of this Ordinance. All such commitments shall be in recordable form and shall be recorded in the office of the County Recorder and shall take effect upon the granting of the conditional use, special exception, or variance. Unless modified by a decision of the applicable Division of the Board, a recorded commitment shall be binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment may be modified or terminated only by a decision of the applicable Division of the Board made at a public hearing after notice. By permitting or requiring commitments, the Board does not obligate itself to approve or deny any request. This Section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

D. Conflict of Interest.

1. No member of either Division of the Board shall, participate in a hearing or decision of the Board concerning a matter in which he has a direct or indirect financial interest or, which for any other reason brought to the attention of the applicable Division of the Board, results in his disqualification either by himself or by the applicable Division of the Board.
2. Each Division of the Board shall enter in its record the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision.

SECTION 5

PERMIT

A. Improvement Location Permits.

1. Improvement Location Permit Required.

No building, structure, improvement or use of land may be altered, changed, placed, erected, repaired or located on platted or unplatted lands, unless the building, structure, improvement or use and its location conform to the provisions of this ordinance and an Improvement Location Permit for the alteration, change, placement, erection, repair or location of such building, structure, improvement, or use has been issued.

2. Duration of Improvement Location Permit.

An Improvement Location Permit shall be valid for the longer of:

- (a) six (5) months after date of issuance; or
- (b) the length of any required building permit, if such building permit is obtained for the building, structure or improvement covered by the Improvement Location Permit within six (6) months after the date of issuance of the Improvement Location Permit.

The Director shall have the power to extend the period of validity of any Improvement Location Permit one or more times, provided, however, the total time period of all extension(s) shall not exceed six (6) months.

3. Review of improvement Location Permit Application.

The Director may take up to five (5) business days to study an application for an Improvement Location Permit. During such five (5) business day period, the Director may consult with appropriate technical consultants. If, after such five (5) day period, the Director has not requested any additional information or stated any objections in writing to the applicant, and the proposed building, structure or improvement, and the proposed use conform in all respects to the provisions of this ordinance, the Director shall issue the Improvement Location Permit.

4. Appeal of Determination.

Any determination by the Director concerning the issuance of an Improvement Location Permit may be appealed to the Board by any person claiming to be adversely affected by that decision.

5. Record of Permits.

A record of all Improvement Location Permits shall be kept on file in the Department and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected and shall be available for public inspection and copying as provided by applicable State law.

6. Permits for Special Exceptions.

The Director shall issue an Improvement Location Permit for a special exception only upon:

- (a) receipt of written notice from the Board that the application therefore has been approved by the Board; and,
- (b) a determination by the Director that said Improvement Location Permit application is in full compliance with the terms of any conditions which may have been imposed by the Board and commitments which may have been made by the owner.

7. Compliance With other Laws, Ordinances, Rules or Regulations.

The issuance of an Improvement Location Permit cannot substitute for or supersede the requirement of any local ordinance which requires the issuance of a building permit before the construction of any building or structure. The issuance of an Improvement Location Permit does not waive any requirement of any applicable Federal, State or local law, ordinance, rule or regulation.

8. Amended Improvement Location Permits.

When a developer of any building, structure or improvement for which an Improvement Location Permit has been obtained, for any reason, proposes that the construction of said building, structure or improvement deviate from the plans filed with the Improvement Location Permit application and approved by the Director, the developer shall make application for an Amended Improvement Location Permit. The Director shall review the application for the Amended Improvement Location Permit in accordance with the procedures set forth in this Section to determine compliance of the Amended Improvement Location Permit application with the provisions of this Ordinance and any other applicable conditions, covenants or restrictions. If such Amended Improvement Location Permit application is found to be in compliance, the Director shall issue an Amended Improvement Location Permit. Any determination by the Director with respect to an Amended Improvement Location Permit shall be subject to the same appeal rights and procedures as set forth above for an initial application for an Improvement Location Permit.

9. General Exemptions.

Notwithstanding anything contained in this Section to the contrary, no Improvement Location Permit shall be required for minor repairs or alterations to buildings, structures or improvements where:

- a. the cost of such repairs or alterations does not exceed \$500.00;
- b. no additional living area or useable space is created; and
- c. all required front, side and rear yard setback requirements of the applicable zoning district are complied with.

10. Agricultural Exemption.

Farm structures constructed in the normal course of agricultural business for the support of individual farms are not subject to requirements for an Improvement Location Permit.

B. Application and Approval

1. Application and Site Plan Requirements

When an Improvement Location Permit is required by this ordinance, an application for an Improvement Location Permit shall be filed with the Director. Said application shall be on a form substantially as prescribed by the Department and accompanied by a site plan consistent with the requirements set forth below.

a. A site plan drawn to scale of not more than 1"=100' showing:

- (1) the actual shape and dimensions of the lot;
- (2) the exact size and location of the lot;
- (3) the principal and accessory buildings and: structures currently existing and proposed to be built;
- (4) the area of the existing and proposed buildings, structures or improvements;
- (5) the building lines in relation to lot lines for the existing and proposed buildings, structures or improvements;
- (6) the number of stories or the height of the existing and proposed buildings, structures or improvements;
- (7) the number of dwelling units (if applicable) of existing and proposed buildings or structures;
- (8) the current and proposed use to be made of the buildings, structures, improvements or lands;
- (9) the location of streets, alleys, thoroughfares, public ways, water ways, or railroad right-of-ways abutting or within the lot;
- (10) the location and dimensions of all off-street parking and off-street loading facilities;
- (11) the location and dimensions of all screening and buffering devices; and
- (12) all other information required by the Director for the proper administration and enforcement of this Ordinance.

The Director may waive or relax any or all of the site plan requirements listed above, as circumstances dictate.

- b. The site plan shall be attached to the application for an Improvement Location Permit when such application is submitted to the Director and shall be retained by the Department as a public record.

2. An application for an Improvement Location Permit for any building, structure, improvement or use shall not be approved until it has been ascertained by the Director that the proposed building, structure, improvement or use will meet or exceed the minimum standards for sewage disposal and water as required by the Vigo County Health Department and State Board of Health, and as may be required by other provisions of state law or local ordinance.
3. An application for an Improvement Location Permit for any industrial use shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer or architect, verifying that the use intended will satisfy the performance standards of industrial district in which the industrial use is to be located. The Director may take an additional five (5) business days beyond that specified in Section 5., A., 3., above, in which to study the application, during which time he may consult with appropriate technical consultants. If, after such additional five (5) day period, the Director has not requested any additional information or stated any objections in writing to the applicant, and the proposed building, structure or improvement, and the proposed use conform in all respects to the provisions of this Ordinance, the Director shall issue the Improvement Location Permit.
4. The Director may promulgate rules, regulations, and procedures, in addition to those listed herein, as to the form and processing of the applications, site plans, and permits required by this Section.

SECTION 6

ENFORCEMENT

A. Inspection of Property - Right of Entry.

Subject to obtaining the consent of the owner / occupant of a premises, the Director may enter upon any premises at any reasonable time for the purpose of inspecting all lands located within the jurisdiction of the Plan Commission and carrying out their duties in the enforcement of this ordinance. In no event shall the Director have the right to enter residential structures or other structures not open to the public without the permission of the owner / occupant or an administrative search warrant first obtained. Prior to entering such residential structures or other structures not open to the public, the Director shall advise the owner / occupant that such owner / occupant is not required to grant entry without the presentation of an administrative search warrant.

In the event that access is denied by the owner / occupant of a premises, the Director may make application to any judge of the Municipal, Circuit or Superior Courts of Vigo County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition, which is in violation of this ordinance exists on the premises, or that such a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the Director for the purposes stated therein.

B. Stop-Work Order.

The Director is empowered to issue a Stop-Work order requiring the suspension of land improvement of any kind when any of the following circumstances exist:

1. Site improvement is occurring without an Improvement Location Permit or any other permit required by this ordinance having first been obtained; or,
2. Site improvement is occurring in violation of the terms, conditions or provisions of this ordinance; the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made in connection with the approval of a development plan filed in connection with a petition for zone map amendment; or, other approval grant authorized by this Ordinance.

The Stop-Work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, or person in charge and state the conditions under which construction or other activity may be resumed. The Director shall meet with the recipient of a Stop-Work Order upon request to explain the conditions under which construction or other activity may be resumed.

The Plan Commission may institute a lawsuit in a court of competent jurisdiction to enforce the provisions of a Stop-Work Order.

C. Violations.

Each of the following shall be deemed civil zoning violations, which may be enforced by the designated enforcement entity in accordance with the provisions set forth in Section 6, D. below:

1. The location, erection, or maintenance of any sign not specifically permitted by this ordinance;
2. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the this ordinance;
3. The outdoor storage of junk, trash or debris in any zoning district the provisions of which do not specifically permit such a use;
4. The storage of inoperable motor vehicles or motor vehicle parts in any zoning district the provisions of which do not specifically permit such a use;
5. The parking or storage, in any zoning district the provisions of which do not specifically permit such a use, of any motor vehicle used or designed: (a) for use in pulling, towing, hauling, transporting; or, (b) as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or tractors having dual real wheels or more than two axles, semi-trailer tractors, semi-trailers and trailers having dual real. wheels or more than one axle or having an overall length of more than twelve feet). However, this provision does not apply to motor vehicles which do not exceed three-quarter ton load classification in size and which are the primary source of transportation for an individual whose primary place of residence is the particular dwelling at which the commercial motor vehicle is parked on a regular basis.
6. The outdoor storage or display of merchandise or goods in any zoning district the provisions of which do not specifically permit such a use or in violation of the zoning district development standards regulating such a use;
7. The conduct of any activity in a residential zoning district that is not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;
8. Failure to comply with zoning district development standards, including but not limited to landscaping, paving or striping of parking areas, minimum parking space requirements, trash dumpster enclosure, fencing or screening requirements;

9. The failure to comply with: the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made in connection with the approval of a development plan filed in connection with a petition for zone map amendment; or, other approval grant authorized by this Ordinance;
10. The violation of a Stop-Work Order issued pursuant to this Section G; and,
11. Failure to comply with any other provisions of this ordinance.

D. Penalties for Violation.

Any person who commits a civil zoning violation as defined in Section 6, C. above may be issued a citation by the Director.

Subject to the provisions of Section 6, D., 1. below, each day a civil zoning violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed in this Ordinance.

1. Procedures.

- a. The Director may issue a citation to a person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest. The citation may be served by personal service, by certified mail, by First Class U.S. Mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice that a civil zoning violation has been committed.
- b. No citation shall be issued unless the person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest has been served with a notice to correct the civil zoning violation at least ten (10) days before the issuance of a citation to allow said person an opportunity to correct the violation and to come into compliance with the prescribed zoning ordinance or regulation. However, the service of a notice to correct the civil zoning violation is not required before issuing a citation for violation of a Stop-work order issued pursuant to this Section 6.
- c. If a person who is served with a notice of civil zoning violation or receives a citation elects to file a land use petition to correct such violation, then the person must indicate the intent to file such a land use petition on the served notice or citation and return a copy to the Plan Commission. A person shall have ten (10) days from service of a notice of civil zoning violation or receipt of citation to file the land use petition. During the pendency of said land use petition the issuance of additional citations and additional monetary fines as prescribed in Section 6, D., 2. shall be stayed. A person who files the land use petition within said time period shall pursue the land use petition in an expeditious and diligent manner. If the land use petition is denied, withdrawn or dismissed and the civil zoning violation continues, then a lawsuit may be commenced by the Plan Commission, Board or appropriate enforcement official as provided by applicable laws.

2. Fines.

The monetary fine for the first citation for a civil zoning violation shall be Fifty Dollars (\$50.00), and the following monetary fines shall apply for each subsequent citation:

Second Citation \$100.00
Third Citation \$150.00
Fourth Citation \$200.00
Each additional \$300.00

Provided, however, in no event shall a subsequent citation be issued within ten (10) days of the issuance of a previous citation, nor shall, the total monetary fine for each civil zoning violation exceed Two Thousand Five Hundred Dollars (\$2,500.00).

All fines prescribed by this Section 6 for civil zoning violations shall be paid to the Vigo County Treasurer, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the County. All fines thus received shall be deposited with the Vigo County General Fund.

3. Trial for Civil zoning Violations.

- a. A person who receives a citation for a civil zoning violation may elect to stand trial for the violation by indicating on the citation his intent to stand trial and returning a copy of the citation to the Plan Commission. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and the issuance of additional citations and additional monetary fines as prescribed in Section 6, D., 2. shall be stayed upon receipt of the notice. The notice shall be given at least five (5) days before the date that payment of the citation is due as set forth in Section 6, D., 3., b. below- On receipt of the notice of intention to stand trial, a lawsuit may be commenced by the Plan Commission, Board or appropriate enforcement official as provided by applicable law to enforce the terms and provisions of this ordinance.
- b. If a person who receives a citation fails to: (a) pay the assessed fine within forty-five (45) days after the issuance of a citation; (b) file a land use petition as prescribed in Section 6, D., 1., c. above; or, (c) give notice of his intention to stand trial as prescribed in Section 6, D., 3., a. above, the Plan Commission, Board or designated enforcement official may file a lawsuit as provided by applicable law to enforce the terms and provisions of this ordinance.
- c. Seeking a civil penalty as authorized in this Section does not preclude the designated enforcement entity from seeking alternative and additional relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of Indiana Code 36-7-4 or any ordinance adopted or action taken under Indiana Code 36-7-4.

SECTION 7

NONCONFORMING SITUATIONS

A. Purpose.

Within the zoning districts established by this Ordinance, there exist:

1. nonconforming lots of record;
2. nonconforming buildings or structures; and
3. nonconforming uses of land

Which were legally established prior to the effective date of this Ordinance, but which would be prohibited, regulated or restricted under the provisions of this Ordinance. It is the intent of this Ordinance to permit these legally established nonconforming lots, structures and uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that legally established nonconforming structures and uses shall not: (a) be enlarged upon, expanded or extended; or (b) be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. In addition, nonconforming lots of record, nonconforming buildings or structures, and nonconforming uses of land that are either illegal or not legally established on the effective date of this Ordinance shall not become legally established or validated by virtue of the enactment of this Ordinance.

B. Incompatibility of Nonconforming Uses.

Legally established nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning district in which such legally established nonconforming use is located. A legally established nonconforming use of a building or structure, or a legally established nonconforming use of land, shall not be extended, expanded or enlarged after the effective date of this Ordinance.

C. Avoidance of Undue Hardship.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans for or construction of any building or structure, or the designation of use of any building or structure, for which a building permit has been properly issued prior to the effective date of this Ordinance; provided that the construction of such building or structure is commenced within six (6) month of such effective date and diligently prosecuted to completion; and provided further however that such construction shall be completed within two (2) years of the issuance of said building permit.

D. Nonconforming Lots of Record.

Any legally established lot recorded or any legally established platted lot recorded prior to the effective date of this ordinance, having less than the required minimum lot area or minimum lot width required by the applicable zoning district regulations of this Ordinance, shall be deemed a permitted exception to such minimum lot area or minimum lot width and may be used for any use permitted within the applicable zoning district in which such lot is located provided that:

1. all other development standards are met; and

2. such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

If two or more legally established lots of record, or a combination of legally established lots of record and portions of legally established lots of record with continuous frontage in single ownership, are of record on the effective date of this Ordinance, the lots involved shall be considered to be a single lot for the purposes of this Ordinance and no portion of such single lot shall be used or sold in a manner which increases noncompliance with minimum lot width and minimum lot area requirements established by this Ordinance, nor shall any division of any such single lot be made which creates a lot with a minimum lot width or minimum lot area below the requirements stated in this ordinance. Nothing herein shall be construed to require a combination of lots of record beyond that which is necessary to create lots in compliance with the minimum standards of the applicable zoning district.

E. Nonconforming Buildings or Structures.

Where a legally established nonconforming building or structure exists on the effective date of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on maximum gross floor area; maximum lot coverage; building height limitations; minimum front, side and rear setbacks and yards; location on the lot; bulk; or other provisions of this Ordinance applicable to the building or structure, such building or structure may continue to exist so long as it remains otherwise lawful, subject to compliance with the following provisions:

1. such legally established nonconforming building or structure may not be enlarged, expanded or altered in a way which increases its nonconformity, provided such building or structure may be altered so as to decrease the extent of nonconformity;
2. should such legally established nonconforming building or structure, or legally established nonconforming portion of a building or structure, be damaged or destroyed by any means to the extent of more than fifty (50) percent of the gross floor area of the building or structure immediately prior to the damage or destruction, said building or structure shall not be reconstructed except in conformity with the provisions of this ordinance; and
3. should such building or structure be moved for any reason for any distance whatsoever, such building or structure shall thereafter conform to the provisions of this Ordinance.

F. Nonconforming Uses of Land.

Where legally established nonconforming uses of land exist on the effective date of this Ordinance which would not be permitted by the provisions of this Ordinance, such uses may be continued so long as they remain otherwise lawful provided that:

1. such legally established nonconforming uses shall not be enlarged, expanded, increased or extended to occupy a greater area of land than was occupied on the effective date of this Ordinance;
2. such legally established nonconforming uses shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses on the effective date of this Ordinance; and

3. no additional building or structure shall be erected in connection with such legally established nonconforming use of land.

G. Discontinuation of Nonconformity.

If any legally established nonconforming use of land is discontinued or abandoned for more than eighteen (18) months (except when government action impedes access to the premises), any subsequent use of such land shall conform to the provisions of this ordinance.

H. Repairs and Maintenance.

On any legally established nonconforming building or structure, or portion of a building or structure, containing a legally established nonconforming use, work may be done on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic feet content existing when it became nonconforming shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening, repairing or restoring to safe condition of any building or structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

If a legally established nonconforming building or structure or portions of a building or structure containing a legally established nonconforming use becomes unsafe or unlawful by reason of physical condition and is razed, such building or structure shall not thereafter be rebuilt except in conformity with the provisions of this ordinance.

I. Special Exceptions are not Nonconforming Uses.

Any use, which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

SECTION 8

AGRICULTURAL DISTRICT

- A. Agricultural District Established.
The Agricultural District established by this ordinance for Vigo County, Indiana, is as follows:

1. Agricultural District (A-1)

8.01 Agricultural District (A-1)

- A. Purpose.

The purpose of this district is to provide for and preserve viable agricultural lands and operations (including grain and livestock production, forest and tree production, stables, pasture, government set-aside reserve programs, and uses related to agricultural operations) located outside of a city, town, village, settlement, subdivision, business or commercial area, or industrial park where the farmer/landowner has the freedom to produce agricultural products without any unnecessary restrictions.

- B. Permitted Use.

AGRICULTURE or AGRICULTURAL OPERATIONS, which means an operation which consists of the following uses, individually or in combination: the production of grain or livestock; stables; forest or tree production; pasture; setting aside land in a government set-aside reserve program; a farmstead; dwellings for caregivers, care receivers or caretakers; uses accessory to agricultural operations on the site; or, uses accessory to agricultural operations in the area.

SPECIAL EXCEPTION USES (subject to the provisions of Section 18).

Mobile Home

- C. Unrestricted Use Within the Agriculture District (A-1).

Subject to compliance with applicable health and safety rules and regulations and the requirements of the Subdivision Control ordinance, all land zoned A-1 and used for Agriculture or Agricultural Operations is exempt from any further regulation set forth in this Ordinance.

- D. Managing Future Growth in the Outlying Areas of Vigo County; Future Use of A-1 Lands.

Before any land that is zoned A-1 is permanently taken out of Agriculture or Agricultural operations and used for any other residential, commercial or industrial purpose, the land must first be rezoned to the proper classification and be developed in compliance with the requirements of the Subdivision Control Ordinance and any other applicable ordinances, rules, regulations and laws concerning the new classification before any earth moving, building or development occurs.

Rural low-density residential development should only occur in areas of Vigo County, which will minimize conflicts with Agriculture. All development which requires public facilities and infrastructure, such as water or sanitary sewers, in excess of those required to support typical farm operations should be located in areas already served by public water and sewers or in areas that can and will be served.

SPECIAL EXCEPTION USES (subject to the provisions of Section 18) Mobile Homes.

SECTION 9

COMMERCIAL DISTRICTS

A. Commercial. Districts Established.

The Commercial Districts established by this ordinance for Vigo County, Indiana, are as follows:

1. Neighborhood Commercial District (C-1)
2. Community Commercial District (C-2)
3. Regional Commercial District (C-3)
4. Commercial Office District (C-4)
5. Commercial Entertainment District (C-5)
6. Highway Commercial District (C-6)
7. General Commercial District (C-7)
8. Central Business District (C-8)

9.01 Neighborhood Commercial District (C-1).

A. Purpose.

The purpose of this district is to: permit retail and service establishments which cater to and serve the frequent needs of neighborhood residents; act as a transition to and a buffer between more intensive nonresidential uses and residential area; provide for commercial activities that generate a low volume of traffic; and, protect the character of neighboring residential districts.

B. Permitted Uses.

1. Uses permitted in the C-1 District shall be those specified below:

- Any Use Permitted in the C-4 District
- Advertising Signs
- Convenience Market
- Gasoline Service Station
- Neighborhood Recycling Collection Point
- Nursing Care (skilled) Facilities
- Personal Service Establishments, including:
 - Barber Shop
 - Beauty Shop
 - Dry Cleaning or Laundry Pick-up stations
 - Laundromats
 - Key Duplicating Service
 - Public or Semi-Public uses, including: Civic Clubs
 - Religious Use
 - Repair of: Shoes and Hats
 - Restaurant (indoor service only)
 - Retail Type Uses, including:
 - Appliance store (minor household)
 - Bakery
 - Clothing, Apparel or Accessory Store
 - Book Store
 - Card Store
 - Computer or Computer Software Store
 - Delicatessen
 - Drapery / Curtain Store
 - Drug Store / Pharmacy
 - Fabric Store

General Food Products at retail
Grocery Store / Food Store
Hardware Store
Hobby, Art and School Supply Store
Hospital and Sick Room sales, rental and equipment
Ice Dealers
Music Store (tapes, records, compact disks and sheet music) Optical
Goods Store
Orthopedic and Artificial Limb Store
Radio, Television or consumer Electronics Store
Religious Good Store
Telephone Store
Trophy Shop
Typewriter Shop
Variety Store

Veterinary Clinic / Animal Emergency Clinic (without outdoor runs)

2. Temporary Uses (as defined in Section 2).
3. Accessory Uses (as defined in Section 2).
4. Special Exception Uses (subject to the provisions of Section 18).

Any Special Exception Case Identified in the C-4 District.

Automobile Related uses, including:

Car Wash
Parts Supply Store
Quick Lube Facility
Tune-Up Facility

Parcel Packing / Mailing Service

C. Minimum Lot Width and Frontage - 50'.

D. Maximum Gross Floor Area.

1. No single commercial establishment shall exceed 5,000 sq. ft. in total gross floor area whether free standing or contained in an integrated center; and,
2. No integrated center shall exceed 30,000 sq. ft. of total gross floor area.

E. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

- 1.along a minor or local street - 20'
- 2.along a subcollector street - 20'
- 3.along a collector - 30'
- 4.along a arterial - 30'

F. Minimum Rear Yard and Setback - shall be provided from the property line as follows:

- 1.Minimum Rear Yard - 1,0'
- 2.Minimum Rear Buffer Yard - 15'

G. Minimum Side Yard and Setback - shall be provided from the property line as follows:

- 1.Minimum Side Yard - 10'
- 3.Minimum Side Buffer Yard - 1.5'

- H. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:
 - 1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
 - 2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17;
 - 3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;
 - 4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.

I. Building Height Limitations

- 1. Principal Use Building - 35', provided, however, any permitted structure may be increased in height up to a maximum of 40' feet subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'
- 2. Accessory Use Building - 25'

J. Minimum Off-Street Parking - See Section 14 for requirements.

K. Minimum Off-Street Loading - See Section 14 for requirements.

L. Entrance Restrictions - See Section 14 for requirements.

M. On-Premise signs - See Section 16 for requirements.

9.02 Community Commercial District (C-2)

A. Purpose.

The purpose of this district is to: permit a variety of retail and service establishments which satisfy the occasional needs of residents in the surrounding community; promote convenience by serving the daily and occasional needs of residents in the local community; and, provide for more intense commercial activities which should be buffered from nearby residential districts.

B. Permitted Uses.

1. Uses permitted in the C-2 District shall be those specified below:

Any Use Permitted in the C-1 District.
Amusement Center, Indoor, including: Pool Hall, Video Arcades,
Bowling Alleys, Racquet Club
Athletic Club
Auditorium, Assembly Hall
Automobile Related uses, including:
Car Wash
Gasoline Service Station
Parts Supply Store
Quick Lube Facility
Tune-Up Facility
Blueprinting
Caterer
Clubs and Lodges (non-profit and fraternal)
Community, Multi-Service, Neighborhood or Senior Citizens' Center Crating
and Packaging Service
Currency Exchange
Dental and Medical Laboratory
Funeral Parlor / Mortuary
Medical Equipment (sales and leasing)
Meeting Hall
Museum
Newspaper Offices
Office or Studio of:
Radio Station
Television Station
Personal Service Establishments including:
Interior Decorator
Locksmith
Photography Studio
Tailor, Seamstress or Dressmaker
Physical Culture and Health Services: including Gymnasiums,
Reducing Salons, Masseurs, Public Baths, Tanning Salon
Mail Order Store
Photofinishing ("one-hour" photo service)
Radio or Television Service
Tattoo Parlor (**See Amendment**) 10-12-99
Post Office
Private Swim Clubs
Public Pools
Radio and Television Studios
Religious Use
Rental or Leasing of:
Clothing
Computers
Costumes
Furniture
Office Machines
Repair of:
Antennas, Household
Bicycles
Cameras
Clocks, Watches or Jewelry
Computers
Dental Instruments
Drafting Instruments

Musical Instruments
 Optical Goods
 Radios or Televisions
 Sewing Machine Repair Shop
 Shoes
 Typewriters
 Repossession Service (other than automotive)
 Restaurant (any type, excluding live entertainment and dancing)
 Retail-Type use:
 Antique Store
 Appliance Store (Minor Household)
 Bait & Tackle Shop
 Bicycle Store
 Camera and Photographic Supply Store
 China and Glassware Store
 Department Store
 Dry Goods Store
 Floor Covering Store, including:
 Carpet / Rug
 Linoleum
 Tile
 Florist
 Frame Shop
 Furniture Store
 Furrier Shop
 Garden Shop / Nursery,
 Retail Gift Shop
 Jewelry Store
 Lawn and Garden Supply Store
 Luggage and Leather Goods
 Millinery Shops
 Musical Instrument Store
 Office Supply Store
 Pooland Billiard Table Store
 Second Hand Store (excluding automotive or building materials)
 ShoeStore
 Sporting Goods Store
 Stationer
 Toy and Game Shop
 Tobacco Store
 Schools, Commercial:
 Art
 Barber College / School
 Beauty or Cosmetology College / School
 Business and Secretarial
 Clerical
 Correspondence
 Dance
 Data Processing
 Junior College
 Language
 Martial Arts
 Music
 Nursery
 Photography
 Security System Services
 Taxidermy
 Theater, including:
 Dinner Theater

Community Theater
Motion Picture Theater (indoor)
Drive-in Theater
Typesetting
Vending Machine Storage

2. Temporary Uses (as defined in Section 2).
3. Accessory Uses (as defined in section 2).
4. Special Exception Uses (subject to the provisions of Section 18).

Any Special Exception Use Identified in the C-1 District.
Public Transportation Facilities, including:
Bus Station
Rail Station
Recycling Facilities

Additional Provision- In order to further promote the public's health, safety, comfort, community moral standards, convenience, general welfare, and property values, the following use shall not be located within 500 feet of any residential use, religious use, school or child care facility:

Tattoo Parlors

- C. Minimum Lot Width and Frontage - 50'
- D. Maximum Gross Floor Area.
 1. No single commercial establishment shall exceed 10,000 sq. ft. in total gross floor area whether tree standing or contained in an integrated center; and,
 2. integrated center shall exceed 90,000 sq. ft. of total gross floor area.
- E. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:
 - 1.along a minor or local street - 20'
 - 2.along a subcollector street - 20'
 - 3.along a collector - 30'
 - 4.along a arterial - 30'
- F. Minimum Rear Yard and Setback shall be provided from the property line as follows:
 - 1.Minimum Rear Yard - 5'
 - 2.Minimum Rear Buffer Yard - 20'
- G. Minimum Side Yard and Setback - shall be provided from the property lane as follows:
 - 1.Minimum Side Yard - 5'
 - 2.Minimum Side Buffer Yard - 20'
- H. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum-buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17;
3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;
4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.

I. Building Height Limitations

1. Principal use Building - 35', provided, however, any permitted structure may be increased in height up to a maximum of 40' feet subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'.
2. Accessory Use Building - 25'

J. Minimum Off-Street Parking - See Section 14 for requirements.

R. Minimum Off-Street Loading - See Section 14 for requirements.

L. Entrance Restrictions - See Section 14 for requirements.

M. On-Premise Signs - See Section 16 for requirements.

9.03 Regional Commercial District (C-3)

A. Purpose.

The purpose of this district is to accommodate major retail and service shopping centers, which offer a complete range of goods and services to consumers of the Wabash Valley region. This district should be located along arterial and collector streets and not along any minor, local, or subcollector streets except when such streets are created coincident with and for the purpose of serving this district.

B. Permitted Uses.

1. Uses permitted in the C-3 District shall be those specified below:

Any Use Permitted in the C-2 District.
Amusement Outdoor, including:
Miniature Golf
Batting Cages
Auction Room
Automotive Services / Related Uses:
Air Conditioning Equipment (sale or installation)
Automobile:
Dealers
Leasing
Rental
Recovery Service
Repossession Service
Brake System Repair or service
Glass Replacement Shop
Major Engine Repair
Muffler Shop
Check Cashing / Validation Service
Farm Equipment Sales and Service
Hospital / Sanitarium
Hotel, Motel or Tourist Court
Mini-warehouses
Parcel Packing / Mailing Service
Parking (as a primary use), including:
Commercial Parking Lot
Parking Structure
Personal Service Establishments, including:
Tattoo Parlor (**SEE ADMENDMENT**) 10-12-99
Plasma (Blood) Center
Public Camp Grounds
Religious Use
Repair of:
Leather Goods Repair Shop
Luggage Repair Shop
Repossession Service (including automotive)
Restaurant (any type, including live entertainment and dancing)
Repair or Service of:
Air Conditioning (window units only)
Gas Appliances
Generators
Laboratory Instruments
Lawn Mowers
Surgical Instruments
Retail-Type use:
Air Conditioner Sales (window units only)
Appliance Store (Major Household)
Department Store
Firearms / Gun Sales
Fireworks Sales
Flea Market (indoor)
Garden Shop / Nursery Retail
Glass Fabrication / Installation
Home Improvement Center

Pet Grooming
Pet Obedience School
Pet Shop
Second Hand Store (excluding automotive or building materials)
Swimming Pool Sales
Schools, including:
Industrial
Technical
Vocational
Swimming Pool Service
Water Softener Service

2. Temporary Uses (as defined in Section 2).
3. Accessory Uses (as defined in Section 2).
4. Special Exception Uses (subject to the provisions of Section 18).

Any Special Exception Use Identified in the C-2 District.

- C. Minimum Lot Width and Frontage - 50'
- D. Minimum Front Yard and Setback w shall be provided along all street rights-of-way as follows:
- 1.along a minor or local street - 20'
 - 2.along a subcollector street - 20'
 - 3.along a collector - 30'
 - 4.along a arterial - 30'
- E. Minimum Rear Yard and Setback - shall be provided from the property line as follows:
- 1.Minimum Rear Yard - 5'
 - 2.Minimum Rear Buffer Yard - 20'
- F. Minimum Side Yawl and setback w shall be provided from the property line as follows:
- 1.Minimum Side Yard - 5'
 - 2.Minimum Side Buffer Yard - 20'
- G. Use of Minimum Yards and Minimum Buffer Yards -all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain, free, from structures except where expressly permitted below:
1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
 2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17;

3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;
4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.

H. Building Height Limitations.

1. Principal Use Building - 35', provided, however, any permitted structure may be increased in height up to a maximum of 40' feet subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'
2. Accessory Use Building - 25'

I. Minimum Off-Street Parking - See Section 14 for requirements.

J. Minimum Off-Street Loading - See Section 14 for requirements.

K. Entrance Restrictions - See Section 14 for requirements.

L. On-Premise Signs - See Section 16 for requirements.

9.04 Commercial Office District (C-4)

A. Purpose.

The purpose of this district is to provide for professional, clerical, research, executive, administrative, accounting, legal and medical offices. This district may be located so as to buffer residential land uses from more intense commercial or industrial land uses.

B. Permitted Uses.

1. Uses permitted in the C-4 District shall be those specified below:

Bed & Breakfast
 Cemetery
 College / University
 Country Club
 Data Processing and Analysis -
 Child Care Centers
 Child Care Ministry
 Child Caring Institution
 Fire Stations
 Health Services, including:
 Convalescent Home / Nursing Care
 Immediate Care Facilities
 Dental and Medical Offices and Clinics
 Membership Organizations or Club (office only)
 Office Use, any type, including:
 Business or Personal Services (excluding retail sales)
 Financial (bank, savings & loan, credit union, automatic
 teller machines, etc.)

Governmental
Professional
Social Services (office only)
Public Parks
Police Stations
Public or Semi-public uses, including:
Art Galleries (excluding sales)
Library
Museum
Planetarium
Public Utilities-and Facilities
Recording Studio
Religious Use
Boarding House
Schools, including:
Elementary
High
Nursery
Private

2. Temporary Uses (as defined in Section 2).
3. Accessory Uses (as defined in Section 2).
4. Special Exception Uses (subject to the provisions of Section 18).

Broadcast Towers, including:
Cellular Communication
Radio
Television
Private Clubs
Public Transportation Facilities, including:
Heliports
Social Clubs

- C. Minimum Lot Width and Frontage - 100'
- D. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:
- 1.along a minor or local street - 20,
 - 2.along a subcollector street - 20'
 - 3.along a collector - 30'
 - 4.along a arterial - 30'
- E. Minimum Rear Yard and Setback - shall be provided from the property line as follows:
- 1.Minimum Rear Yard - 10'
 - 2.Minimum Rear Buffer Yard - 15`
- F. Minimum Side Yard and Setback - shall be provided from the property line as follows:
- 1.Minimum Side Yard - 10'
 - 2.Minimum side Buffer Yard 15'

- G. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:
 - 1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
 - 2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17;
 - 3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;
 - 4. Minimum Side and Rear Buffer Yard - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.

H. Building Height Limitations.

- 1. Principal Use Building - 35', provided, however, any permitted structure may be increased in height up to a maximum of 40' feet subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'
- 2. Accessory Use Building - 25'

I. Minimum Off-Street Parking - See Section 14 for requirements.

J. Minimum Off-Street Loading - See Section 14 for requirements.

K. Entrance Restrictions - See Section 14 for requirements.

L. On-Premise signs - See Section 16 for requirements.

9.05 Commercial Entertainment District (C-5)

A. Purpose.

The purpose of this district is to provide for those establishments engaged in gambling, adult entertainment and live dancing. Because of certain characteristics typically associated with such uses, this district should not be located in close proximity to any district which permits residential uses, religious uses or any uses where children may be present.

B. Permitted Uses.

1. Uses permitted in the C-5 District shall be those specified below:

Adult Book Stores
Adult Live Entertainment Arcades
Adult Mini-motion Picture Theaters (indoors only)
Adult Motion Picture Arcades
Adult Motion Picture Theaters (indoors only)
Astrologers
Fire Protection
Fortune Tellers
Massage Establishments
Off-track Betting Parlors
Phrenologists
Police Protection
Tattoo Parlors

2. Temporary Uses (as defined in section 2).

3. Accessory Uses (as defined in Section 2).

4. Special Exception Uses (subject to the provisions of Section 18).

Adult Drive-in Motion Picture Theaters
Race Track

C. Minimum Trot Width and Frontage - 100'

D. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

1. along a minor or local street - 20'
2. along a subcollector street - 20'
3. along a collector - 30'
4. along a arterial - 30'

E. Minimum Rear Yard and Setback - shall be provided from the property line as follows:

1. Minimum Rear Yard - 15'
2. Minimum Rear Buffer Yard - 30'

F. Minimum Side Yard and Setback - shall be provided from the property line as follows:

1. Minimum Side Yard - 15'
2. Minimum Side Buffer Yard -- 30'

G. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17;
2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type D Buffer Yard as set forth in Section 17;
3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as a buffer strip in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type D Buffer Yard as set forth in Section 17.

H. Building Height Limitations.

1. Principal Use Building - 35', provided, however, any permitted structure may be increased in height up to a maximum of 40' feet subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'
2. Accessory Use Building Y 25'

I. Minimum Off-Street Parking - See Section 14 for requirements.

J. Minimum Off-Street Loading - See Section 14 for requirements.

K. Entrance Restrictions - See Section 14 for requirements.

L. On-Premise Signs - See Section 16 for requirements.

9.06 Highway Commercial District (C-6)

A. Purpose.

The purpose of this district is to accommodate those commercial activities that draw business primarily from, and provide services primarily to, the motoring public at locations along federal and state highway routes. This district should be located along arterial and collector streets and not along any minor, local, or subcollector streets except when such streets are created coincident with and for the purpose of serving this district

B. Permitted Uses.

1. Uses permitted in the C-6 District shall be those specified below:

- Automobile Car Wash
- Automobile Leasing or Renting
- Automobile Parking
- Bed & Breakfast
- Convenience Market
- Restaurant (any type)
- Gasoline Service Station
- Hotel, Motel, Tourist Court
- Rooming and Boarding House

2. Temporary Uses (as defined in Section 2).

3. Accessory Uses (as defined in Section 2).

4. Special Exception Uses (subject to the provisions of Section 18).

Any Special Exception Use identified in the C-3 District.

C. Minimum Lot Width and Frontage - 50'

D. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

- 1. along a minor or local street - 20'
- 2. along a subcollector street - 20'
- 3. along a collector - 30'
- 4. along an arterial - 30'

E. Minimum Rear Yard and Setback - shall be provided from the property line as follows:

- 1. Minimum Rear Yard - 5'
- 2. Minimum Rear Buffer Yard - 30'

F. Minimum Side Yard and Setback - shall be provided from the property line as follows:

- 1. Minimum Side Yard - 5'
- 2. Minimum Side Buffer Yard - 30'

G. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

- 1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
- 2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17;

3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;
4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.

H. Building Height Limitations.

1. Principal Use Building - 60'
2. Accessory Use Building - 25'

I. Minimum Off-Street Parking - See Section 14 for requirements.

J. Minimum Off-Street Loading - See section 14 for requirements.

K. Entrance Restrictions - See Section 14 for requirements.

L. On-Premise Signs - See Section 16 for requirements.

9.07 General Commercial District (C-7)

A. Purpose.

The purpose of this district is to provide for intensive commercial and light manufacturing activities. This district should be located along major thoroughfares and be generally located within commercial areas of corridors.

B. Permitted Uses.

1. Uses permitted in the C-7 District shall be those specified below:

Any Use Permitted in the C-3 District.

Amusement, Outdoor:

Golf Driving Range

Go-cart Racing

Amusement Park

Race Track

Sports Arena, Field

Racetrack

Recreation Fields

Automotive Services / Related Uses:

Boat:

Dealers

Rental

Repair Service

Body Shop

Paint Shop

Recreational Vehicle:

Dealers

Rental

Repair Service

Repair Shop (truck, bus or RV)

Rust proofing (truck, bus or RV)

Tire:Alignment, Dealers, Retreading or Repair Shop
Trailer, Truck or Bus Rental
Truck or bus (any load capacity)
Dealers
Leasing
Rentals
Repair or Service
Tractor:
Dealers
Repair or Service
Transmission Repair
Tune-up Facility
Washes:Bus, Truck
Automobile Storage
Bingo Establishment
Building Materials Retail Sales
Equipment Rental or Leasing
Light Equipment
Tool
Equipment Rental or Leasing, including:
 Construction Equipment
 Heavy Equipment
Firing (gun) Range (indoor)
Job Printing (not more than 17" X 25" page)
Kennel (without outside runs)
Laundry, Cleaning and Garment Services, including:
 Carpet or Upholstery
 Linen Supply
 Locker Rental
 Upholsterers
Newspaper - Publishing and Printing Facilities
Nursery (plant) and Greenhouse (commercial)
Recreational Vehicle Camp Grounds
Personal Service Establishments including:
 Power Laundry
 Photofinishing Laboratory
Retail-Type use:
 Flea Market (outdoor)
 Gravestones, finished
 Hot Tub Sales
 Lumber and other Building Materials (with outside storage)
 Mobile Home Dealers
 Model Home, Garage, Outbuilding Sales
 Pawn Shop
 Playground Equipment
 Storage of Heavy Equipment (indoor)
 Transmission Reconditioning
 Upholstery
 Veterinarian (with outside runs)
 Wholesaler

2. Temporary Uses (as defined in Section 2).

3. Accessory Uses (as defined in section 2).

4. Special Exception uses (subject to the provisions of Section 18).

Any Special Exception Use identified in the C-3 District.

Cabaret or Night Club
Drinking Establishment: Bar, Tavern
Kennels (including outside runs)
Package Liquor Store

C. Minimum Lot Width and Frontage - 50'

D. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

- 1.along a minor or local street - 20'
- 2.along a subcollector street - 20'
- 3.along a collector - 30'
- 4.along a arterial - 30'

E. Minimum Rear Yard and Setback shall be provided from the property line as follows:

- 1.Minimum Rear Yard - 5'
- 2.Minimum Rear Buffer Yard - 30'

F. Minimum Side Yard and Setback - shall be provided from the property line as follows:

- 1.Minimum Side Yard - 5'
- 2.Minimum Side Buffer Yard - 30'

G. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17;
3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;
4. Minimum Side and Rear Buffer yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.

- H. Building Height Limitations.
 - 1. Principal Use Building - 60'
 - 2. Accessory Use Building - 25'
- I. Minimum Off-Street Parking - See Section 14 for requirements.
- J. Minimum Off-Street Loading - See Section 14 for requirements.
- K. Entrance Restrictions - See Section 14 for requirements.
- L. On-Premise Signs - See Section 16 for requirements.

9.08 Central Business District (C-8)

A. Purpose.

The purpose of this district is to accommodate a broad range of activities including high density residential uses and major government, finance, office and retail uses which provide goods and services to a maximum concentration of pedestrian traffic.

B. Permitted Uses.

1. Uses permitted in the C-8 District shall be those specified below:

Any Use Permitted in the C-4 District, except:
Cemetery; Country Club.

Any Use Permitted in the C-1 District, except:
Advertising Signs; Gasoline Station (including accessory car wash).

Any Use Permitted in the C-2 District, except:
Automobile Related Uses, including Car wash, Gasoline Service Station, Parts Supply Store, Quick Lube Facility and Tune-Up Facility; Restaurant (with drive-in, drive-through or outdoor seating).

Any Use Permitted in the C-3 District, except:
Automobile Related Uses, including Car Wash, Gasoline Service Station, Parts Supply Store, Quick Lube Facility, Tune-Up Facility; Automotive Services / Related. Uses, including Air Conditioning Equipment (sale or installation), Automobile Dealers, Leasing, Rental, Recovery Service, Repossession Service, Boat Dealers and Related Uses, Brake System Repair or Service, Glass Replacement Shop, Major Engine Repair, Muffler Shop.

Upper Level Dwelling Units; Multifamily Dwellings.

- 2. Temporary Uses (as defined in Section 2).
- 3. Accessory Uses (as defined in Section 2).
- 4. Special Exception Uses (subject to the provisions of Section 18).

Any Special Exception Use identified in the C-4, C-1, C-2 or C-3 Districts.
Restaurant (outdoor seating)

- C. Minimum Lot Width and Frontage 50'
- D. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:
 - 1. Minimum Front Setback:
 - a. along a minor or local street - 0'
 - b. along a subcollector street - 0'
 - c. along a collector - 0'
 - d. along a arterial - 0'
 - 2. Minimum Front Buffer Yard Setback:
 - a. along a minor or local street - 20'
 - b. along a subcollector street - 20'
 - c. along a collector - 20'
 - d. along a arterial - 20'
- E. Minimum Rear Yard and Setback - shall be provided from the property line as follows:
 - 1. Minimum Rear Yard - 0'
 - 2. Minimum Rear Buffer Yard - 20'
- F. Minimum Side Yard and Setback - shall be provided from the property line as follows:
 - 1. Minimum Side Yard - 0'
 - 2. Minimum Side Buffer Yard 20'
- G. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:
 - 1. Minimum Front Buffer Yard - may include driveways provided that the remainder of said yard is maintained in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
 - 2. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.
- H. Building Height Limitations.
 - 1. Principal Use Building - 85'
 - 2. Accessory Use Building - 25'
- I. Minimum Off-Street Paring - See Section 14 for requirements.
- J. Minimum Off-Street Loading - See Section 14 for requirements.
- K. Entrance Restrictions - See Section 14 for requirements.
- L. On-Premise Signs - See Section 16 for requirements.

SECTION 10

INDUSTRIAL DISTRICTS

A. Industrial Districts Established.

The Industrial Districts established by this Ordinance for Vigo County, Indiana are as follows:

1. Light Industrial District (M-1)
2. Heavy Industrial District (M-2)

10.01 Light Industrial District (M-1)

A. Purpose.

The purpose of this district is to provide for establishments primarily engaged in manufacturing, construction, wholesaling, warehousing and associated retail and service activities whose external, physical affects are relatively clean and quiet, and to act as a transition between heavy industrial districts and less intensive agricultural, commercial or residential districts. This district should be located with good accessibility to thoroughfares; railroads oar other means of transportation, as well as a broad range of public infrastructure and utilities.

B. Permitted uses.

1. Uses permitted in the M-1 District shall be those specified below:

Any industrial manufacturing, processing, cleaning, refining, assembling, wholesaling, cleaning, servicing, testing, repair or storage of materials, goods or products not elsewhere listed in this Ordinance.

Assembly of Pre-manufactured parts, subassemblies, components
Assembly, repair or manufacture of light component parts
Canning of Food (not including slaughtering)
Construction and Home Remodeling Companies
Contractors (any type)
Engraving on Stone
Food Products (secondary food processing and
Packaging - initially processed off-premises)
Job Printing (any size)
Laboratories, including:
Engineering
Pharmaceutical
 Research
 Testing
Leather Curing and Tanning
Liquor and Spirit Distillation
Machine Shop
Packaging of Food
Produce Terminal
Storage and Transfer Establishment
Warehouse and Distribution Center
Water Treatment Plant
Welding Shop

2. Temporary Uses (as defined in section 2).
 3. Accessory Uses (as defined in Section 2).
 4. Special Exception Uses (subject to the provisions of Section 18).
 - Battery Redemption
 - Engraving on metal
 - Furniture Refinishing, Restoration or Reupholster
 - Laundry, Cleaning and Garment Services, including:
 - Dry-Cleaning Plant
 - Industrial Launderers
 - Penal Facilities
 - Religious Use
- C. Minimum Lot Width and Frontage - 100'
- D. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:
- 1.along a minor or local street - 25'
 - 2.along a subcollector street - 30'
 - 3.along a collector - 40'
 - 4.along a arterial - 60'
- E. Minimum Rear Setback - shall be provided from the property line as follows::
- 1.Minimum Rear Yard - 15'
 - 2.Minimum Rear Buffer Yard - 40'
- F. Minimum Side Yard and Setback - shall be provided from the property line as follows:
- 1.Minimum Side Yard -15'
 - 2.Minimum Side Buffer Yard - 40'
- G. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:
1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained as open space free from buildings or structures;
 2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained as open space free from buildings or structures;
 3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;

4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as open space free from buildings or structures.
- H. Building Height Limitations.
1. Principal Use Building - 85', provided, however, any Principal Use Building may be increased in height up to a maximum of 125' feet subject to the increasing of the required yards by 1' for each 1' of additional structural height above 85'
 2. Accessory Use Building - 45'
- I. Minimum Off-Street Parking - See Section 14 for requirements.
- J. Minimum Off-Street Loading -See Section 14 for requirements.
- K. Entrance Restrictions -See Section 14 for requirements.
- L. On-Premise Signs -See Section 16 for requirements.
- M. Outside Operations and Storage.
1. Operations-

All operations, servicing and processing located within five-hundred (500) feet of a Residential District boundary (except storage, off-street parking and off-street loading) shall be conducted within completely enclosed buildings.
 2. Storage-

All storage of materials or products within five-hundred (500) feet of a Residential District boundary shall be either:

 - a. within completely enclosed buildings; or,
 - b. effectively screened within a chain link, lattice or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof.
 3. Amount of outside operations and Storage-

The total area devoted to outside operations and storage shall not exceed seventy-five (75) percent of the gross floor area of enclosed structures or buildings on the lot.

10.02 Heavy Industrial District (M-2)

A. Purpose.

The purpose of this district is to provide for establishments primarily engaged in manufacturing, construction, wholesaling, warehousing and associated retail, financial, and service activities with a need for outdoor storage, processing or operations. This district is also designed to promote the establishment of industrial parks. Due to the nature of such outdoor storage, processing or operations, this district should not be located adjacent to residential or light commercial districts. This district requires good access to major thoroughfares, railroads or other means of transportation, as well as a broad range of public infrastructure and utilities.

B. Permitted Uses.

1. Uses permitted in the M-2 District shall be those specified below:

Any Use Permitted in the M-1 District

Bakery (manufacturing)
Bottled Gas Storage and Distribution
Coffee Roasting
Forest Products Processing
Fuel Dealers (not gasoline stations)
Granary, Grain Manufacture
Lumber Yard (including outside storage)
Manufacturing, including:
 Alcoholic beverage
 Appliance:
 light
 major electric or gas
 portable
 household
Boiler Tank
Bottling of Beverages
Bottling of Food
Bottling of Milk Products
Brewing Distillation of Liquor and Spirits
Cabinets
Cans
Cement, Lime or Gypsum
Ceramic and Clay Products
Cinder Block and other similar building materials
Cloth products from finished cloth
Concrete Blocks and Shapes Production
Concrete Paving Materials Preparation
Coating (excluding tar products)
Communication equipment and assembly
Construction Equipment and Machinery
Containers
Cosmetics
Dairy or Milk Products
Detergents and Soaps
Electric Hand Tools
Electric Neon Signs
Electric Materials

Electric Motors
 Electrical components and sub-assemblies
 Elevators
 Furniture
 Glass and Glass products
 Jewelry (including engraving)
 Leather Products from Finished Leather
 Machinery and Machinery Components
 Malt Products
 Marine Equipment
 Mattresses
 Medicine
 Musical Instruments
 Non-alcoholic Beverages
 Office Equipment including assembly
 Office machinery, electrical and mechanical
 Optical Goods
 Paper Box and Paper Products from Finished Paper
 Pharmaceutical Products
 Phonograph Records/Compact Discs
 Plastics
 Prefabricated Wood Building and Structural Members
 Recording Instruments
 Sports Equipment
 Starch
 Textiles
 Tools and Implements
 Toys
 Meat and Meat Products Wholesaling
 Metal Stamping and Fabricating
 Petroleum Products Bulk Storage
 Power Plants, including:
 Electric
 Hydroelectric
 Steam
 Thermal
 Rolling and Extruding of Metal
 Storage of Heavy Equipment (outdoor)
 Truck Terminal
 Veneer (veneer mills), Millwork, Planing Mill and Saw Mill
 Utility Pole Yard
 Waste Water Treatment Facilities
 Welding Shop
 Wrecker Service

2. Temporary uses (as defined in Section 2).
3. Accessory Uses (as defined in Section 2).
4. Special Exception Uses (subject to the provisions of Section 18).

Any Special Exception Use listed in the M-1 District.

Any business, industrial or manufacturing use which is subject to the reporting requirements of Subpart B Reporting Requirements, § 370.20 of the Code of Federal Regulations (40 CFR § 370.20) promulgated pursuant to Section 311 and Section 312 of the Community Right to Know Act (a copy of which is on file in the Office of the Plan Commission and is hereby incorporated by reference and made a part hereof).

Automobile Wrecking and Salvage
 Battery Salvage or Recycling
 Blast Furnace or Open Hearth
 Coal Yard or Station
 Coating, Engraving and Allied services (electroplating)
 Coke Ovens
 Concrete Mixing
 Composting Facility
 Fat Rendering
 Foundries
 Hazardous Waste Facility
 Iron and Steel Production
 Junk Yards
 Lumber Mill
 Manufacturing, including:
 Asphalt Production
 Asphaltic Paving Materials Preparation
 Batch Plant (asphalt or concrete production)
 Biological
 Cans (utilizing rubberized or vinyl coatings)
 Creosote (including treatment)
 Dyes
 Explosives, Matches and Fireworks
 Fertilizers
 Gases and Chemicals
 Glue
 Paints
 Paper
 Railroad Equipment (including repair and service)
 Rubber Products
 Tar, Tar Paper, Tar Products Processing
 Tire and Inner Tubes
 Meat and Meat Products:
 Packing
 Processing
 Oil Processing, Reining and Manufacture
 Power Plants, including:
 Atomic
 Electric (utilizing reuse-derived fuels)
 Steam (utilizing reuse-derived fuels)
 Recycling Facility
 Resource Recovery Facility
 Salvage Storage (open or enclosed)
 Scavenger Service
 Scrap Metal (including collection, storage and processing)
 Shredding of Metals
 Solid Waste Transfer Station
 Stockyards
 Waste Incinerator

C. Minimum Lot Width and Frontage - 100'

D. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

1. along a minor or local street - 25'
2. along a sub collector street - 30'
3. along a collector - 40'
4. along a arterial - 60'

- E. Minimum Rear Setback - shall be provided from the property line as follows:
 - 1. Minimum Rear Yard 15'
 - 2. Minimum Rear Buffer Yard - 40'

- F. Minimum Side Yard and Setback - shall be provided from the property line as follows:
 - 1. Minimum Side Yard - 15'
 - 2. Minimum Side Buffer Yard - 40'

- G. Use of Minimum Yards and Minimum Suffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with Fr other suitable ground cover materials and shall remain free from structures except where expressly permitted below:
 - 1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained as open space free from buildings or structures;
 - 2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained, as open space free from buildings or structures;
 - 3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;
 - 4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as open space free from buildings or structures.

- H. Building Height Limitations -
 - 1. Principal Use Building - 85', provided, however, any Principal Use Building may be increased in height up to a maximum of 125' feet subject to the increasing of the required yards by 1' fox each 1' of additional structural height above 85'
 - 2. Accessory Use Building - 45'

- I. Minimum Off-Street Parking - See Section 14 for requirements.

- J. Minimum Off-Street Loading - See Section 14 for requirements.

- K. Entrance Restrictions - See Section 14 for requirements.

- L. On-Premise Signs - See Section 16 for requirements.

- M. Outside Operations and Storage.

1. Operations -

All operations, servicing and processing located within five-hundred (500) feet of a Residential District boundary (except storage, off-street parking and off street loading) shall be conducted within completely enclosed buildings.

2. Storage -

All storage of materials or products within five-hundred (500) feet of a Residential District boundary shall be either:

- a. within completely enclosed buildings; or,
- b. effectively screened within a chain link, lattice or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof.

3. Amount of outside operations and Storage

The total area devoted to outside operations and storage shall not exceed seventy-five (75) percent of the total land area of the lot.

10.03 Industrial Performance Standards

A. Purpose.

The purpose of the performance standards set forth in Section 10.03, B., below, is to:

1. permit potential industrial nuisances to be measured factually and objectively;
2. ensure that all industries will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination; and
3. protect industries from arbitrary exclusion or persecution based solely on the nuisance production by any particular type of industry in the past.

B. Performance Standards.

The performance standards set forth below shall be applicable to any new, enlarged, extended, relocated, reconstructed or structurally altered industrial use in any industrial district. Any prior existing industrial use shall comply with the performance standards applicable at the time of commencement of said prior existing industrial use.

1. Glares and Heat
 - a. In industrial districts, any operation or activity-producing glare must be conducted so that direct or indirect light from the source must not cause illumination in excess of 0.5 foot-candles when measured in any residential district. For the purposes of this Section, glare is illumination caused by incandescent, fluorescent or arc lighting, or from high temperature processes such as welding or metallurgical refining.
 - b. No heat from furnace or processing equipment can be sensed at the district boundary line that raises the temperature of air or materials more than 5 degrees Fahrenheit

2. Vibration.
 - a. No continuous, frequent or repetitive vibrations may be produced which are discernable to a person of normal sensitivities on non-industrial zoned lands. No continuous, frequent or repetitive vibrations may be produced which exceed 0.003g peak on non-industrial zoned lands.
 - b. Vibrations from temporary construction and vehicles which leave the site (such as trucks, airplanes, and helicopters) are excluded. Vibrations from primarily on-site vehicles and equipment are included.
 - c. Vibrations of no more than 5 minutes in any one-day will not be considered continuous, frequent, or repetitive for this regulation.
 - d. seismic or electronic vibration measuring equipment may be used for measurements.

3. Noise.
 - a. Noise must be measured with a sound level meter meeting the latest standards of the American National Standards Institute (ANSI). The instrument must be set to the A-weighted response scale and the meter to slow response. Measurements must be conducted in accordance with the latest ANSI method for the physical measurement of sound.
 - b. The Table of Noise Limits in Section 10.03, B., 3., f. below, specifies noise limits that apply on or beyond adjacent lot lines or district boundaries outside the user's property. Noises may not exceed the maximum sound levels specified in the Table of Noise Limits, except as designated in Section 10.03, B., 3., c. and Section 10.03, B., 3., d., below. Where more than one specified sound level applies the most restrictive will govern. Measurements must be taken at points of maximum noise intensity.
 - c. The levels specified in the Table of Noise Limits, below, may be exceeded by 10 dBA for a single period, no longer than 15 minutes, in any one-day.

- d. For impact noise levels, the values in Table of Noise Limits, below, increased by 20 dBA will apply. Impact noises will be considered to be those noises having peak values more than 6 dbA higher than the values indicated on the sound level meter.
- e. Noises not under the direct control of an industrial operation (such as independent transportation facilities) are excluded from these regulations.
- f. Table of Noise Limits

Performance Standard Category	Maximum Permitted Sound Level (dba)		Point of Measurement
	M-1	M-2	
A	65	65	on adjacent residential land uses
B	75	75	on adjacent commercial land uses
C	80	80	on adjacent agricultural land uses
D	80	80	across industrial district boundary lines

4. Fire and Explosive Hazards.

- a. Solid substances, ranging from free or active burning to intense burning, may be stored, used or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
- b. The storage, use or manufacture of flammable liquids or materials which produce flammable vapors or gases is permitted in accordance with the rules and regulations of the State Fire Marshall A certificate of compliance, issued by the State Fire Marshall's office, stating that plans and specifications for an individual use comply with rules and regulations of the State Fire Marshall must accompany the application for an improvement of location permit.
- c. No activity involving the storage, use or manufacture of materials that decompose by detonation may be carried on except in accordance with rules issued by the State Fire Marshall and the State Building Commissioner.

5. Quality.
- a. Any prospective industry seeking any permits to build in Vigo County shall contact the Vigo County Air Pollution Control Department to determine what permits and other related information may be required in addition to any of the other requirements of this ordinance. Written verification of this contact will be provided by the Vigo County Air Pollution Control Department to the Vigo County Area Planning Department upon request.
 - b. The State of Indiana laws, rules and regulations pertaining to air pollution control (including Title 326 of the Indiana Administrative Code), are hereby and hereafter adopted by reference in their entirety. Copies of the Indiana Air Pollution laws, rules and regulations pertaining to air, pollution is on file in the Vigo County Air Pollution Control Department for public inspection.
 - (1) All applicants and necessary information required by the State of Indiana laws, rules, and regulations for registration, construction, modification or operation of an air pollution source in Vigo County shall be submitted to the Vigo County Air Pollution Control Department for processing and approval as the authorized agent of the Indiana Department of Environmental Management, Office of Air Management.
 - (2) Related Fees shall be payable to the Vigo County Air Pollution Control Department.
 - c. The Vigo County laws, rules, and regulations pertaining to air pollution control (including Title III, Chapter 44 of the Vigo County Code) are hereby and hereafter adopted by reference in their entirety. Copies of the Vigo County laws, rules and regulations are on file in the Vigo County Air Pollution Control Department.
 - (1) All applications and necessary information required by Vigo County laws, rules, and regulations for registration, construction, modification or operation of an air pollution source in Vigo County shall be submitted to the Vigo County Air Pollution Control Department for processing and approval.
 - (2) Related fees shall be payable to the Vigo County Air Pollution Control Department.
 - d. In disputes or differences between State of Indiana laws, rules and regulations pertaining to air pollution control and Vigo County laws, rules and regulations pertaining to air pollution control, State law, rule, or regulation will take precedence.
 - e. Primary actions and enforcement of the State of Indiana and Vigo County laws, rules, and regulations pertaining to air pollution control is given to the Vigo County Air Pollution Control Department.

6. Water Pollution.

No authorization of use under this Ordinance includes the authority to discharge liquid or solid wastes into public waters except as allowed under federal, state, and/or county regulations. Plans and specifications for proposed sewage and waste treatment must be approved by the appropriate agency.

7. Industrial Sewage and Waste.

Every industrial land use activity shall be so operated as to prevent the discharge into any river, stream, lake, creek, ground, or groundwater of any waste which will be dangerous to persons or animals or which will damage plants or the like beyond the lot line of the property on which the use is located.

SECTION 11

RESIDENTIAL DISTRICTS

A. Residential Districts Established.

The Residential Districts established by this ordinance for Vigo County, Indiana are as follows:

1. Single-Family Residential Suburban, District (R-S)
2. Single-Family Residential District (R-1)
3. Two-Family Residential District (R-2)
4. Medium Density Residential District (R-2M)
5. Multifamily Residential District (R-3)
6. High Density Residential District (R-3H)
7. Mobile Home Park Residential District (R-T)

11.01 Single Family Residential Suburban District (R-S).

A. Purpose.

The purpose of this district is to allow single-family suburban dwelling units and limited other land uses, which are compatible with such single family dwelling units. Under most circumstances, public water and sewer facilities should be present but are not mandatory if the facilities are more than three-hundred (300) feet from the property line.

B. Permitted Uses.

1. Primary Uses:

Single Family Dwelling
Residential Facility for the Developmentally Disabled
Residential Facility for the Mentally Ill
Child Care Home that is used as the primary residence of the person who operates the Child Care Home.
Public Park
Religious Use

2. Temporary Uses (as defined in Section 2).

3. Accessory Uses (as defined in Section 2).

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Section 18).

Bed & Breakfast
Child Care Home that is not used as the primary residence of the person who operates the Child Care Home
Golf Course
Group Home
Mobile Home
Public Pool
Utility Substation

- C. Minimum Lot Area
 - 1. With sewers - 20,000 sq. ft.
 - 2. Without sewers - 20,000 sq. ft., provided, however, Minimum Lot Area may be increased depending on soil conditions and requirements of the Vigo County Health Department.
- D. Minimum Lot Width and Street Frontage
 - 1. Minimum Lot Width at Minimum Front Setback - 70'
 - 2. Minimum Street Frontage - 40'
- E. Minimum Front Yard ante Setback shall - be provided along all street rights-of-way as follows:
 - 1. along a minor or local street - 25'
 - 2. along a sub collector street - 30'
 - 3. along a collector - 40'
 - 4. along a arterial - 60'
- F. Minimum Rear Yard and setback - shall be provided from the property line as follows:
 - 1. principal use building - 25,
 - 2. accessory use building - 10,
- G. Minimum Side Yard and Setback - shall be provided from the property line as follows:
 - 1. principal use building - 5'
 - 2. accessory use building - 5'
- H. Minimum Main Floor Area - exclusive of garage, carports and open porches:
 - 1. One story building - 900 sq. ft.
 - 2. Greater than one story - 400 sq. ft., provided that the total floor area shall be at least 900 sq. ft.
- I. Lot Coverage.
 - 1. maximum coverage by principal building - 30%
 - 2. minimum vegetative cover - 40%
- J. Minimum off-Street Parking - See Section 14 for requirements.
- K. Entrance Restrictions - See Section 14 for requirements.
- L. On-Premise Signs - See section 16 for requirements.

11.02 Single Family Residential District (R-1).

A. Purpose.

The purpose of this district is to allow single-family dwelling units and limited other land uses, which are compatible with such single family dwelling units. Development within this district requires the provision of sanitary sewer and/or public water facilities.

B. Permitted Uses.

1. Primary Uses:

Single Family Dwelling
Residential Facility for the Developmentally Disabled
Residential Facility for the Mentally Ill
Child Care Home that is used as the primary residence of the person who operates the Child Care Home
Public Park
Religious Use

2. Temporary Uses (as defined in Section 2).

3. Accessory Uses (as defined in Section 2).

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Section 18).

Bed & Breakfast
Child Care Home that is not used as the primary residence of the person who operates the Child Care Home
Fire Station
Mobile Home
Police Station
Public Pool
Utility Substation

C. Minimum Lot Area - 5,500 sq. ft., provided, however, for the development of any single-family subdivision for which a plat is recorded after the effective date of this Ordinance, attachment to a public or semipublic sanitary sewer system and water supply shall be mandatory.

D. Minimum Lot Width and Street Frontage -

1. Minimum Lot Width at Minimum Front Setback - 50'
2. Minimum Street Frontage - 25'

E. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

1. along a minor or local street - 25'
2. along a sub collector street - 30'
3. along a collector 40'
4. along a arterial - 60'

- F. Minimum Rear Yard and Setback - shall be provided from the property line as follows:
 - 1.principal use building - 25'
 - 2.accessory use building - 10'
- G. Minimum Side Yard and Setback - shall be provided from the property line as follows:
 - 1.principal use building - 5'
 - 2.accessory use building - 5'
- H. Minimum Main Floor Area - exclusive of garage, carports and open porches:
 - 1. One story building - 900 sq. ft.
 - 2. Greater than once-story - 400 sq. ft., provided that the total floor area shall be at least 900 sq. ft.
- I. Lot Coverage -
 - 1.maximum coverage by principal building - 35%
 - 2.minimum vegetative cover - 30%
- J. Minimum Off-Street Parking - See Section 14 for requirements.
- K. Entrance Restrictions - See Section 14 for requirements.
- L. On-Premise Signs - See Section 16 for requirements.

11.03 Two-Family Residential District (R-2).

A. Purpose.

The purpose of this district is to permit single family and two family dwelling units and limited other land uses which are compatible with such single family and two family dwelling units. Development within this district requires the provision of sanitary sewer and/or public water facilities.

B. Permitted Uses

1. Primary Uses:

Single Family Dwelling

Two-Family Dwelling

Residential Facility for the Developmentally Disabled

Residential Facility for the Mentally Ill

Child Care Home that is used as the primary residence of the person who operates the Child Care Home

Public Park

Religious Use

2. Temporary Uses (as defined in Section 2).

4. Accessory Uses (as defined in Section 2).

4. Home Occupations

5. Special Exception Uses (subject, to the provisions of Section 18).

Bed & Breakfast
Child Care Center
Child Care Home that is not used as the primary residence of the person who operates the Child Care Home
Child Care Ministry
Fire Station
Police Station
Public Pool
Utility Substation

C. Minimum Lot Area:

1. Single family - 5,500 sq. ft.
2. Two family - 3,500 sq. ft. per dwelling unit

Provided, however, for the development of any single family or two family subdivision for which a plat is recorded after the effective date of this ordinance, attachment to a public or semipublic sanitary sewer system and water supply shall be mandatory.

D. Minimum Lot Width and Street Frontage -

1. Minimum Lot Width at Minimum Front Setback 50'
2. Minimum Street Frontage - 25'

E. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

1. along a minor or local street - 25'
2. along a subcollector street - 30'
3. along a collector - 40'
4. along a arterial - 60'

F. Minimum Rear Yard and Setback - shall be provided from the property line as follows:

1. principal use building - 25'
2. accessory use building - 10'

G. Minimum Side Yard and Setback - shall be provided from the property line as follows:

1. principal use building - 5'
2. accessory use building - 5'

H. Minimum Main Floor Area - exclusive of garage, carports and open porches:

1. one story building - 700 sq. ft.
5. Greater than one story - 350 sq. ft., provided that the total floor area shall be at least 700 sq. ft.

- I. Lot Coverage -
 - 1.maximum coverage by principal building - 40%
 - 2.minimum vegetative cover - 25%
- J. Minimum Off-Street Parking - See Section 14 for requirements.
- K. Entrance Restrictions - See Section 14 for requirements.
- L. On-Premise Signs - See Section 16 for requirements

11.04 Medium Density Residential District (R-2M).

A. Purpose.

The purpose of this district is to accommodate medium-density residential dwelling units such as duplexes, triplexes, quadruplexes and townhouses. This district should be located in close association with community facilities such as schools, parks, shopping areas, etc. Land not devoted to lot area within a community developed in this district should be set aside to provide open space amenities and recreational opportunities for residents of the community. Development within this district requires the provision of sanitary sewer and/or public water facilities.

B. Permitted Uses.

1. Primary Uses:

- Single Family Dwelling
- Two-Family Dwelling
- Multifamily Dwellings
- Residential Facility for the Developmentally Disabled
- Residential Facility for the mentally ill
- Child Care Home
- Nursing Home
- Child Care Center, Child Care Ministry
- Public or private schools
- Public Park
- Religious Use

2. Temporary Uses (as defined in Section 2).

3. Accessory Uses (as defined in Section 2).

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Section 18).

- Fire Station
- Police Station
- Public Pool
- Utility Substation

C. Minimum Lot Area:

1. Single family - 5,500 sq. ft.
2. Two family - 3,300 sq. ft. per dwelling unit
3. Multifamily 2,500 sq. ft. per dwelling unit

Provided, however, for the development of any multifamily project for which a permit is issued, or single family or two family subdivision for which a plat is recorded after the effective date of this Ordinance, attachment to a public- or semipublic sanitary sewer system and water supply shall be mandatory.

D. Minimum Lot Width and Street Frontage -

1. Minimum Lot Width at Minimum Front Setback - 50'
2. Minimum Street Frontage - 25'

E. Residential Density - Maximum Gross Density of any development within this district shall not exceed eighteen (18) dwelling units per gross acre.

F. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

1. along a manor or local street - 25'
2. along a subcollector street - 30'
3. along a collector - 40'
4. along a arterial - 60'

G. Minimum Rear Yard and setback - shall be provided from the property line as follows:

1. principal use building - 25'
2. accessory use building - 10'

H. Minimum Side Yard and Setback - shall be provided from the property line as follows:

1. Single Family and Two Family
 - a. principal use building 5'
 - b. accessory use building - 5'
2. Multifamily
 - a. principal use building - 15'
 - b. accessory use building - 15'

I. Minimum Yards Around Buildings containing Dwelling Units.

In multifamily projects containing two or more buildings, interior yards around buildings containing dwelling units shall be provided as follows:

1. The greater of:
 - 15 feet; or
 - Ten (10) feet plus one (1) additional foot for each ten (10) feet of aggregate length of any wall or side of a building.
2. Permitted accessory buildings or uses shall maintain an interior yard of five feet.
3. The distance between buildings shall be the sum of each applicable minimum yard between buildings.
4. Interior yards shall be measured perpendicular to the building or structure at all points.
5. Interior yards shall not overlap any required front, side or rear yards.

J. Building Height Limitations - Multifamily -

1. Principal Use Building - 35', provided, however, any permitted structure may be increased in height up to a maximum of 40' feet subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'
2. Accessory Use Building - 25'

K. Minimum Floor Area (exclusive of garage, carports and open porches): -600 sq. ft.

L. Lot Coverage -

1. maximum coverage by principal building - 45%
2. minimum vegetative cover - 25%

M. Minimum Off-Street Parking - See Section 14 for requirements.

N. Entrance Restrictions - See Section 14 for requirements.

O. On-Premise Signs - See Section 14 for requirements.

11.05 Multifamily Residential District (R-3).

A. Purpose.

The purpose of this district is to accommodate multi family dwelling units where compatibility with the surrounding land uses is maintained. This district should be located in close association with community facilities such as schools, parks, shopping areas, etc. Development within this district requires the provision of sanitary sewer and/or public water facilities.

B. Permitted Uses.

1. Primary uses:

- Single Family Dwelling
- Two-Family Dwelling
- Multifamily Dwellings
- Residential Facility for the Developmentally Disabled
- Residential Facility for the Mentally Ill
- Child Care Home
- Nursing Home
- Child Care Center, Child Care Ministry
- Public or Private Schools
- Public Park
- Religious Use

2. Temporary uses (as defined in Section 2).

3. Accessory Uses (as defined in Section 2).

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Section 18).

- Fire Station
- Police Station
- Public Pool
- Utility substation

C. Minimum Lot Area:

1. Single family - 4,356 sq. ft.

2. Two family - 3,000 sq. ft. per dwelling unit

3. Multi family - 1,815 sq. ft. per dwelling unit

Provided, however, for the development of any multifamily project for which a permit is issued, or single family or two family subdivision for which a plat is recorded after the effective date of this ordinance, attachment to a public or semipublic sanitary sewer system and water supply shall be mandatory.

D. Minimum Lot width and street Frontage

1. Minimum Lot width at Minimum Front Setback - 50'

2. Minimum Street Frontage - 25'

E. Residential Density - Maximum Gross Density of any development within this district shall not exceed twenty-four (24) dwelling units per gross acre.

F. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

1. along a minor or local street - 25'
2. along a subcollector street - 30'
3. along a collector - 40'
4. along a arterial - 60'

- G. Minimum Rear Yard and Setback - shall be provided from the property line as follows:
 - 1. principal use building - 25'
 - 2. accessory use building - 10'

- H. Minimum Side Yard and Setback - shall be provided from the property line as follows:
 - 1. Single Family and Two Family
 - a.principal use building - 5'
 - b.accessory use building - 5'
 - 2. Multifamily
 - a.principal use building - 15,
 - b.accessory use building - 15'

- I. Use of Minimum Yards - all minimum yards shall be:
 - 1. landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials;
 - 2. maintained as a buffer strip in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17; and
 - 3. shall remain free from structures, except that Minimum Front Yards may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;

- J. Minimum Yards Around Buildings Containing Dwelling Units.

In multifamily projects containing two or more buildings, interior yards around buildings containing dwelling units shall be provided as follows:

- 1. The greater of:
 - 15 feet; or
 - Ten (10) feet plus one (1) additional foot for each ten (10) feet of aggregate length of any wall or side of a building.
- 2. Permitted accessory buildings or uses shall maintain an interior yard of five feet.
- 3. The distance between buildings shall be the sum of each applicable minimum yard between buildings.
- 4. Interior yards shall be measured perpendicular to the building or structure at all points.
- 5. Interior yards shall not overlap any required front, side or rear yards.

- K. Building Height Limitations -
 - 1.principal use building - 60'
 - 2.accessory use building - 25'
- L. Minimum Floor Area (exclusive of garage, carports and open porches): - 550 sq. ft.
- M. Lot Coverage -
 - 1.maximum coverage by principal building - 45%
 - 2.minimum vegetative cover - 25%
- N. Minimum off-Street Parking - See Section 14 for requirements.
- O. Entrance Restrictions - See Section - 14 for requirements.
- P. On-Premise Signs - See Section 16 for requirements

11.06 High Density Residential District (R-3H).

A. Purpose.

The purpose of this district is to accommodate the highest density multi-family residential uses where there is maximum compatibility with the surrounding land uses. This district should be located in close association with community facilities such as schools, parks, shopping areas, etc. Development within this district requires the provision of sanitary sewer and/or public water facilities.

B. Permitted Uses.

1.Primary Uses:

- Single Family Dwelling
- Two-Family Dwelling
- Multifamily Dwellings
- Residential Facility for the Developmentally Disabled
- Residential Facility for the Mentally Ill
- Child Care Home
- Nursing Home
- Child Care Center, Child Care Ministry
- Public or private schools
- Public Park
- Religious Use

2. Temporary Uses (as defined in Section 2).

3. Accessory Uses (as defined in Section 2).

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Section 18).

- Fire Station
- Police Station
- Public Pool
- Utility Substation

C. Minimum Lot Area:

1. Single family - 3,630 sq. ft.
2. Two family - 2,240 sq. ft. per dwelling unit
3. Multi family - 1,210 sq. ft. per dwelling unit

Provided, however, for the development of any multifamily project for which a permit is issued, or single family or two family subdivision for which a plat is recorded after the effective date of this Ordinance, attachment to a public or semipublic sanitary sewer system and water supply shall be mandatory.

D. Minimum Lot Width and Street Frontage -

1. Minimum Lot Width at Minimum Front Setback - 50'
2. Minimum Street Frontage - 25'

E. Residential Density - Maximum Gross Density of any development within this district shall not exceed thirty-six (36) dwelling units per gross acre.

I. Minimum Front Yard and setback - shall be provided along all street rights-of-way as follows:

1. along a minor or local street - 25'
2. along a subcollector street - 30'
3. along a collector - 40'
4. along an arterial - 60'

G. Minimum Rear Yard and Setback - shall be provided from the property line as follows:

1. principal use building - 25'
2. accessory use building - 10'

H. Minimum Side Yard and Setback - shall be provided from the property line as follows:

1. Single Family and Two Family
 - a. principal use building - 5'
 - b. accessory use building - 5'

2. Multifamily

- a. principal use building - 15'
- b. accessory use building - 15'

I. Use of Minimum Yards - all minimum yards shall be:

1. landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials;
2. maintained as a buffer strip in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17; and

3. shall remain free from structures, except that Minimum Front Yards may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;

J. Minimum Yards Around Buildings Containing Dwelling Units.

In multifamily projects containing two or more buildings, interior yards around buildings containing dwelling units shall be provided as follows:

1. The greater of:
 - 1.5 feet; or
 - Ten (10) feet plus one (1) additional foot for each ten (10) feet of aggregate length of any wall or side of a building.
2. Permitted accessory buildings or uses shall maintain an interior yard of five feet.
3. The distance between buildings shall be the sum of each applicable minimum yard between buildings.
4. Interior yards shall be measured perpendicular to the building or structure at all points.
5. Interior yards shall not overlap any required front, side or rear yards.

K. Building Height Limitations -

- 1.principal use building - 60'
- 2.accessory use building - 25'

L. Minimum Floor Area (exclusive of garage, carports and open porches): - 450 sq. ft.

M. Lot Coverage -

- 1.maximum coverage by principal building - 45%
- 2.minimum vegetative cover -- 25%

N. Minimum Off-Street Parking - See Section 14 for requirements.

O. Entrance Restrictions - See Section 14 for requirements.

P. On-Premise Signs - See Section 16 for requirements.

11.07 Mobile Home Park Residential District (R-T).

A. Purpose.

The purpose of this district is to provide for mobile home park communities at appropriate locations where they can be closely associated with community facilities such as schools, parks, shopping areas, etc. In locating this district, attention should be given to the relationship of the district to the existing and potential development of the surrounding area as well as establishing an attractive residential environment. Development within this district requires the provision of sanitary sewer and/or public water facilities.

B. Permitted Uses.

1.Primary Uses:

Mobile Dwelling Projects, including mobile dwellings and
manufactured dwellings for single family use and occupancy
Residential Facility for the Developmentally Disabled
Residential Facility for the Mentally Ill
Public
Park
Religious Use

2.Temporary Uses (as defined in Section 2).

3.Accessory Uses (as defined in Section 2), including:

a.manager's office and apartment;
b.project maintenance equipment storage facility;
c.common recreation and service buildings, structures and areas,
including laundry facilities;
d.common or individual storage areas; and
e.parking areas and carports.

4.Home Occupations.

C. Mobile Home Park Development Standards - the following development standards shall apply to a Mobile Home Park (or any other permitted principal use or special exception use located in this district) as a single development lot:

1. Minimum Lot Area - 5 acres.

Provided, however, attachment to a public or semipublic sanitary sewer system and water supply shall be mandatory.

2. Minimum Lot Width - 100'

3. Residential Density - Maximum Gross Density of any development within this district shall not exceed ten (10) dwelling units per gross acre.

4. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:
 - a.along a minor or local street - 25'
 - b.along a subcollector street - 30'
 - c.along a collector - 40'
 - d.along a arterial - 60'

5. Minimum Rear Yard and Setback - shall be provided from the property line as follows:
 - a.Minimum Rear Yard - 15'
 - b.Minimum Rear Buffer Yard 40'

6. Minimum Side Yard and setback shall be provided from the property line as follows:
 - a. Minimum Side Yard - 15'
 - b. Minimum Side Buffer Yard - 40'

7. Use of Minimum Yards - all minimum yards shall be:
 - a. landscaped with grass, trees shrubbery, or hedge, or in combination with other suitable ground cover materials;
 - b. maintained as a buffer strip in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17 ; and
 - c. shall remain free from structures except that Minimum Front Yards may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17.

8. Building Height Limitations.
 - a. Principal Use Building - 35', provided, however, any permitted structure may be increased in height up to a maximum of 40' feet subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'
 - b.Accessory Use Building - 25'

9. Internal Street Standards - all mobile home lots shall have direct access to an internal street within the mobile home park. There shall be no direct access from any mobile home lot to any perimeter public street. All internal streets shall comply with the following standards:
 - a.Minimum pavement width:
 - 1 way traffic, no parking - 12'
 - 1 way traffic, parking on one side - 20'
 - 1 way traffic, parking on both sides - 28'
 - 2 way traffic, no parking - 24'
 - 2 way traffic, parking on one side - 32'
 - 2 way traffic, parking on both sides - 40'

- b. Maximum length of pavement for a cul-de-sac - 150'
 - c. Minimum pavement radius for a cul-de-sac turn-around - 60'
 - d. Sidewalks - minimum of one side of each street, 3' in width
 - e. Curb and Gutter - 2' on each side unless an alternative is approved by the County Surveyor.
10. Minimum Lighting Standards - 0.3 foot candles on streets and sidewalks. It provided, individual yard lights on each mobile home lot shall accommodate at least a 40-watt incandescent bulb.
 11. Minimum Off-Street Parking (applicable to all common parking areas and parking for the manager's office, recreation buildings/areas, or other common structures) -See Section 14 for requirements.
 12. Minimum Off-Street Loading - See Section 14 for requirements.
 13. Entrance Restrictions - See Section 14 for requirements.
 14. On-Premise Signs - See Section 14 for requirements.
- D. Additional Development Standards Applicable to Individual Lots Within a Mobile Home Park - the following standards shall be applicable to each mobile home lot within a Mobile Home Park:
1. Minimum Lot Area - 2,500 sq. ft. provided, however, each dwelling unit shall be attached to a public or semipublic sanitary sewer and water supply.
 2. Minimum Lot Width - 30'
 3. Maximum Lot Coverage - 45%
 4. Minimum Vegetative Cover - 30%
 5. Setbacks:
 - a. Front -the lesser of 15' from edge of pavement or 12' from edge of sidewalk
 - b. Side - 12'
 - c. Rear -7'
 6. Parking - minimum of two (2) paved parking spaces per mobile home lot located either:
 - a. on the mobile home lot;
 - b. on-street in front of the mobile home lot; or
 - c. within a common parking area, provided the parking spaces are located not more than 300' from the mobile home lot served.

7. Minimum Storage - 90 cubic feet per mobile home. Storage areas may be located either:
 - a.in a centralized fireproof building;
 - b.under the mobile home, within a secured and screened skirting area; or
 - c.in a detached accessory storage building.
8. Building Height Limitations - 25'
9. Minimum Floor Area - 680 sq. ft.
10. Skirting - All mobile dwellings shall be skirted with a fire and weather resistant material which entirely encloses the undercarriage of the mobile dwelling and makes the area under the mobile home secure from animals.
11. Patio - Each dwelling unit shall be abutted by a concrete patio of at least six (6) feet in width by six (6) feet in length constructed with a minimum thickness of four (4) inches.

SECTION 12

SPECIAL DISTRICTS

A. Special Distracts Established.

The Special Districts established by this Ordinance for Vigo County, Indiana are as follows:

1. Open Space District (OS)
2. Hulman Regional Airport District (HRA)
3. Hulman Regional Airport Noise Overlay Distract (ANO)
4. Hulman Regional Airport Airspace Overlay District (AAO)
5. Mining Overlay District (MO)

12.01 Open Space District (OS).

A. Purpose.

The purpose of this district is to protect, promote, and preserve public and semi-public park lands, recreational areas, wilderness areas, wild life refuges, open ranges, woodlands, grazing lands, watersheds, water supplies, rivers, streams, wetlands, and other environmentally sensitive areas.

B. Permitted Uses.

1. Primary Uses:

- Agricultural Crop Production
- Cemeteries
- Fire Protection
- Fishing, Hunting and Trapping
- Forestry
- Forestry Devices
- Greenhouses for Floral Products
- Horticultural Specialties
- Yacht Clubs
- Public Parks
- Single Family Dwelling

2. Temporary Uses (as defined in section 2).

3. Accessory Uses (as defined in Section 2).

4. Home Occupations.

5. Special Exception uses (subject to the provisions of Section 18).

- Adult Correctional Facilities and Jails
- Agricultural Livestock Production
- Amusement Parks
- Amusement and Recreational Services, not elsewhere classified (outdoor)

Animal Specialties Not Elsewhere Classified:
breeding animals other than own stock and other than cattle,
hogs, sheep, goats and poultry; boarding kennels; training of pets.
Arenas and Stadiums
Bed & Breakfast
Bee Farms and Honey Production
Community and Neighborhood Centers
Correctional Institutions
Individual and Family Social Services
Public Golf Courses
Police Protection
Racing (including Track Operation)
Recreational Vehicle Parks and Campgrounds
Summer Theaters (Except Dinner Theaters)
Sporting and Recreation Clubs
Transportation Facilities including:
 Airports
 Heliports

- C. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:
- 1.along a minor or local street - 25'
 - 2.along a subcollector street - 30'
 - 3.along a collector - 40'
 - 4.along a arterial - 60'
- D. Minimum Rear Yard and Setback -
1. Residential Use:
 principal use building - 25'
 accessory use building - 10'
 - 2.All Other Uses - 50'
- E. Minimum Side Yard and Setback -
1. Residential Use:
 principal use building - 15'
 accessory use building - 5'
 - 2.All Other Uses - 30'
- F. Maximum Building Height -
- 1.Residential Use -

 principal use building - 35', provided, however, any permitted structure may be increased in height up to a maximum of 40' feet subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'

 accessory use building - 20'
 2. All Other Uses - 60', provided, however, the minimum required front, side or rear setback shall be increased by 1' for each 3' of additional structural height above 35'

- G. Lot Coverage -
 - 1.maximum coverage by principal building - 10%
 - 2.minimum vegetative cover - 75%
- H. Minimum Off-Street Parking - See Section 14 for requirements.
- I. Minimum Off-Street Loading Requirements (applicable only to non-residential uses) - See Section 14 for requirements.
- J. Entrance Restrictions (applicable only to non-residential uses) - See Section 14 for requirements.
- K. On-Premise signs - See Section 16 for requirements.

12.02 Hulman Regional Airport District (HRA)

A. Purpose.

The purpose of this district is to: ensure the harmonious arrangement and development of land uses in and around Hulman Regional Airport; encourage the types of land uses having maximum compatibility with aircraft operations; protect the airport from the encroachment of incompatible land uses; and, protect and promote the public utility of Hulman Regional Airport.

B. Permitted Uses.

1. Primary Uses:

Public Airports municipally owned and operated, including all necessary navigation and flight operation facilities.

2. Temporary Uses (as defined in Section 2).

3. Accessory Uses (as defined in Section 2), including:

Terminal, Storage and Servicing Facilities for Airplanes and Other Aircraft
Air Research Laboratories

4. Special Exception Uses (subject to the provisions of Section 18), including:

Hotel or Motel
Restaurant
Transportation Facilities, including:
Automobile Rental
Bus Station

C. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

- 1.along a minor or local street - 25'
- 2.along a subcollector street - 30'
- 3.along a collector - 40'
- 4.along a arterial - 60'

- D. Minimum Rear Yard and Setback - shall be provided from the property line as follows:
 - 1. Minimum Rear Yard - 5'
 - 2. Minimum Rear Buffer Yard - 20'

- E. Minimum Side Yard and setback - shall be provided from the property line as follows:
 - 1. Minimum Side Yard - 5'
 - 2. Minimum Side Buffer Yard - 20'

- F. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:
 - 1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
 - 2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 20' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17;
 - 3. Minimum Side and Rear Yards - minimum side and rear yards may include internal driveways connecting to adjoining lots provided that the remainder of said yards shall be maintained as open space free from buildings or structures;
 - 4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.

- G. Building Height Limitations - (unless otherwise restricted by the provisions of the Hulman Regional Airport Airspace Overlay District)
 - 1. Principal Use Building - 85', provided, however, any structure in excess of 35' shall be subject to the increasing of the required yards by 1' for each 2' of additional structural height above 35'
 - 2. Accessory Use Building - 25'

- H. Lot Coverage -
 - 1. maximum coverage by principal building - 30%
 - 2. minimum vegetative cover - 30%

- I. Minimum off-Street parking - See Section 14 for requirements.
- J. Minimum Off-Street Loading - See Section 14 for requirements.
- K. Entrance Restrictions - See Section 14 for requirements.
- L. On-premise signs - See Section 16 for requirements.

12.03 Hulman Regional Airport Noise Overlay District (ANO).

A. Purpose.

The purpose of this overlay district is to: regulate development and land use within noise sensitive areas surrounding Hulman Regional Airport; encourage the types of land uses having maximum compatibility with aircraft operations; protect the airport from the encroachment of incompatible land uses; and, protect and promote the public utility of Hulman Regional Airport.

B. Special Definition.

As used in this Section only, the following term shall be defined as set forth below. All other terms shall have the meaning set forth, in Section 2, Definitions.

Structure: Any object, whether permanent or temporary, including, but not limited to, a building, tower, crane, smokestack, earth formation, transmission line, flagpole, or ship mast; also includes a mobile object.

C. Incorporation of the Noise Overlay Zoning Maps.

The Noise Overlay Zoning Maps are attached hereto and incorporated herein by reference and made a part of this ordinance and the Official Zoning maps as Attachment 2A and Attachment 2B (The Noise Overlay Zoning Map is based on the most recently approved F.A.R. Part 150 Noise Exposure Maps.)

Copies of the noise contour maps and FAR 150 Noise Compatibility Study shall be on file and open to public inspection in offices of the Airport Authority and the Department.

D. Establishment of the Noise Compatibility Overlay Zones within the Hulman Regional Airport Noise Overlay District.

The Hulman Regional Airport Noise Overlay District shall consist of three separate Noise Compatibility Overlay Zones. The Noise Compatibility Overlay zones for the area around Hulman Regional Airport are established based on the DNL contours four aircraft noise developed for two alternative conditions forecast to exist in a short-term operating condition and a long-term operating condition. The following Noise Compatibility Overlay Zones are hereby established:

1. DNL 65-70 Noise Compatibility Overlay Zone (N-1). The N-1 zone generally corresponds to the area between the DNL 65 and 70 contours, as shown on Noise Overlay Zoning Maps.
2. DNL 70-75 Noise Compatibility Overlay Zone (N-2). The N-2 zone generally corresponds to the area between the DNL 70 and 75 contours, as shown on Noise Overlay Zoning Maps.
3. DNL 75+ Noise Compatibility Overlay Zone (N-3). The N-3 zone generally corresponds to the area within the DNL 75 contour, as shown on Noise Overlay Zoning Maps.

E. Application.

1. The regulations and standards contained herein shall apply to all land within the Hulman Regional Airport Noise Overlay District.
2. This district will serve as an overlay district that applies supplementary regulations in addition to all other applicable underlying or overlay zoning district regulations. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.
3. Within this ANO District, any proposed use or structure is subject to review as described herein, and shall be evaluated relative to the standards and requirements" provided for herein.

F. Boundary Revisions.

The boundaries shall be reviewed by the Commission whenever the Airport Authority updates or amends the noise contour maps and/or the DAR part 150 Noise Compatibility Program. It shall be the responsibility of the Airport Authority to notify the Commission of any such changes and to provide a copy of it to the Commission.

G. Permitted Uses.

Any use permitted in the primary zoning district in which this Overlay District is situated.

H. Prohibited Uses.

Land uses prohibited in the three Noise Compatibility overlay Zones (N-1, N-2 and N-3) comprising the Hulman Regional Airport Noise Overlay District shall be those uses identified below:

1. N-1
 - Mobile Dwelling Projects
 - Hospitals / Nursing Homes
 - Medical Offices
 - Education Services
 - Religious Uses
 - Auditoriums / Concert Halls
 - Outdoor Music Shells / Amphitheaters
 - Resorts and Group Camps
2. N-2
 - Any use prohibited in the N-1 Overlay District
 - Single Family Dwelling
 - Two Family Dwelling
 - Multifamily Dwelling
 - Residential Hotels
 - Dwellings (any type)
3. N-3
 - Any use prohibited in the N-2 Overlay District
 - Hotel / Motel (Transient Lodging)
 - Nature Exhibits
 - Public Assembly Facilities

I. Improvement Location Permits for Residential Buildings or other Noise Sensitive Uses.

No Improvement Location Permit shall be issued for the construction of a residential building or structure, or other building or structure designed for noise sensitive uses listed in Subsection C above, within an area lying one thousand five hundred (1,500) feet on either side of the extended centerline of a Hulman Regional Airport runway for a distance of (1.) nautical mile from the boundaries of Hulman Regional Airport, unless a permit for said building or structure has first been issued by the Indiana Department of Transportation, as specified in Indiana code 21-8-10-3.

J. Exemptions.

The provisions of this subsection shall not be deemed applicable to:

1. Temporary use, building, structure or improvement, that is not used for residential purposes, so long as such temporary use, building, structure or improvement is otherwise permitted by this Ordinance.
2. Agricultural uses, building, structure or improvement otherwise permitted by this Ordinance.
3. Accessory use, building, structure or improvement otherwise permitted by this Ordinance.

K. Permit Review.

Notwithstanding the provisions of: Section 5., A., 3., of this Ordinance to the contrary, any application for a Improvement Location Permit for a building, structure or improvement in the N-1, N-2 or N-2 Overlay District shall be forwarded by the Director within three (3) days of its submittal to the Airport Authority staff. The Airport Authority staff shall have a maximum of seven (7) days in which to review the proposed plans and provide a written recommendation to the Department. If after such seven (7) day period, the Airport Authority staff has not required any additional information or stated any objections in writing to the Director, and the proposed building, structure or improvement, and the proposed use conform in all respects to the provisions of this Ordinance, the Director shall issue the Improvement Location Permit.

L. Additional Information Required.

In addition to the site plan required by Section 5., B., 1., the applicant shall provide any other technical substantiation maps, plans, drawings, or materials as necessary to indicate the following:

1. Applicable Noise Overlay Zone. If a DNL boundary bisects the subject property, the DNL boundary shall be superimposed on the site plan.
2. Specification of Uses -

The use of each building, structure, improvement or activity area shall be identified on the site plan.

3. Narrative Description

A narrative shall be provided describing the location of the site, its total acreage, existing character and use; the concept of the proposed development or use, such as proposed residential density, and the relation of the proposed site plan to the Comprehensive Plan.

M. Soundproofing Requirements.

Soundproofing shall be required for land uses in each of the N-1, N-2 and N-3 Noise Overlay Zones as indicated in the Table of Land Use Compatibility Standards - Hulman Regional Airport. Where soundproofing is required, no Improvement Location Permit shall be issued until the applicant has demonstrated that the building design is capable of achieving the Noise Level Reduction required in said Table.

Table of Land Use Compatibility Standards
Hulman Regional Airport

Land Use Name	Notice Zones/Levels in DNL		
	N-1 65-70	N-2 70-75	N-3 75+

Residential Household Units			
Single Family Dwelling	25 ^{1,5,6}	N	N
Two-Family Dwelling	25 ^{1,5,6}	N	N
Multifamily Dwelling	25 ^{1,5,6}	N	N
Group Quarters	25 ^{1,5,6}	N	N
Residential Hotels	25 ^{1,5,6}	N	N
Mobile Home Parks	N	N	N
Transient Lodgings, Hotels, Motels -	Y ²	Y ³	N
Other Residential	25 ^{1,5,6}	N	N

Manufacturing			
Food & kindred products	Y	Y	Y ²
Textile Mill products	Y	Y	Y ²
Apparel & other finished products made from fabrics, leather & similar materials	Y	Y	Y ²
Lumber & wood products (except furniture)	Y	Y	Y ²
Furniture & fixtures	Y	Y	Y ²
Paper & allied products	Y	Y	Y ²
Printing, publishing & allied industries	Y	Y	Y ²
Chemicals & allied products	Y	Y	Y ²
Petroleum refining and related industries	Y	Y	Y ²
Rubber & misc. plastic	Y	Y	Y ²
Stone, clay & glass products manufacturing	Y	Y	Y ²
Primary metal industries	Y	Y	Y ²
Fabricated & metal products-manufacturing	Y	Y	Y ²
Professional, scientific & controlling instruments; photographic & optical goods; watches & clocks - manufacturing	Y	Y	25
Miscellaneous manufacturing	Y	Y	Y ²

Transportation, communication and utilities

Rail transportation	Y	Y	Y ²
Motor vehicle transportation	Y	Y	Y ²
Aircraft transportation	Y	Y	Y ²
Marine craft transportation	Y	Y	Y ²
Highway & street right-of-way	Y	Y	Y ²
Automobile parking	Y	Y	Y ²
Communication	Y	Y	Y ²
Utilities	Y	Y	Y ²
Other transportation, communication, & utilities	Y	Y	Y ²

Trade

Wholesale trade	Y	Y	Y ²
Retail trade-building materials hardware & farm equipment	Y	Y	Y ²
Retail trade--general merchandise	Y	Y	25
Retail trade-food	Y	Y	25
Retail trade-auto	Y	Y	25
Retail trade-apparel & accessories	Y	Y	25
Retail trade-furniture, home furnishings	Y	Y	25
Retail trade-eating & drinking establishments	Y	Y	25
other retail trade	Y	Y	25

Services

Finance, insurance & real estate services	Y	Y	25
Personal, services	Y	Y	25
Cemeteries	Y	Y	Y ²
Business services	Y	Y	25
Repair services	Y	Y	Y ²
Professional services	Y	Y	25
Hospitals, nursing homes	N	N	N
Other medical facilities	N	N	N
Contract construction services	Y	Y	25
Governmental services	Y	Y	25
Education services	N	N	N
Miscellaneous services	Y	Y	25

Cultural, entertainment and recreational

Cultural activities (including churches)	N	N	N
Nature exhibits	Y	Y	N
Public assembly	Y	Y	N
Auditoriums, concert halls	N	N	N
Outdoor music shells, amphitheaters	N	N	N
Outdoor sports arenas, spectator sports	Y	Y ⁴	Y ⁴
Amusements	Y	Y	Y
Recreational activities (including golf courses, riding stables, water recreation)	Y	Y	25
Resorts & group camps	N	N	N
Parks	Y	Y	Y
other cultural, entertainment, and recreation	Y	Y	Y

Resource Production and Extraction

Agriculture	Y ^{1,5,6}	Y ^{1,5,6}	Y ^{1,5,6,7}
Forestry	Y	Y	Y
Mining and Quarrying	Y	Y	Y

 Table Notes:

- Y Yes. Land use and related structures are compatible without restrictions.
 N No. Land use and related structures are not compatible and shall be prohibited.
- NLR Noise Level Reduction (outdoor or indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
1. All residences in the N-1, zone should be soundproofed to achieve a 25 dB reduction from outdoor noise levels (NLR). Residences in the N-2 zone should be soundproofed to achieve a 30 dB NLR. All soundproofed residential units must be provided with heating, cooling, and ventilation systems capable of permitting closed windows and doors year round. An aviation easement for noise should be provided to the Airport Authority.
 2. Measures to achieve NLR of 25 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, sleeping rooms, noise sensitive areas, or where the normal noise level is low.
 3. Measures to achieve NLR of 30 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, sleeping rooms, noise sensitive areas, or where the normal noise level is low.
 4. Land use compatible provided special sound amplification system is installed.
 5. A noise easement and non-suit covenant should be provided to the airport authority for all new development.
 6. A large lot-zoning requirement applies: minimum lot size of five acres per residential dwelling unit.
 7. No residential dwellings permitted except one single-family dwelling as part of the main farmstead of a functioning farm unit.
 25. Land use and related structures are generally compatible; measures to achieve NLR of 25 dB must be incorporated into design and construction of structure.

 The soundproofing requirements can be met in one of the two ways described below.

1. Design Standards.

If the building design incorporates the standards set forth in Soundproofing Design standards set forth below, the design shall be considered to have met the required soundproofing standard.

2. Performance Standards.

The applicant may choose to use design features other than those described below, as long as the final design is capable of achieving the Noise Level Reduction required in the Table of Land Use Compatibility Standards - Hulman Regional Airport. A registered architect, structural engineer, or acoustician shall certify such noise attenuations capability on the building plans.

N. Field Testing of Interior Sound Levels.

Field testing of interior sound levels may occur as requested by the applicant, property owner or Vigo County. Such field testing may be provided by the Airport Authority staff, provided sufficient staff resources, time, and equipment is available; otherwise, such testing shall occur at the expense of Vigo County.

O. Aviation Easement and Non-suit Covenant.

No permit, required by the terms of this Ordinance, shall be issued for the development of any land use required to be soundproofed, based on the Table of Land Use Compatibility Standards, until the owner of the property proposed for development dedicates to the Airport Authority, as owner of Hulman Regional Airport, an aviation easement and non-suit covenant acknowledging the right of the airport owner and operator to use the airspace above the property for aircraft navigation and waiving all rights to claims for damages of any kind incurred as a result of aircraft using the navigable airspace above the property.

All aviation easements shall be supplied in a form prescribed by the Director and the Airport Authority, and shall; contain the legal description of the subject property; be signed by the property owner; be notarized; and, be recorded in the office of the Recorder of Vigo County, Indiana.

12.04 Hulman Regional Airport Airspace Overlay District (AAO).

A. Purpose.

The purpose of this overlay district is to prevent the creation or establishment of obstructions that are hazards to air navigation; to ensure the elimination, removal, alteration or mitigation of obstructions that are hazards to air navigation; to promote the marking and lighting of obstructions that are hazard to air navigation; to encourage the types of land uses having maximum compatibility with aircraft operations; to protect the airport from the encroachment of incompatible land uses; and to protect and promote the public utility of Hulman Regional Airport.

B. Special Definition.

As used in this Section only; the following term shall: be defined as set forth below. All other terms shall have the meaning set forth in Section 2, Definitions.

Structure: An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

C. Incorporation of the Airspace Overlay Zoning Map.

The Airspace Overlay Zoning Map is attached hereto and incorporated herein by reference and made a part of this ordinance and the Official Zoning Maps as Attachment 1. (The Airspace Overlay Zoning Map is based on the most recent approved Airport Layout Plan.)

D. Division of the Hulman Regional Airport Airspace Overlay District into Areas.

The Hulman Regional Airport Airspace Overlay District shall consist of Airport Precision Instrument, Non-Precision Instrument and Visual Approach Surface Areas, Airport Transitional Surface Areas, Airport Horizontal Surface Areas and Conical Surface Areas, on publicly owned, public use airport as defined herein and indicated on the Airspace Overlay Zoning Map.

E. Application.

1. The regulations and standards contained herein shall apply to all land within the Hulman Regional Airport Airspace Overlay District.
2. This district will serve as an overlay district that applies supplementary regulations in addition to all other applicable underlying or overlay zoning district regulations. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

F. Hulman Regional Airspace Overlay District Regulations.

If any area is subject to more than one of the below height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this herein shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land. However, if the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land is deemed an airspace hazard it may be prohibited through fair compensation to the owner of such structure or tree.

1. Height Limits.

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow, or maintained within the Hulman Regional Airport Airspace Overlay District to a height in excess of the following height limits herein established for the applicable Airport Precision Instrument Approach Surface Area, Airport Non-Precision Instrument Approach Surface Area, Airport Visual Approach Surface Area, Airport Transitional Surface Area, Airport Horizontal Surface Area and Airport Conical Surface Area, as defined herein and designed on the Airspace overlay Zoning Map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the Airspace Overlay Zoning Map).

- a. Height Limits for the Airport Precision Instrument Approach Surface Area shall be:

One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.

- b. Height Limits for the Airport Non-Precision Instrument Approach Surface Area shall be:

One (1) foot in height for each thirty four (34) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the runway and extending to a point ten thousand two hundred (10,200) feet from the end of the runway.

- c. Height Limits for the Airport Visual Approach Surface Area shall be:

One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway.

- d. Height Limits for the Airport transitional Surface Area shall be:

One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point five hundred (500) feet from the centerline of precision instrument runways and two hundred fifty (250) feet from the centerline of non-precision instrument and visual runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation as indicated in the Airspace Overlay District zoning Map; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all Precision Instrument, Non-Precision Instrument, and Visual Approach Surface Areas for the entire length of said Approach Surface Areas, extending to the intersection with the outer line of the Conical. Surface Area and, beyond said points of intersection, beginning at the outer lines of all Precision Instrument Approach Surface Areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, one (1) foot vertical height for each seven (7) feet of horizontal distance. The width prescribed in this Section will be that width prescribed for the most precise approach existing or planned for either end of that runway.

- e. Height Limit From the Airport Horizontal Surface Area shall be:

One hundred fifty (150) feet above the established airport elevation as indicated on the Airspace Overlay Zoning Map. The dimensions of the Airport Horizontal Surface Areas are defined in Section 2.

f. Height Limit for the Airport Conical Surface Area shall be:

One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the Horizontal Surface Area and measured perpendicularly to the periphery of the Horizontal Surface Area to a height of three hundred fifty (350) feet above the established airport elevation. The dimensions of the Airport Conical Surface Area are defined in under Section 2.

2. Performance Standards.

The following performance standards shall apply to all land within the perimeter of the airport Conical Surface Areas as defined in this Section and indicated on the Airspace Overlay Zoning Map.

a. Interference with Communications.

No use shall create interference with any form of communication, the primary purpose of which is for air navigation.

b. Glare: Marking and Lighting of Airspace Hazards.

(1) All light shall be located or shielded in such a manner that they do not interfere with runway, taxiway, tower or any other airport lights, or result in glare which may interfere with the use of the airport in landing, taking-off, or maneuvering of aircraft.

(2) Such markers and lights as may be required by the Hulman Regional Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in their ordinance, shall be permitted.

c. Smoke, Dust, Particulate Matter.

(1) The emission of smoke, dust, particular matter and any other airborne material shall be subject to Air Quality Control Ordinance, Vigo County Code Chapter 44, Section 3-44-1.b.3 and which standards and regulations are hereby incorporated by reference and made a part hereof.

(2) No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lanes in a manner detrimental to or endangering the visibility of air crews using the airport landing, taking-off or maneuvering of aircraft.

12.05 Mining Overlay District (MO).

A. Purpose.

The purpose of this district is to provide for: establishments engaged in mining, excavating, processing and storage of gravel, sand, borrow, and other mineral or earthen resources; and, establishments engaged in the collection and disposal of solid waste.

B. Permitted Uses.

1. Primary Uses:

- a. Any use permitted in the primary zoning district in which this Mining Overlay District is situated.
- b. Mining, quarrying, excavation of sand, gravel, borrow or other mineral or earthen resources.
- c. Location, for a period not to exceed five (5) years, of temporary processing plants for the processing and storage of sand, gravel, borrow, or other mineral or earthen resources, mined on the premises.

2. Temporary Uses (as defined in Section 2).

3. Accessory Uses (as defined in Section 2).

4. Special Exception Uses (subject to the provisions of Section 18), including:

- a. Any special exception use permitted in the primary zoning district in which this Mining Overlay District is situated.
- b. Permanent plants for the processing and storage of sand, gravel, borrow, or other mineral or earthen resources.
- c. Landfills (sanitary, hazardous).

C. Minimum Lot Width - 100'

D. Minimum Front Yard and Setback - shall be provided along all street rights-of-way as follows:

- 1. along a minor or local street - 60'
- 2. along a subcollector street - 60'
- 3. along a collector - 60'
- 4. along a arterial - 50'

E. Minimum Rear Yard and Setback shall be provided from the property line as follows:

- 1. Minimum Rear Yard - 100'
- 2. Minimum Rear Buffer Yard - 100'

F. Minimum Side Yard and Setback shall be provided from the property line as follows:

- 1. Minimum Side Yard - 100'
- 2. Minimum Side Buffer Yard - 100'

G. Use of Minimum Yards and Minimum Buffer Yards - all minimum yards and minimum buffer yards shall be landscaped with grass, trees shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

- 1. Minimum Front Yards - may include driveways and parking areas provided that a minimum buffer strip of 50' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type A Buffer Yard as set forth in Section 17.

2. Minimum Front Buffer Yard - may include parking areas and driveways provided that a minimum buffer strip of 75' in depth measured from and paralleling the right-of-way line shall be maintained in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
3. Minimum Side and Rear Yards - minimum side and rear yards shall be maintained as a buffer strip in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
4. Minimum Side and Rear Buffer Yards - shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a buffer strip in compliance with the requirements for a Type C Buffer Yard as set forth in Section 17.

H. Building Height Limitations.

1. Principal Use Building - 100'
2. Accessory Use Building - 25'

I. Minimum Off-Street Parking - See Section 14 for requirements.

J. Minimum Off-Street Loading - See Section 14 for requirements.

K. Entrance Restrictions - See Section 14 for requirements.

L. On-Premise Signs - See Section 16 for requirements.

M. Permits and Bonds.

An Improvement Location Permit shall be required prior to the commencement of any excavation or extraction of gravel, sand, borrow or other mineral or earth resources. Said Improvement Location Permit application shall be accompanied by corporate surety bond for site reclamation upon completion of operations. Said Improvement Location Permit and corporate surety bond may apply to any portion of real estate zoned to this Overlay District and under the control of the applicant either in total or in phases as determined by the applicant,

Surety bonds shall be in the amount of \$500.00 per acre; with a minimum of \$1,000 per operation and shall be with a surety approved by the Department. Said bond shall specify the time for the completion of all of extraction, processing and reclamation operations on the real estate covered by said bond.

N. Site Reclamation.

All excavation or extraction operations shall be:

1. made to a water-producing depth of not less than eight (8) feet below the low water mark and shall be sloped to the water line at a slope which shall not be less than one and one-half feet horizontal to one foot vertical and said bank shall be sodded, or surfaced with a maximum of six inches of suitable soil and seeded with grass seed; or,
2. back-filled and graded in substantial conformity to the land area immediately surrounding the excavation area provided that no form of solid waste, sludge, or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used as fill material in the reclamation of the site.

0. State Site Development Plan Requirements.

A site development plan as required by the State of Indiana shall be filed with the Department on or before July 1st of each year. Any such mineral extraction and/or processing use or landfill use shall be operated in full and complete compliance with all applicable State laws, rules, and regulations.

SECTION 13

PLANNED UNIT DEVELOPMENT DISTRICT

A. Purpose.

The Planned Unit Development District is designed to: encourage creativity and innovation in the design of developments; provide for more efficient use of land including the reduction of land area disturbed by utility lines and motor vehicle access; permit special consideration of property with outstanding natural or topographical features; and, facilitate use of the most appropriate construction techniques in the development of land. This District provides flexibility in land use regulations by allowing for the consolidation of the platting and rezoning procedures as set forth below. This District encourages imaginative uses of open space, promotes high standards in design and construction, and furthers the purposes of the Comprehensive Plan.

B. Permitted Uses and Development standards.

Uses permitted in the Planned Unit Development (PUD) District shall be any use or range of uses specified in the PUD District ordinance establishing such District and shall be the same as those specified in the petition for Zone Map Change, either in text form or as noted in the Preliminary Plan filed with the petition for Zone Map Change. Permitted uses, by way of example, may include any residential, commercial or industrial land use, or any individual land use or combination of land uses deemed appropriate for the real estate.

Development standards applicable to a PUD shall be those standards specified in the PUD District ordinance establishing such District and shall be the same as those specified in the petition for Zone Map Change, either in text form or as noted on the Preliminary Plan filed with the petition for Zone Map Change. Every petition for Zone Map Change to the PUD District shall specify development standards applicable to each use permitted in the development and, at a minimum, shall adopt or include a variation of each development standard that is applicable to each such use in the District in which each such use is first permitted. In any case in which an applicable development standard has not been specified in the petition for Zone Map Change, the development standard shall be that which is specified in the district in which the use is first permitted. If the petitioner does not want an otherwise applicable development standard for any use permitted in the development to be applicable, then the petition for Zone Map

Change shall contain a statement to such effect.

C. Procedure.

Secondary Review of a Detailed Final Plan is required in the Planned Unit Development District as a prerequisite to the development of any real property in such District. The Plan Commission shall approve or disapprove each Detailed Final Plan submitted to it for review pursuant to this Section 13.

The complete review and approval process for a PUD consists of three (3) elements:

1. Preliminary Plan Conceptual Design Review;
2. Zone Map Change; and,
3. Final Detailed Plan Secondary Review.

To facilitate the use of this planned Unit Development District, a petitioner may elect to proceed with each element listed above separately or may elect to combine certain elements for joint approval as set forth in Section 13., C., 2., c., below. If a petitioner elects to combine certain elements, all elements elected to be combined shall be docketed before the Plan Commission for a joint hearing.

If filed separately, the procedure for filing for approval of a Zone Map Change shall be the same as that required for any other petition for Zone Map Change before the Plan Commission, except as otherwise provided for in this Section. The procedure for filing for Final Detailed Plan Secondary Approval is set forth in this Section 13.

1. Filing of a Preliminary Plan for Conceptual Design Review by the Staff.

The petitioner shall submit a proposed Preliminary Plan consisting of a written description of the proposed preliminary Planned Unit Development and a sketch plan for the property proposed for development for conceptual design review by the Director prior to filing a petition for zone Map Change to the PUD District that includes a Preliminary Plan with the Plan Commission. Said Preliminary Plan shall satisfy the following requirements:

a. Preliminary Plan.

A Preliminary Plan shall include:

- (1) A sketch plan, which depicts the location of proposed land uses and maximum land use densities;
- (2) Proposed layout of streets, open space and other basic elements of the development;
- (3) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, and other pertinent development features;
- (4) The current zoning of the area proposed to be developed as well as the current zoning of the adjacent land;
- (5) A proposed breakdown of sections to be contained in the overall development along with a statement as to the order and timing of development;
- (6) All public and private ways within two-hundred (200) feet of the site;
- (7) North arrow, written and graphic scale, general location map; and,
- (8) Percentage of site devoted to open space.

b. The Preliminary Plan, which may be a sketch plan, shall be drawn to a scale of not more than 1"=100'.

2. Conceptual Design Review of Preliminary Plan by Director.

a. Director shall review the proposed Preliminary Plan taking into consideration information regarding the terrain of the site and any unique natural features of the site. In doing so, Director's review may include, but not be limited to, the following:

- (1) Protection of unique topographical features on the site, including, but not limited to, slopes, streams and natural water features;
- (2) Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features;
- (3) Development of common open space and recreational areas (passive or active) accessible to the residents or user of the planned unit development by way of sidewalks, footpaths or combined walkways/bikeways;
- (4) Amore efficient use of the land including the reduction of land area disturbed for utility lines and motor vehicle access;
- (5) Creation of innovative residential and business environments;
- (6) Minimize the alteration of the, natural site features through the design and situation of individual lots, streets and buildings;
- (7) Diversity and originality in lot layout;
- (8) Utilization of individual building designs which achieve an enhanced relationship between the development and the land; and,
- (9) Relationship to surrounding properties.

b. Review by the Director.

Director shall notify the petitioner of any comments related to the conceptual design of the proposed Preliminary Plan submitted for Conceptual Design Review, within ten (f0) business days of the submittal for Conceptual Design Review.

Notwithstanding anything contained in this ordinance to the contrary, neither the Director's review of the proposed Preliminary Plan submitted for conceptual Design Review nor his comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Preliminary Plan.

c. Filing petition for Zone Map Change, Final Detailed Plan Secondary Approval and Primary Plat Approval.

Petitioner may modify the proposed Preliminary Plan and file a petition for Zone Map Change after the expiration of the ten (10) day period referred to in Section 13, C., 2., b., above. All petitions for Zone Map Change to the PUD District shall contain a Preliminary Plan that satisfies the requirements of Section 13, C., 1., a., above, and specify the development standards, expressed in detailed terms that will apply to the real property that is included in the petition.

Petitioner may also request Final Detailed Plan Secondary Approval in connection with the approval of the Zone Map Change provided that any such approval shall be conditioned upon the legislative body adopting the Zone Map Change to the PUD District. The requirements for a Final Detailed Plan Secondary Approval are set forth in Section 13., E., below.

If desired, petitioner may also file for primary plat approval before the Plan Commission in the manner set forth in the Vigo County Subdivision Regulations, provided that any such approval shall be conditioned upon the legislative body adopting the Zone Map Change to the PUD District. Said primary plat approval shall be set for a joint hearing before the Plan Commission with the petition for Zone Map Change

3. Determination by the Plan Commission.

In its determination of the appropriateness of the proposed Planned Unit Development and whether to recommend approval of the Zone Map Change to the appropriate legislative body, the Plan commission shall be guided by the extent to which the proposal: (a) accomplishes the purposes set forth in Section 13., A. above; and, (b) provides for the protection or provision of the site features and amenities outlined in Section 13., C., 2., a., above.

6. Commitments Required by the Plan Commission.

The Plan Commission may require or permit the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with the recommendation of approval of a Planned Unit Development or a Final Detailed Plan Secondary Approval pursuant to Section 1, S., of this ordinance.

D. Maintenance of Common Open Space.

In those Planned Unit Developments in which common areas or recreation areas are provided for the use and enjoyment of residents or users of the Planned Unit Development, the petitioner shall file documentary assurances with the Plan Commission that the permanent dedication and continuous maintenance of open space shall be made in accordance with the Preliminary Plan and Final Detailed Plan approved by the Plan Commission, and that the common areas and recreation areas shall be made available to the residents and users of the overall Planned Unit Development at a reasonable and non-discriminatory rate of charge, prior to obtaining secondary plat approval. Such documentary assurances shall be incorporated into the plat that is recorded in the Office of the Vigo County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission.

Such open space shall perpetually run with the Planned Unit Development and shall not be developed or separated from the Planned Unit Development at a later date (unless no development of any portion of the Planned Unit Development which is benefited by the common areas or recreation areas has occurred and the entire area subject to the Planned Unit Development is presented for Zone Map Change as set forth in this Section)

E. Final Detailed Plan Secondary Approval.

If Final Detailed Plan Secondary Approval is not obtained from the Plan Commission in a joint hearing with the petition for Zone Map Change, petitioner shall have a period of up to five (5) years from the date of the approval of the petition for Zone Map Change in which to file for Final Detailed Plan Secondary Approval, in total or in phases, for approval by the Plan Commission. The Plan Commission shall review the

Final Detailed Plan for consistency with the Preliminary Plan approved by the legislative body in connection with the petition for Zone Map Change. If a Final Detailed Plan Secondary Approval is filed for in phases, each subsequent phase shall be filed for within five (5) years of the approval of the prior phase.

A determination by the Plan Commission on whether or not to grant Final Detailed Plan Secondary Approval shall be made at a public hearing of the Plan Commission, notice of which shall be given in the same manner as for a petition for Zone Map Change. The nature and type of application, fees, and any other relevant matters for the review and approval of a Final Detailed Plan shall be in accordance with and as specified in the Bylaws of the Plan Commission.

In the event that Final Detailed Plan Secondary Approval is not obtained for all or a portion of, the, Planned Unit Development within the time frames outlined above, the Preliminary Plan shall be deemed to have expired for that portion of the Planned Unit Development that has not received Final Detailed Plan Secondary Approval, except for the location and density of proposed land uses depicted on such Preliminary Plan. Once a Preliminary Plan has expired for any portion of the Planned Unit Development, no development shall occur within the expired portions of the Planned Unit Development until: (a) a new Preliminary Plan is approved by the appropriate legislative body at a public hearing, notice of which shall be given in the same manner as for a petition for Zone Map Change; and, (b) a Final Detailed Plan Secondary Approval as required by this Section has been obtained.

A Final Detailed Plan shall expire five (5) years after the date of approval by the Plan Commission unless a building permit has been issued for the use or development of the property. Once a Final Detailed Plan has expired for any portion of the Planned Unit Development, no development shall occur within the expired portions of the Planned Unit Development until a new Final Detailed Plan as required by this Section has been approved by the Plan Commission.

Before the Plan Commission approves a Final Detailed Plan, the petitioner must submit a Final Detailed Plan consisting of the following:

1. Area map insert showing the general location of the proposed subdivision in Vigo County referenced to major streets and section lines.

2. Location map showing the names of all metes and bounds property owners, boundary lines of recorded subdivisions, zoning and land uses of adjacent properties.
3. Proposed name of the planned unit development.
4. Legal description of the real estate.
5. Boundary lines of the proposed planned unit development.
6. Location and name of all existing and proposed public or private roads, access easements and rights-of-way within two-hundred (200) feet of the real estate.
7. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
8. Layout, number and dimension of all lots and outparcels with zoning setback lines and/or building setback lines.
9. Location, delineation and elevation of all floodway and floodway fringe areas within the boundaries of the Planned Unit Development.
10. Drainage Plan for all watersheds in and around the proposed planned unit development, indicating the general drainage pattern of lots, the location of all drainage channels and sub-surface drainage structures, the proposed method of disposing of all stormwater runoff including data to show that the proposed outlet(s) are adequate to accommodate the drainage requirements of the planned unit development, and all existing and proposed detention facilities.
11. An erosion control plan for all areas of site disturbance.
12. Topographic contour every five (5) feet superimposed upon the proposed Final Detailed Plan.
13. Proposed elevation of all building pads within the proposed development.
14. All improvements to access road system.
15. Sidewalk plan or alternate plan for pedestrian ways.
16. Plans and specifications for all infrastructure improvements required or proposed in the planned unit development.
17. Areas reserved for park, conservation, wetland, common area, lake or other similar uses.
18. Proposed covenants, conditions and restrictions.
19. The character and approximate density of all proposed uses and structures in the plan area.
20. Any other information requested in writing by the Plan Commission or the Director

The Plan Commission may approve a Final Detailed Plan only upon a finding that: (a) the Final Detailed Plan satisfies the development standards specified in the PUD District ordinance establishing such District; (b) the Final Detailed Plan accomplishes the purposes set forth in this Section 13; and, (c) the Final Detailed Plan provides for the protection or provision of the site features and amenities outlined in Section 13, C., 2., a., above. The Plan Commission shall make written findings concerning each decision to approve or disapprove a Final Detailed Plan, and each such written finding shall be signed by the President or Secretary of the Plan Commission.

Said Final Detailed Plan, upon approval, shall be sealed with the Plan Commission Seal and retained in the office of the Plan Commission to be used in its continuing administration of the planned unit development.

F. Modification of Preliminary Plan.

Minor modifications to an approved PUD District ordinance which do not involve an increase in intensity of land uses or the designation of additional land uses may be authorized by Director without a public hearing, in its continuing administration of the Planned Unit Development if, in the determination of Director, the requested modifications do not adversely impact the purpose or intent of the overall development.

If the Director determines that the proposed modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), petitioner shall be required to file a new petition for Zone Map Change.

Any decision of the Director under this Section 13, F., may be appealed by the petitioner to the Plan Commission within thirty (30) days of being notified of such determination.

The Plan Commission is delegated the authority to establish rules governing the nature of proceedings and notice required to make a modification under this Section.

G. Secondary Plat Approval.

Secondary Plat Approval for any development pursuant to this Planned Unit Development Ordinance shall be issued in a manner consistent with that for any other plat under the jurisdiction of the Plan Commission in compliance with the procedures set forth in the Vigo County Subdivision Regulations and with any additional requirements or commitments entered into in connection with the approval of the Final Detailed Plan pursuant to this Planned Unit Development Ordinance.

H. Extensions.

Extensions of time, in six (6) month increments not to exceed a total of two (2) years, for obtaining Final Detailed Plan Secondary Review may be granted by Director for good cause shown. In the event that Director disallows a requested extension, the petitioner may appeal said determination to the Plan Commission within thirty (30) days of being notified of such determination.

SECTION 14

PARKING AND LOADING REGULATIONS

A. GENERAL PARKING AND LOADING REGULATIONS.

1. Application of Regulations.

The following regulations contained in this Section related to parking and entrance restrictions shall not apply to the A-1 District. The following regulations contained in this Section related to loading shall not apply to the A-1, R-S, R-1, R-2, R-2M, R-3 and R-3H Districts.

For all other Districts contained in this Ordinance, which is not specifically accepted above, the following regulations shall apply.

For existing uses, buildings, or structures where the intensity of use is increased through dwelling units, gross floor area, seating capacity, or other units of measurements specified herein, the off-street parking and loading requirements shall be increased, as outlined in this Ordinance for said increase. Whenever the existing use of a building or structure shall hereafter be changed to a new use, off-street parking or loading facilities shall be provided as required for such new use. Off-street parking or loading facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this Ordinance. Nothing in this Ordinance shall be construed to restrict the voluntary establishment of off-street parking and loading facilities providing that all regulations governing the design, location, and operation be adhered to.

2. Site Plan Required.

Any application for an Improvement Location Permit, where off-street parking or off-street loading facilities are required, shall include two (2) copies of a plot plan drawn to scale and showing the following:

- (a) Bumper guards;
- (b) Markings;
- (c) Surfacing;
- (d) Screening and landscaping;
- (e) Lighting;
- (f) Distance to nearest intersection with street name;
- (g) All parking and loading space dimensions, parking and loading area setback dimensions, aisle dimensions, and building setback dimensions; and
- (h) Any additional information, which may be requested by the Director to determine compliance with the provisions of this ordinance.

3. Surfacing.

Surfacing of all required off-street parking and off-street loading areas shall consist of an asphaltic or Portland cement binder pavement (or similar-durable and dustless surface), graded and drained to dispose of all surface water in a manner approved by the Engineering Department.

4. Lighting

Lighting of any off-street parking or off-street loading areas shall not fall upon any adjoining Residential District. All commercial and public lots shall have an average intensity of not more than one (1) to four (4) during the period of use.

B. OFF-STREET PARKING REGULATIONS.

1. Location of Off-Site Facilities.

Required off-street parking facilities shall be provided on the same lot as the building or use served, or as provided in Section 14., B., 6., below.

2. Entrances and Exit Location.

Entrances to and exits from off-street parking facilities shall comply with the following requirements:

(a) Entrances shall:

- (1) not be located on any two-way, undivided street within forty (40) feet of the intersection of the right-of-way of said street and any other street; and
- (2) not be permitted on the same side of the street within fifty (50) feet of a lot line of any school, public playground, church, hospital, public library, or institution for dependents or children, except where such entrance is separated by an intervening street.

(b) Exits shall:

- (1) not located on any two-way, undivided street within one hundred (100) feet of the intersection of the right-of-way of said street and any other street; and,
- (2) not be permitted on the same side of the street within fifty (50) feet of a lot line of any school, public playground, church, hospital, public library, or institution for dependents or children, except where such entrance is separated by an intervening street.

3. Parking Area Design.

(a) Parking Area Design.

Each off-street parking space shall have a usable parking space dimension measuring not less than:

- (1) nine (9) feet in width and not less than eighteen (18) feet in length, provided that the total usable area shall not be less than one hundred eighty (180) square feet in area for all parking areas open to the public; or,

- (2) eight and one-half (8.5) feet in width and not less than eighteen (17) feet in length, provided that the total usable area shall not be less than and one hundred fifty-two (152) square feet four private parking areas.

Each off-street parking space shall open directly upon an aisle or driveway with a minimum width of twenty-four (24) feet.

Access to off-street parking areas shall be limited to well-defined driveway locations. In no case shall any off-street parking spaces open directly upon and have unrestricted access to any street or alley.

(b) Alternate Parking Plan Approval.

The Director, upon request by an applicant, shall have the authority to modify the parking layout requirements of this Section and approve an alternative parking layout plan so long as the alternative plan is appropriate to the site and its surroundings and is consistent with the intent and purpose of this Section. Such alternative plan may, by way of example, include: one-way traffic patterns; angle parking; small car parking set-asides; or, parallel parking.

The Director may, at its discretion, forward such proposed alternative landscape plan to the Plan Commission for review and approval.

If the Director disapproves of a proposed alternative parking layout plan; the applicant may, within five (5) business days, appeal the Director's decision in writing, stating the reasons and justification of the appeal, and request development plan approval of the Plan Commission for the alternative parking layout plan. Such petition shall be filed consistent with the provisions of any other form of plan approval before the Plan Commission.

4. Number of Parking Spaces Required.

The number of off-street parking spaces required for each use is set forth in the Table of Off-Street Parking Regulations. Where the use of the premises is not specifically mentioned, parking requirements shall be determined by the Director based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria. Provided, however, in no case shall any individual use, other than a single family dwelling, provide less than three (3) off-street parking spaces.

If, in addition, to a primary use, there are other uses or accessory uses located within or operated in conjunction with the primary use, such as restaurants or night clubs located in conjunction with a bowling alley or hotel, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided. (Calculation shall be based upon the total square feet of gross leasable floor area for uses located within or operated in conjunction with the primary use.)

5. Joint Off-Street Parking Facilities.

Off-street parking facilities may be provided jointly for separate uses provided the total number of offstreet parking spaces provided shall not be less than the sum of separate requirements for each use, and shall comply with all regulations governing the design of off-street parking spaces.

Where joint off-street parking facilities are provided off-site, such off-site facilities shall not be located greater than three hundred fifty (350) feet from the primary use served by the off-street parking facilities. In addition, said off-street parking facility shall be: in the control of the owner of the lot upon which the principal use is located either by deed or by long term lease; or, in the control of the owner of the principal use by either deed or long term lease. Provided, however, a said long term lease shall be recorded among the records of the County Recorder and have at least twenty-five (25) years remaining before its expiration date, excluding unexercised renewal options, at the time of application for said off-site parking approval.

Table of Off-Street Parking Regulations.

USE	MINIMUM PARKING REQUIREMENT
1. AMUSEMENT ESTABLISHMENTS involving the assembling of persons (unless otherwise specified in this table)	
a. INDOOR	One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
b. OUTDOOR	One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each six hundred (600) square feet of site area accessible to the public, exclusive of the parking area.
2. AUTOMOTIVE, TRUCK, BUS, BOAT, RECREATIONAL VEHICLE OR MOTORCYCLE SALES:	one (1) parking space for each five hundred (500) square feet of interior floor area, plus one (1) space for each seven thousand (7,000) square feet of outdoor display area.
3. BANKING: BANK, SAVINGS AND LOAN, CREDIT UNION	One (1) parking space for each two hundred-fifty (250) square feet of gross floor area.
4. BOWLING ALLEY'S:	four (4) parking spaces for each alley/lane

5. RELIGIOUS USES, AUDITORIUMS, ASSEMBLY HALLS, RECITAL HALLS: One (1) parking space for each four (4) seats at maximum calculated capacity.
6. COMMUNITY CENTERS, MUSEUMS, CIVIC CLUBS, AND PHILANTHROPIC INSTITUTIONS: one (1) parking space for each four hundred (400) square feet of gross floor area.
7. CONVENIENCE MARKET One (1) parking space for each two hundred eighty-five (285) square feet of gross floor area. Parking spaces at gasoline pumps may be included in the calculation of required parking.
8. DAY NURSERIES, CHILD CARE CENTERS, KINDERGARTENS, NURSERY SCHOOLS: One (1) parking space for each eight (8) pupils based upon maximum capacity.
9. FURNITURE/FLOOR OR WALL COVERING STORE One (1) parking space for each four hundred (400) square feet of gross floor area.
10. GASOLINE SERVICE STATIONS, TIRE AND AUTOSERVICE CENTER, AUTOMOTIVE GARAGE, OTHER AUTO SERVICE FUNCTIONS: One (1) parking space for each two hundred (200) square feet of gross floor area devoted to retail sales, plus two (2) spaces per service bay, (a service bay shall not be considered a parking space), plus three (3) customer spaces
11. GASOLINE SERVICE STATION/
Same as CONVENIENCE MARKET
CONVENIENCE MARKET
12. GROCERY STORE/SUPERMARKET One (1) parking space for each three hundred (300) square feet of gross floor area.
13. HARDWARE/PAINT/HOME IMPROVEMENT STORE One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each one thousand (1000) square feet of the facility devoted to outside operations or storage, exclusive of the parking area.
14. HEALTH SPA/SPORTS CLUB One (1) parking space for each two hundred (200) square feet of gross floor area
15. HOTELS, MOTELS: One (1) parking space for each rental sleeping unit.

16. LIBRARY: one (1) parking space for each four hundred (400) square feet of gross floor area.
17. MEDICAL, DENTAL, OPTOMETRISTS CLINIC OFFICES: one (1) parking space for each two hundred (200) square feet of gross floor area.
18. MINI-WAREHOUSES One (1) parking space for each two hundred (200) square feet of gross floor area devoted to office space, plus one (1) parking space per resident/manager, plus one (1) parking space for each thirty (30) storage units. Required off street parking spaces shall not be utilized as rental or leased spaces.
19. MINIATURE GOLF Four (4) parking spaces for each golf hole, plus one (1.) space per each one hundred (100) square feet devoted to accessory retail or amusement establishments.
20. MORTUARY, FUNERAL SERVICE CREMATORIES One (1) parking space for each fifty (50) square feet of floor area in parlors and assembly rooms.
21. NURSING CARE, CONVALESCENT HOME, HOMES FOR THE AGED, SANITARIUMS, REHABILITATION CENTERS: One (1) parking space for each two (2) patient beds.
22. OFFICE COMMERCIAL USE, GENERAL:(To include, but not be limited to) BUSINESS, PROFESSIONAL OFFICE, POST OFFICE, OFFICE PARK, RESEARCH CENTER Three and one-half (3.5) parking spaces for each one thousand (1000) square feet of gross floor area.
23. RACQUETBALL/TENNIS COURTS/CLUB FACILITIES: Four (4) parking spaces per game court, plus one (1) parking space for each two hundred (200) square feet of the remaining floor area in the building devoted to office or retail activities.
24. RESIDENTIAL:
- a.SINGLE FAMILY DWELLING (INCLUDING INDIVIDUAL MOBILE HOMES) AND TWO FAMILY DWELLINGS Two (2) parking spaces per dwelling unit.

- b. MULTI FAMILY DWELLINGS
- Two (2) parking spaces per dwelling unit for the first fifty (50) dwelling units, plus one and three-quarter (1.75) parking spaces for each additional dwelling unit over fifty (50).
- c. MOBILE DWELLING PROJECTS
- Two (2) parking spaces per dwelling unit plus one (1) parking space for each two hundred (200) square feet of office area.
- d. MOBILE HOME PARK
- Two (2) parking spaces per dwelling unit, plus one (1) parking space for each two hundred (200) square feet of office area, plus one (1) parking space per travel trailer.
25. RESTAURANT
- a. FAMILY (DINE-IN ONLY)
- one (1) parking space per one hundred (100) square feet of gross floor area (including outdoor seating areas).
- b. FAST FOOD, WITH OR WITHOUT DRIVE-THROUGH
- One (1) parking space per each three (3) customer seats (minimum of five (5) parking spaces required).
- c. FAST FOOD, DRIVE-THROUGH ONLY (NO SEATING)
- One (1) parking space per one hundred (100) square feet of gross floor area (minimum of four (4) parking spaces required).
26. TAVERNS AND NIGHT CLUBS
- One (1) parking space per each seventy-five (75) square feet of gross floor area.
27. RETAIL OR SERVICE COMMERCIAL USES - INDIVIDUAL, FREESTANDING USES OR INTEGRATED CENTERS
- Three and one half (3.5) parking spaces for each one thousand (1000) square feet of gross lease able area unless use is listed separately in this Section, in which case the parking requirement for that use shall be utilized.
28. ROLLER/ICE SKATING RINK
- One (1) parking space for each two hundred (200) square feet of gross floor area in the building.

29. SCHOOLS: BUSINESS, TECHNICAL, TRADE, AND VOCATIONAL: one (1) parking space for each one hundred (100) square feet of gross floor area in the building, or one (1) parking space per each twenty-five (25) square feet of classrooms, whichever provides the greater number of spaces.
30. THEATERS:MOTION PICTURE OR LEGITIMATE One (1) parking space for each three (3) seats.
31. ASSEMBLY, MANUFACTURING, OR SIMILAR USE one (1) parking space for each one thousand (1,000) square feet of gross floor area devoted to such use. If, in addition, there is space devoted to office, retail or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided.
32. DISTRIBUTION, WAREHOUSE, OR SIMILAR USE One (1) parking space for each three thousand (3,000) square feet of gross floor area. If, in addition, there is space devoted to office, retail or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided.
33. USES NOT SPECIFIED For any use not specified above, specific requirements shall be determined by the Director and shall be based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.

C. OFF-STREET LOADING REGULATIONS.

1. Loading Area Design.

Each required off-street loading space shall have a usable dimension measuring not less than twelve (12) feet in width by fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.

Each off-street loading space shall open directly upon an aisle or driveway with a minimum width of twenty-four (24) feet.

Access to off-street loading areas shall, be limited to well-defined driveway locations. In no case shall any off-street loading spaces open directly upon and have unrestricted access to any street or alley.

2. Joint Facilities for Loading.

Off-street loading facilities may be provided jointly for separate uses provided that the total number of off-street loading spaces shall not be less than the sum of separate requirements for each use, and shall comply with all regulations governing location of offstreet loading spaces.

Where joint off-street loading facilities are provided off-site, such off-site facilities shall not be located greater than three hundred fifty (350) feet from the primary use served by the off-street loading facilities. In addition, said off-street loading facility shall be: in the control of the owner of the lot upon which the principal use is located either by deed or by long term lease; or, in the control of the owner of the principal use by either deed or long term lease. Provided, however, a said long term lease shall be recorded among the records of the County Recorder and have at least twenty-five (25) years remaining before its expiration date, excluding unexercised renewal options, at the time of application for said off-site loading approval.

3. Number of Loading Spaces Required.

The number of off-street loading spaces required for each use is set forth in the Table of Off-Street Loading Requirements. Where the use of the premises is not specifically mentioned, loading requirements shall be determined by the Director based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.

TABLE OF OFF-STREET LOADING SPACE REQUIREMENTS

USE	SQUARE FEET OF TOTAL FLOOR AREA	REQUIRED OFF-STREET LOADING SPACES
1.Schools	for each 15,000	1
2.Hospitals	10,000 - 300,000 (In addition to space for ambulance)	1
for each additional 300,000 or major fraction thereof		1 additional
3.Undertakers and Funeral Parlors	for each 5,000	1
4.Hotels & Offices	for each 10,000	1
5.All Commercial,	10,000 - 25,000	1
Wholesale,	25,000 - 40,000	2
Manufacturing,	40,000 - 60,000	3
and Storage Uses	60,000 - 100,000	4
for each additional 50,000 or major fraction thereof		1 additional

4. Location of Loading Spaces.

Off-street loading spaces, and associated drives and aisles, may be located in any minimum side or rear yard, but shall not be permitted in any minimum required buffer yard.

SECTION 15

FLOODPLAIN REGULATIONS

15.01 Floodplain Regulations

A. PURPOSE

The purpose of this Section is to guide development in the flood hazard areas within in the unincorporated areas of Vigo County, the City of Terre Haute, the Town of Riley, the Town of Seelyville, and the Town of West Terre Haute in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Board of Commissioners of Vigo County, the Common Council. of the City of Terre Haute, the Town Board of Riley, the Town Board of Seelyville, and the Town Board of West Terre Haute hereby adopts the following floodplain management regulations in order to accomplish the following:

1. to prevent unwise developments from increasing flood or drainage hazards to others;
2. to protect new buildings and major improvements to buildings from flood damage;
3. to protect human life and health from the hazards of flooding;
4. to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
5. to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
6. to make federally subsidized flood insurance available four structures and their contents within the unincorporated areas of Vigo County, the City of Terre Haute, the Town of Riley, the Town of Seelyville, and the Town of West Terre Haute by fulfilling the requirements of the National Flood Insurance Program.

15.02 DEFINITIONS

A. For the purpose of this Section 15 only, the following terms shall have the meaning set forth below. All other terms used in this Section 15 shall have the meaning set forth in Section 2 of this Ordinance.

1. Building - see "structure."
2. Development - any man-made change to improved or unimproved real estate including but not limited to:
 - a. construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;
 - b. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
 - c. installing utilities, erection of walls and fences, construction of roads, or similar projects;
 - d. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
 - e. mining, dredging, filling, grading, excavation, or drilling operations;
 - f. construction and/or reconstruction of bridges or culverts;
 - g. storage of materials; or
 - h. any other activity that might change the direction, height, or velocity of flood or surface waters.

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

3. Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.
4. Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
5. FBFM - Flood Boundary and Floodway Map.

6. FEMA - Federal Emergency Management Agency.
7. FHBM - means Flood Hazard Boundary Map,
8. FIRM - means Flood insurance Rate Map.
9. Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
10. Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse, which have been, or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.
11. Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the SFHA.
12. Floodway - means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
13. Floodway fringe - means those portions of the floodplain lying outside the floodway.
14. Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.
15. Letter of Map Revision (LOMR) - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
16. Lowest Floor - means the lowest of the following:
 - a. the top of the basement floor;
 - b. the top of the garage floor, if the garage is the lowest level of the building;
 - c. the top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings;
or
 - d. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - (1) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.

- (2) such enclosed space shall be usable for the parking of vehicles and building access.
17. Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
18. New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.
19. Recreational vehicle - means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.
20. Regulatory Flood - means the flood having, a one (1) percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 15.04. The "regulatory Flood" is also known by the term "Base Flood."
21. SFHA or Special Flood Hazard Area - means those lands within the geographical territory of Vigo County that are subject to inundation by the regulatory flood. The SFHAs of Vigo County are generally identified as such on the Flood Insurance Rate Map of Vigo County prepared by the Federal Emergency Management Agency and dated November 2, 1983. The SFHAs of the City of Terre Haute are generally identified as such on the Flood Insurance Rate Map of the City of Terre Haute prepared by the Federal Emergency Management Agency and dated December 1, 1981.
22. Structure - means a structure that is principally above ground and is enclosed by walls and a roof. The term includes as gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.
23. Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure."

24. Variance - means a grant of relief from the requirements of this Section, which permits construction in a manner that would otherwise be prohibited by this Section.

15.03 DUTIES OF THE DIRECTOR

- A. The Director shall implement the regulations contained in this Section. The Director is appointed to review all development and subdivision proposals to insure compliance with this Section, including but not limited to the following duties:
1. Ensure that all development activities within the SFHAs of the jurisdiction of the unincorporated areas of Vigo County, the City of Terre Haute, the Town of Riley, the Town of Seelyville, and the Town of West Terre Haute meet the requirements of this Section.
 2. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
 3. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 15.06, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).
 4. Maintain a record of the "as-built" elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.
 5. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Section 15.07.
 6. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Section. Submit reports as required for the National Flood Insurance Program.
 7. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all building constructed subject to this ordinance.

15.04 REGULATORY FLOOD ELEVATION

- A. This Section's protection standard is the regulatory flood. The best available regulatory flood data is listed below: Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.
1. The regulatory flood elevation and floodway limits for the SFHAs of all Rivers and Creeks identified in the Flood Insurance Study for Vigo County shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Vigo County dated May 2, 1983, and the corresponding (FBFM), dated November 2, 1983, prepared by the Federal Emergency Management Agency.

2. The regulatory flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of Vigo County.
3. The regulatory Flood Elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of Vigo county shall be according to the best data available as provided by the Department of Natural Resources.
4. If the SFHA is delineated as "AH Zone or AO Zone," the elevation (or depth) will be delineated on the Flood Insurance Rate Map of Vigo County. If the SFHA is delineated as "Zone A" on the Flood Insurance Rate Map of Vigo County, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.
5. The regulatory flood evaluation and floodway limits for the SFHA of the rivers and creeks identified in the Flood Insurance Study for the City of Terre Haute shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Terre Haute dated June 1, 1981 and the corresponding FBFM dated December 1, 1981 prepared by the Federal Emergency Management Agency.

15.05 IMPROVEMENT LOCATION PERMIT

- A. No person, firm, corporation, or government body not exempted by state law shall commence any "development" in the SFHA without first obtaining an improvement location permit from the Director. The Director shall not issue an improvement location permit if the proposed "development" does not meet the requirements of this Section.
 1. The application for an improvement location permit shall be accompanied by the following:
 - a. A description of the proposed development.
 - b. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
 - c. A legal description of the property site.
 - d. A site development plan showing existing and proposed development locations and existing and proposed land grades.
 - e. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.
 2. Upon receipt of an application or request for an improvement location permit, the Director shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

- a. If the site is in an identified floodway the Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of Indiana Code 13-2-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Director until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Director may issue the improvement of location permit, provided the provisions contained in Section 15.06 and 15.07 have been met. The improvement location permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

- b. If the site is located in an identified floodway fringe, then the Director may issue the improvement location permit provided the provisions contained in Sections 15.06 and 15.07 have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).
- c. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Director until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Director has received the proper permit or letter of recommendation approving the proposed development, an improvement location permit may be issued provided the conditions of the improvement location permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in Sections 15.06 and 15.07 have been met.

15.06 PREVENTING INCREASED DAMAGES

- A. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.
1. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:
 - a. No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and
 - b. For all projects involving channel modifications or fill (including levees), Vigo County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.
 2. Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:
 - a. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.
 3. Public Health Standards in all SFHAs
 - a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of Section 15.07.
 - b. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

15.07 PROTECTING BUILDINGS

- A. In addition to the damage prevention requirements of Section 15.06, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.
1. This building protection requirements applies to the following situations:
 - a. construction or placement of any new building valued at more than \$1,000; or greater than 400 square feet, whichever is less;
 - b. structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land);

- c. any subsequent alterations;
 - d. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
 - e. installing a manufactured home on a new site or a new manufactured home on an existing site. This Section does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - f. installing a travel trailer or recreational vehicle on a site for more than 180 days.
2. This building protection requirement may be met by one of the following methods. The Director shall maintain a record of compliance with these building protection standards as required in Section 15.03.
- a. A residential or nonresidential building may be constructed on a permanent landfill in accordance with the following:
 - (1) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - (2) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
 - (3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - (4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - (5) The top of the lowest floor including basements, (see definition of lowest floor in Section 15.02 entitled "Definitions") shall be at or above the FPG.
 - b. A residential or nonresidential building may be elevated in accordance with the following:
 - (1) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
 - (a) walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.

- (b) Any enclosure below the elevated floor is used for storage of vehicles and building access.
 - (2) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
 - (3) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- c. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
- (1) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (a) outside a manufactured home park or subdivision;
 - (b) in a new manufactured home park or subdivision;
 - (c) in an expansion to an existing manufactured home park or subdivision; or
 - (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
 - (2) This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- d. Recreational vehicles placed on a site shall either:
- (1) be on the site for 'Less than 180 consecutive days;
 - (2) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

- (3) meet the requirements of "manufactured homes" in Section 15.07., C.
- e. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
 - (1) a Registered Professional Engineer shall certify that building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - (2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

15.08 OTHER DEVELOPMENT REQUIREMENTS

- A. The Director shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by this Section. If the Director finds the subdivision to be so located, the Director shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Director shall require appropriate changes and modifications in order to assure that:
 - 1. it is consistent with the need to minimize flood damages;
 - 2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - 3. adequate drainage is provided so as to reduce exposure to flood hazards;
 - 4. on-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
- B. Developers shall record the 100-year flood elevation on all subdivision plats containing lands (identified elsewhere by this Section) within a flood hazard area prior to submitting the plats for approval by the Commission.
- C. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the Department and have it filed with and approved by the appropriate community emergency management authorities.

15.09 VARIANCES.

- A. The Board may consider issuing a variance to the terms and provisions of this Section provided the applicant demonstrates that:
 - 1. there exists a good and sufficient cause for the requested variance;

2. the strict application of the terms of this Section will constitute an exceptional hardship to the applicant; and
 3. the granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- B. The Board may issue a variance to the terms and provisions of this Section subject to the following standards and conditions:
1. No variance for a residential use within a floodway subject to Section 15.06., A., 1. or 2. may be granted.
 2. Any variance granted in a floodway subject to Section 15.06., A., 1. or 2. will require a permit from Natural Resources
 3. Variances to the Building Protection Standards of Section 15.07 may be granted only when anew structure is to be located on a lot of one acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 4. Variance may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts and objects;
 5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
 6. The Review Board shall issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.

15.10 DISCLAIMER OF LIABILITY

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Section does not create any liability on the part of the Vigo County, the City of Terre Haute, the Town of Riley, the Town of Seelyville, or the Town of West Terre Haute, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Section or any administrative decision made lawfully thereunder.

15.11 VIOLATIONS

- A. Failure to obtain an improvement location permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Section. All violations shall be considered a common nuisance and shall be treated as such. All violations shall be punishable by a fine not exceeding \$500.00 a day.
1. A separate offense shall be deemed to occur for each day the violation continues to exist.
 2. The Director shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
 3. Nothing herein shall prevent Vigo County, the City of Terre Haute, the Town of Riley, and the Town of Seelyville, and/or the Town of West Terre Haute from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

15.12 ABROGATION AND GREATER RESTRICTIONS

This Section repeals and replaces other ordinances adopted by the Vigo County Board of Commissioners, Common Council of the City of Terre Haute, the Town Board of Riley, the Town Board of Seelyville, or the Town Board of West Terre Haute to fulfill the requirements of the National Flood Insurance program, including the Flood Damage Prevention ordinance. However, this Section does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Section repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Section and other easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the Board of Vigo County Commissions, the Common Council of the City of Terre Haute, and the Town Board of Seelyville shall assure that all National Flood Insurance Program regulations and laws (310 Indiana Administrative Code 6-1-1, Indiana Code 13-2-22, and Indiana Code 13-2-22.5) are met.

SECTION 16

SIGN REGULATIONS

A. Purpose.

The purpose of these Sign Regulations shall be to: eliminate potential hazards to motorists and pedestrians resulting from signs; encourage signs which, by their design, are integrated with and harmonious to the buildings and sites which they occupy; eliminate excessive and confusing sign displays; preserve and improve the appearance of Vigo County as an attractive place in which to live and work; safeguard and enhance property values; protect public and private investment in buildings and open spaces; and, to promote the public health, safety, morals and general welfare.

B. Application.

The regulations contained in this Section shall apply to the location, erection and maintenance of signs in any zoning district regulated by this ordinance except for the A-1 District in which these Sign Regulations shall not-apply.

C. Exempt Signs.

The following signs shall be permitted in any zoning district and shall be exempt from the other provisions of this Section, including the obligation to obtain an Improvement Location Permit, provided that the signs comply with the provisions contained in each subsection. In no event, however, shall any sign be permitted in violation of the provisions for a clear vision area as specified in Section 17.

1. Construction Signs - One (1) construction sign shall be permitted per project construction site on each street frontage after the issuance of an Improvement Location Permit for a primary building provided such sign:
 - a. shall not exceed thirty-two (32) square feet in area;
 - b. shall not exceed twenty (20) feet in height; and,
 - c. shall be removed within ten (10) days after the issuance of Certificate of Use and occupancy.
2. Flag, pennants, or insignia of governmental or nonprofit organizations when not displayed in connection with a commercial promotion or as advertising.
3. Official signs of non-commercial nature erected by utilities.
4. Signs erected on behalf of or pursuant to authorization of a governmental body, including but not limited to: legal notices; identification and information signs, and, traffic, directional or regulatory signs.
5. Integral, decorative, or architectural features of buildings or works of art, so long as such features or works do not contain letters or trademarks.

6. Church bulletin boards, church identification signs and church related directional signs, provided that:
 - a. no more than one (1) sign shall be permitted per street frontage;
 - b. the sign display surface shall not exceed sixteen (16) square feet;
 - c. the sign shall not be internally illuminated; and,
 - d. the sign shall refer only to the church or church services conducted on the lot.
7. Seasonal or holiday sign, including lighting erected in connection with the observance of holidays, provided that such signs shall, be removed not later than fifteen (15) days following the holiday.
8. Special event signs, such as grand opening, fair, carnival, circus, festival, or similar event signs shall be permitted on the lot where the special event is to occur, provided that such signs shall not be erected sooner than fourteen days (14) days prior to the first day of the special event and shall be removed not later than three (3) days after the last day of the special event.
9. Real estate signs indicating the sale, rent, or lease, together with information identifying the owner or agent, of the lot on which the sign is located, provided that:
 - a. Number of Real Estate Signs:
 - (1) on any lot will less than four (400) hundred feet of frontage or less than five (5) acres in area, not more than one (1) real estate sign shall be permitted per street frontage; or,
 - (2) on lots in excess of five (5) acres in area and with street frontage in excess of four hundred (400) feet, not more than two (2) real estate signs shall be permitted per street frontage.
 - b. Size of Real Estate Signs:
 - (1) in any Residential or Open Space District, real estate signs shall not exceed six (6) square feet in sign display surface area; or,
 - (2) in any other zoning district, real estate signs shall not exceed thirty-two (32) square feet in sign display surface area.
 - c. Removal of Real Estate signs - real estate signs shall be removed immediately after sale.
10. Miscellaneous signs, including but not be limited-to:
 - a. Signs on mailboxes or newspaper tubes;
 - b. Signs giving property identification, names, or numbers of occupants;
 - c. Signs posted on private property relating to private property, private parking, no trespassing or danger from animals; and,

- d. Signs indicating the location of public telephones and restrooms, underground public utilities, and similar location signs, provided that such signs do not exceeding two (2) square feet in area.
11. Signs temporarily attached to the interior of a window or glass door, provided that signs shall not cover more than seventy-five (75) per cent of the surface area of the window or door to which they are attached, except in the C-8 Central Business District, where the maximum coverage shall not exceed twenty (20) percent of the surface area of the window or door to which they are attached.
 12. Political campaign signs, provided that such signs:
 - a. shall not to exceed one (1) sign per lot;
 - b. shall not exceed thirty-two (32) square feet in sign display surface area; and,
 - c. shall not be erected sooner than ninety days (90) days prior to election day and shall be removed not later than ten (10) days after the election day.
 13. Civic, philanthropic, educational, or religious campaign signs, provided that such signs:
 - a. shall not to exceed one (1) per lot;
 - b. shall not exceed thirty-two (32) square feet in sign display surface area; and,
 - c. shall not exceed three (3) months time duration.
 14. Garage sale signs, provided that such signs:
 - a. shall not to exceed one (1) per street frontage of a lot;
 - b. shall not exceed six (6) square feet in sign display surface area; and,
 - c. shall not be erected sooner than two days (2) days prior to the day of the sale and shall be removed immediately after the sale is completed.

D. Prohibited Signs.

The following signs shall be prohibited in all zoning districts.

1. Signs located on, in or above the right-of -way of any street or alley, except for signs permitted by Sections 16., C., 3. and 4., above, or projecting signs as permitted by this Section.
2. Signs, which interfere with street intersections. No sign, permanent or temporary, shall be erected so that it interferes with the clear view area provided for in Section 17.

3. Signs, which interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
 4. Outline lighting of property lines or open sales areas.
 5. Portable signs, including but not limited to A- or T-frame signs, signs on trailer frames, menu and sandwich board signs, balloon signs, umbrellas used for advertising, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, provided, however, a vehicle which is used in the normal day-to-day operation of the business shall not be considered a portable sign.
 6. Any rotating beam, beacon, intermittent light, lights of changing degrees of intensity, or flashing illumination in connection with any sign display surface, except signs indicating the time, date or weather conditions.
 7. Signs attached to trees.
 8. Signs attached to utility poles, except for signs erected on behalf of or pursuant to authorization of a governmental body.
 9. Pennants, banners, streamers and wind signs, except when used in connection with a special event as provided for in Section C., 8., above.
- E. On-Premise Signs: Commercial, Industrial and Hulman Regional Airport Districts.
1. Freestanding Identification Signs.
 - a. Type of Signs.

Freestanding identification signs shall be ground signs, pylon signs or pole signs.
 - b. Number of Signs.

One (1) freestanding sign shall be permitted for each street frontage of a lot.
 - c. Maximum Sign Display Surface of Freestanding Signs.

Maximum sign display surface area shall not exceed two-hundred and forty (240) square feet, provided that for any lot with frontage in excess of three hundred (300) feet, the maximum sign display surface area shall be increased by one (1) foot for each lineal foot of frontage in excess of three hundred (300) feet to a maximum sign display surface area of four hundred (400) square feet.
 - d. Minimum Front, Side and Rear Setback for Freestanding Identification Signs.
 - (1) Front Setback - There shall be no minimum front setback for any freestanding identification sign unless such sign is located along a required buffer yard, in which case, the minimum front setback shall be ten (10) feet.
 - (2) Side and Rear Setback - The minimum side or rear yard setback for a freestanding identification sign shall be the same as required for an accessory structure in the applicable zoning district.

e. Maximum Height of Freestanding Identification Signs.

- (1) Pole or nylon Sign y- The maximum- height of pole or pylon freestanding identification sign, when located at the minimum setback, shall not exceed twenty five (25) feet in height above grade level, provided that for each additional one (1) foot of setback from the minimum front setback, the maximum height of the sign shall be increased by one (1) foot to a maximum height of forty (40) feet above grade level.
- (2) Ground Sign - The maximum height of a freestanding ground identification sign shall not exceed four (4) feet in height above grade level.

2. Building Identification Signs.

a. Type of Signs.

Building identification signs shall be wall signs, projecting signs and roof signs.

b. Number of Building Identification Signs.

- (1) Wall building identification signs. There shall be no limit to the number of wall building identification signs, provided that the total area of all wall, projecting and roof building identification signs located on a building shall not exceed the maximum sign display surface area for the building.
- (2) Projecting or roof building identification signs one (1) projecting or one (1) roof building identification sign shall be permitted for each commercial or industrial building.

c. Maximum Sign Display Surface of Building Identification Signs, except in the C-8 Central Business District.

The total display surface area of all building identification signs oriented to an individual facade shall not exceed:

- (1) Front Facade - twenty-five (25) percent of the total area of a front facade of a building; and,
- (2) Side and Rear Facades - ten (10) percent of a side or rear facade of a building.

Provided, that for any building which has more that one street frontage, the maximum sign display surface area of twenty-five (25) percent shall apply to all building facades with such frontages.

d. Maximum Sign Display Surface of Building Identification Signs in the C-8 Central Business District.

- (1) Those signs located on the first twenty-six (26) feet of building height or the actual building height, whichever is less, shall be considered lower level building identification signs.

The total display surface area of all lower level building identification signs oriented to an individual facade shall not exceed:

- (a) Front Facade - twenty (20) percent of the total area of the first twenty-six (26) feet or the actual building height, whichever is lesser, of front facade of a building; and,
- (b) Side and Rear Facades - ten (10) percent of the total area of the first twenty-six (26) feet or the actual building height, whichever is lesser, of a side or rear facade of a building.

Provided, that for any building which has more than one street frontage, the maximum sign display surface area of twenty (20) percent shall apply to all building facades with such frontages.

- (2) Those signs located above the first twenty-six (26) feet of building height shall be considered upper level building identification signs.

The total display surface area of all upper level building identification signs oriented to an individual facade shall not exceed:

- (a) Front Facade - ten (10) percent of the total area of the front facade of a building located above twenty-six (26) feet above grade level; and,
- (b) Side and Rear Facades - ten (10) percent of the total area of a side or rear facade of a building located above twenty-six (26) feet above grade level.

Provided, that for any building which has more than one street frontage, the maximum sign display surface area of ten (10) percent shall apply to all building facades with such frontages.

- e. Maximum Height of Projecting and Roof Building Identification Signs.

Projecting and roof building identification signs shall not extend more than six (5) feet above the roofline.

- f. Maximum Projection from Building for Projecting Building Identification Signs.

No projecting building identification sign or sign structure supporting a projecting building identification sign shall extend more than eight (8) feet from or beyond its supporting building.

- g. Minimum Height Above Grade Level for a Projecting Building Identification Sign.

The bottom edge of a projecting building identification sign shall not be less than ten (10) feet above grade level over a walkway or fifteen (15) feet above grade level over a driveway, street or alley.

3. Incidental Signs.

a. Type of Signs

Incidental signs shall be ground or wall signs.

b. Number of Signs.

(1) Directional Signs:

(a) One (1) incidental directional sign shall be permitted for each entrance or exit; and,

(b) One (1) incidental directional sign shall be permitted at each critical turning point required to safely direct vehicular traffic (e.g., to direct vehicular traffic to a drive-p window).

(2) Parking and Loading Signs - One (1) sign shall be permitted for each street frontage of such parking area.

c. Maximum Sign Display Surface of Incidental Signs.

(1) Directional Signs - shall not exceed two (2) square feet in sign display surface area.

(2) Parking and Loading Signs - shall not exceed sixteen (16) square feet.

d. Minimum Front, Side and Rear Setback for Freestanding, Incidental Signs.

(1) Front Setback - There shall be no minimum front setback for any freestanding incidental sign.

(2) Side and Rear Setback - The minimum side or rear yard setback for a freestanding incidental sign shall be the same as required for an accessory structure in the applicable zoning district.

e. Maximum Height of Incidental Signs.

The maximum height of a freestanding incidental ground sign shall not exceed four (4) feet in height above grade level.

4. Tall Signs. Signs in excess of the maximum height of freestanding identification signs shall be permitted in any Commercial or Industrial District in compliance with the following provisions:

a. Tall signs shall be permitted only in relation to interchanges on I-70.

b. The use to which the tall sign refers shall be located within 1,320 feet of the intersection of the centerline of I-70 and the intersecting street.

- c. Tall signs shall only be permitted in connection with establishments of specific interest to the traveling public, including places for camping, lodging, eating, and vehicular service stations.
- d. Tall signs shall be limited to identification of that use or activity, including brand identification or trademark.
- e. Only one (1) tall sign shall be permitted for any use. Such tall sign shall constitute the only freestanding identification sign permitted on the premises of the referred use.
- f. Tall signs shall not exceed two hundred forty (248) square feet in sign display surface area.
- g. Tall signs shall not exceed eighty (80) feet in height above grade level.

F. On-premise Signs: Residential and Open Space Districts.

- 1. Single Family Dwellings, Two-Family Dwellings, Residential Facilities for the Mentally Ill, Residential Facilities for the Developmentally Disabled, and Child Care Home Uses shall be permitted one (1) ground identification sign per street frontage, indicating only the name or address of occupant provided such sign:
 - a. shall not exceed two (2) square feet in sign display surface area; and,
 - b. shall consist of material which blends in with the residential character of the neighborhood, such as but not limited to, wood or stone.
- 2. Multifamily Uses shall be permitted one (1) ground identification sign provided that such sign:
 - a. shall not exceed thirty-two (32) square feet in sign display surface area; and,
 - b. shall indicate only the name, address of the management thereof, or associated information.
- 3. Recorded, Platted Residential Subdivisions and Mobile Home Parks.

One (1) ground identification sign shall be permitted at each entrance to a recorded, platted residential subdivision or mobile home park provided such sign:

 - a. shall be ornamental metal, stone masonry, or other permanent material;
 - b. shall indicate only the name of the subdivision or mobile home park; and,
 - c. shall not exceed thirty-two (32) square feet in sign display surface area.

4. Business and Other Uses. The following regulations shall apply to all businesses and other uses not elsewhere regulated by Section 16., F., but permitted by right or by Special Exception in the Residential or Open Space Districts.

a. Freestanding Identification Signs.

(1) Type of Signs.

Freestanding identification signs shall be ground signs, pylon signs or pole signs.

(2) Number of Signs.

One (1) freestanding identification sign shall be permitted for each street frontage of a lot.

(3) Maximum Sign Display Surface of Freestanding Identification Signs.

Maximum sign display surface area shall not exceed two hundred and forty (240) square feet.

(4) Minimum Front, side and Rear Setback for Freestanding Identification Signs.

(a) Front Setback - There shall be no minimum front setback for any freestanding identification sign.

(b) Side and Rear Setback - The minimum side or rear yard setback for a freestanding identification sign shall be the same as required for an accessory structure in the applicable zoning district.

(5) Maximum Height of Freestanding Identification Signs.

The maximum height of a pylon or pole identification sign shall not exceed twenty-five (25) feet in height.

b. Building Identification Signs.

(1) Type of Signs.

Building identification signs shall be wall signs, projecting signs and roof signs.

(2) Number of Building Identification signs.

(a) Wallbuilding identificationsigns. There shall be no limit to the number of wall building identification signs, provided that the total area of all wall, projecting and roof building identification signs located on a building shall not exceed the maximum sign display surface area for the building.

(b) Projecting or roof building identification signs. One (1) projecting or one (1) roof building identification sign shall be permitted for each business or other use.

- (3) Maximum Sign Display Surface of Building Identification Signs.

The total display surface area of all building identification signs oriented to an individual facade shall not exceed:

- a) Front Facade - twenty-five (25) percent of the total area of a front facade of a building; and,
- (b) Side and Rear Facades - ten (10) percent of a side or rear facade of a building.

Provided, that for any building which has more than one street frontage, the maximum building identification sign display surface area of twenty-five (25) percent shall apply to all building facades with such frontages.

- (4) Maximum Height of Projecting and Roof Building Identification Signs.

Projecting and roof building identification signs shall not extend more than six (6) feet above the roof line-

- (5) Maximum Projection from Building for Projecting Building Identification Signs.

No projecting building identification sign or sign structure supporting a projecting building identification sign shall extend more than eight (8) feet from or beyond its supporting building.

c. Incidental Signs.

- (1) Type of Signs.

Incidental signs shall be ground or wall signs.

- (2) Number of Signs.

- (a) Directional Signs:

- (i) One (1) incidental sign shall be permitted for each entrance or exit; and,
- (ii) One (1) incidental sign shall be permitted at each critical turning point required to safely direct vehicular traffic.

- (b) Parking and Loading Signs - One (1) sign shall be permitted for each street frontage of such parking area.

- (3) Maximum Sign Display Surface of Incidental Signs.

- (a) Directional Signs - Incidental signs shall not exceed two (2) square feet in sign display surface area.
- (b) Parking and Loading Signs - shall not exceed sixteen (16) square feet.

(4) Minimum Front, Side and Rear Setback for Freestanding, Incidental Signs.

(a) Front Setback - There shall be no minimum front setback for any freestanding incidental sign.

(b) Side and Rear Setback - The minimum side or rear yard setback for a freestanding incidental sign shall be the same as required for an, accessory structure in the applicable zoning district.

(5) Maximum Height of Incidental Signs,

The maximum height of a freestanding, incidental ground sign shall not exceed four (4) feet in height.

5. Home Occupations.

Each residentially zoned lot with a home occupation shall be allowed one (1) freestanding ground sign per street frontage with a maximum surface area of (2) two square feet per sign. Said sign shall state only the name of the owner, type of business and street number. Further, said sign shall consist of materials and color scheme, which is consistent with the residential character of the neighborhood.

G. Off-Premise Advertising Signs.

1. Districts Allowed

Off-premise advertising signs shall be permitted in any Commercial, Industrial or Hulman Regional Airport District, except the C-8 Central Business District.

2. Type of Signs.

Off-premise advertising signs shall be pole, wall or ground signs.

3. Maximum Sign Display Surface Area for Off-Premise Advertising Signs.

(a) Sign Display Surface Area - an off-premise advertising sign shall not exceed six hundred and seventy two (672) square feet in sign display surface area;

(b) Number of Displays - an off-premise advertising sign shall not contain more than two (2) advertising signs per sign display surface area;

(c) Extensions Allowed - temporary extensions integrally incorporated into the sign display surface and containing no more than fifteen (15%) percent of the total square footage of the sign display surface shall be allowed.

4. Spacing Between Off-Premise Advertising Signs.

The minimum distance between off -premise advertising signs shall be as specified below.

- a. Linear Spacing - The minimum distance between off-premise advertising signs located along and oriented towards the same side of a public street shall be one thousand (1,000) linear feet subject to the following:
 - (1) The spacing requirement shall be applied separately to each side of a street;
 - (2) The spacing requirement shall be applied continuously along a street to all signs oriented towards that street in either: direction whether the signs are in the same block or are in different blocks separated by an intersecting street;
 - (3) For purposes of applying the spacing requirement to off-premise advertising signs, pole, wall, or ground signs shall be treated the same, whether double-faced or single-faced; and,
 - (4) Off-premise signs located at the same intersection are not in violation of the minimum spacing requirement specified in (2), above, because of their nearness to one another- if they are located so that their messages are directed towards traffic flowing in different directions.
 - b. Measurement of Linear Spacing - The method of measurement of the spacing between off-premise advertising signs oriented towards the same street shall be along the centerline of the street to which the sign is oriented from the point in the street's centerline closest to the leading edge of the sign.
 - c. Radial spacing. In no event shall an off-premise advertising sign be closer than two hundred fifty (250) feet from any other off-premise advertising sign regardless of location or orientation.
5. Minimum Front, Side and Rear Setback for Off-Premise Advertising Signs.
- a. Front Setback - The front setback for an off-premise advertising sign shall be provided along all street rights-of-way as follows:
 - (1)along a minor or local street - 25'
 - (2)along a sub collector street - 30'
 - (3)along a collector - 40'
 - (4)along a arterial - 60'
 - b. Side and Rear Setback - The side and rear setback far an off-premise advertising sign shall be the same as that required for a principal building in the applicable district.
6. Maximum Height of Off-Premise Advertising Signs,
- The maximum height of an off-premise advertising sign shall not exceed forth (40) feet in height above grade level,
7. Separation from Residential and Open Space Districts.
- No off-premise advertising sign shall be located within one hundred (100) feet of any Residential or Open Space District.

H. Signs in the Planned Unit Development District.

Unless otherwise stated in the petition for zone map change, signs within each Planned Unit Development shall comply with the provisions of Section 16., F., applicable to Residential and Open Space Districts.

I. General Regulations.

1. Cutting of Trees or Shrubs. No person, for the purpose of increasing or enhancing the visibility of any sign, shall damage, trim, destroy, or remove any trees, shrubs or other vegetation located:
 - a. Within the right-of-way of any public street unless the work is done pursuant to the express written authorization of the governmental department having jurisdiction over said street;
 - b. On property that is not under ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; or,
 - c. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.
2. Maintenance of Signs. Nothing herein shall be construed to prevent the maintenance, repainting or posting of legally established signs.
3. Illuminated Signs.
 - a. No sign within one hundred (100) feet of any Residential or Open Space District shall be illuminated between the hours of midnight and 6:00 a.m. unless the sign is visibly obstructed from the Residential or open space District.
 - b. Lighting directed towards a sign shall be shielded so that it illuminates only the face of the sign and does not shine on, cause glare to or otherwise impair the vision of the driver of any motor vehicle traveling on a public right-of-way.
 - c. This subsection shall not apply to the following:
 - (1) Signs that constitute an integral part of a vending machine, telephone booth, device that indicates time or weather conditions, or similar device whose principal function is not to convey an advertising message; and,
 - (2) Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.

4. Awning, Canopy and Marquee Signs.

In any district in which building identification wall signs are permitted, the use of an awning, canopy or marquee sign shall be allowed subject to the following provisions:

- a. The total area of the awning, canopy or marquee shall not exceed the sign display surface area allocated to the facade of the building upon which the awning, canopy or marquee is attached.
- b. The portion of the awning, canopy or marquee, which includes a sign display, shall not exceed:
 - (1) fifty (50) percent of the total area of an awning or canopy; or,
 - (2) seventy-five (75) percent of the total area of a marquee.
- c. The bottom edge of the awning, canopy or marquee shall:
 - (1) not be less than ten (10) feet above grade level over a walkway; or,
 - (2) not be less than fifteen (15) feet above grade level over a driveway, street or alley.

SECTION 17

MISCELLANEOUS REGULATIONS

A. Buffer Yards and Other Buffering Requirements.

1. Purpose.

Buffer yards are intended to serve as a physical, as well as a visual barrier between dissimilar, abutting zoning districts and to eliminate or minimize potential, nuisances such as dirt, litter, noise, odor, glare, signs and incompatible buildings or parking areas, and to reduce danger from fire or explosion.

2. Non-interference with Clear Vision Area.

No plant materials shall be located so as to interfere with the clear vision area requirements of this ordinance or otherwise create traffic hazards by obstructing the view of drivers using streets, alleys and driveways.

3. TABLE A, below, gives the number of Standard Plant Units required for each type of buffer yard from Type A through Type E.

TABLE A

TYPE OF BUFFER YARD	NUMBER OF STANDARD PLANT UNITS PER 150 LINEAR FEET
A	1
B	2
C	3
D	4
E	5

4. Standard Plant Units (SPU).

One Standard Plant Unit is equal to:

- a. one 3" caliper canopy tree, plus two 1.51' caliper understory trees, plus ten 3' high shrubs;
- b. one 2" caliper canopy tree, plus one 1.5" caliper understory tree, plus ten 3' high shrubs, plus one 8' high evergreen tree;
- c. one 2', caliper canopy tree, plus ten 3' high shrubs, plus two 6' high evergreen trees;
- d. ten 3' high shrubs, plus one 8' high evergreen tree, plus two 6' high evergreen trees; or
- e. two 3" caliper canopy trees, plus one 2 1/2" caliper canopy tree, plus ten 3' high shrubs.

One (1)SPU shall be provided for each 150' lineal feet of required buffer yard. Where there is less than 150' of length to buffer (or where there is a remainder of less than 150' after multiples of 150' have been accounted for), a percentage of the standard plant unit must be provided, equal to that shorter length divided by 150'.

The Illustration of Five Types of Buffer Yards, below, provides one example of what each of the five Types-of Buffer Yards (A through E) would look like using Standard Plant Units as provided in Section 17., 4., a., above.

5. The property owner will decide the exact placement of required plants.
6. Allowance for Preservation of Existing Trees and Vegetation.

The provision of landscaping in required yards as provided for in this Section shall be modified in any situation in which existing trees and vegetation are preserved. A credit for the planting of trees of one-half (1/2) inch for each one (1) inch of aggregate tree caliper preserved shall be awarded to the landscaping required by this Section. A credit for the preservation of undergrowth and shrubs shall be awarded on a one to one (1:1) basis for the lineal feet of screening provided by the existing undergrowth and shrubs

7. Alternate Landscape Plan Approval.

The Director, upon request by an applicant, shall have the authority to modify the landscape requirements of this Section and approve an alternative landscape plan so long as the alternative plan is appropriate to the site and its surroundings and is consistent with the intent and purpose of this Section. Such alternative landscape plan may, by way of example, include: mounds; berm; low-level fence or wall; screening devices; preservation of existing vegetation or natural features; or, a clustering of plant materials.

The Director may, at its discretion, forward such proposed alternative landscape plan to the Plan Commission for review and approval.

If the Director disapproves of a proposed alternative landscape plan, the applicant may, within five (5) business days, appeal the Director's decision in writing, stating the reasons and justification of the appeal, and request landscape plan approval of the Plan commission for the alternative landscape plan.

B. Clear Vision Area Requirements.

The following provisions shall apply to all streets, whether public or private:

No building, structure or improvement, including landscape plantings, shall be erected, placed, planted or maintained so as to interfere with a clear vision area located between the heights of three (3) feet and eighteen (18) feet above the crown of a street, driveway or alley. A clear vision area shall be established in one of the following manners:

1. On a corner lot, the clear vision area is formed by the street right-of-way lines and a line connecting points fifteen (15) feet from the intersection of such street right-of-way lines. In the case of a round or cornercut right-of-way, the measurement shall be taken from the intersection of the right-of-way lines extended; or,
2. At the intersection of a street with a driveway or alley, two clear vision areas shall be formed by the intersection of the street right-of-way line and both sides of the surface edge of the driveway or alley and a line connecting points ten (10) feet from the intersection of such street right-of-way line and the driveway or alley.

SECTION 18

SPECIAL EXCEPTION REGULATIONS

A. Statement of Purpose.

Certain land uses have characteristics and locational impacts, which if inappropriately located, may have a detrimental effect upon other land uses within the County. It is therefore recognized that such land uses should be regulated in order to preserve property values, as well as promote the public health, safety, comfort, community moral standards, and convenience and general welfare of Vigo County.

B. Uses Permitted by Special Exception.

Only those uses identified in each individual zoning district, as Special Exceptions shall be permitted by Special Exception in each zoning district.

C. Grant of a Special Exception.

The Board of Zoning Appeals is hereby authorized to grant Special Exceptions to permit uses designated in each zoning district as Special Exceptions subject to the following requirements:

1. A petition for Special Exception shall be filed with the Board of zoning Appeals in accordance with the requirements for the filing of a variance, except as such requirements may be modified in this Section. Such petition shall include proposed detailed Findings of Fact in support of the determinations required to be made by the Board pursuant to Section 18., C., 2., below.
2. The Board may grant a Special Exception only upon a determination that:
 - a. The proposed use will not be injurious to the public health, safety, comfort, morals, convenience or general welfare of the community;
 - b. The proposed use will not injure or adversely affect the use or value of other property in the immediate area in a substantially adverse manner; and,
 - c. The proposed use will be consistent with the general character of the zoning district, land uses authorized therein and the Vigo County Comprehensive Plan

D. Conditions for the Grant of a Special Exception.

The grant of a Special Exception shall be subject to the following conditions:

1. The proposed use shall conform to all development standards of the applicable zoning district.
2. The proposed use shall conform to all conditions attached to the grant of the Special Exception by the Board. Such conditions may include any reasonable site, development, operational and performance standards, requirements and restrictions deemed necessary to ensure compliance with the Findings of Fact determinations. The grant of a Special Exception may be for a limited period of time, as specified by the Board.

E. Basis of Board Review.

In reviewing a Special Exception petition, the Board shall give consideration to the particular needs and circumstances of each Special Exception application and shall examine the following items as they relate to the proposed use:

1. Topography and other natural site features;
2. Zoning of the site and surrounding properties;
3. Driveway locations, street access and vehicular and pedestrian traffic;
4. The amount, location and design of parking and loading facilities;
5. Building character;
6. Landscaping, screening and buffering;
7. Open space and other site amenities; and,
8. Proposals for handling sewage disposal, drainage and other utilities.

F. Additional Requirements for a Recreational Vehicle Park and Campgrounds.

The following additional development standards shall apply to and must be satisfied in order for the Board to grant a Special Exception for a Recreational Vehicle Park and Campgrounds as a single development lot:

1. Minimum Lot Area - 5 acres.
2. Minimum Lot Width - 100'
3. Minimum Front Setback - shall be provided along all street rights-of-way as follows:
 - a. along a minor or local street - 25'
 - b. along a subcollector street - 30'
 - c. along a collector - 40'
 - d. along a arterial - 60'
4. Minimum Rear Yard and Setback - shall be provided from the property line as follows:
 - a. Minimum Rear Yard - 15'
 - b. Minimum Rear Buffer Yard - 40'
6. Minimum Side Yard and Setback - shall be provided from the property line as follows:
 - a. Minimum Side Yard - 15'
 - b. Minimum Side Buffer Yard 40'

7. Use of Minimum Yards -all minimum yards shall be:
 - a. landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials;
 - b. maintained as a buffer strip in compliance with the requirements for a Type B Buffer Yard as set forth in Section 17;
 - c. shall remain free from structures, except that Minimum Front Yards may include driveways axed parking areas provided that a minimum buffer strip of 10' in depth measured from and paralleling the right-of-way line shall be maintained along the front line of the parking area in compliance with the requirements for a Type B Buffer Yard as set forth in section 17; and
 - d. shall not be used for arty portion of a campsite.
8. Building Height Limitations -
 - a. Principal Use Building - 25'
 - b. Accessory Use Building - 20'
9. Internal Street Standards - all recreational vehicle or tent campsites shall have direct access to an internal street within a recreational vehicle park and campground. There shall be no direct access from any campsite to any perimeter public street.

All internal streets shall comply with the following minimum pavement width:

- 1 way traffic, no parking - 12'
- 2 way traffic, no parking - 20'

If on-street parking is provided along interior streets, an additional eight (8) feet of pavement width shall be provided per parking lane.

11. Minimum off-Street Parking -
 - a. 1.5 parking spaces for each campsite, located either:
 - (1) on the campsite;
 - (2) on-street in front of the campsite; or
 - (3) within a common parking area, provided the parking spaces are located not more than 300" from the campsite served.
 - b. Plus, a minimum of five (5) parking spaces for each the manager's office, recreation buildings/areas, or other common structures.
13. Entrance Restrictions - See Section 14 for requirements.
14. On-Premise Signs - See Section 16 for requirements.

15. Additional Development Standards Applicable to Individual Campsites Within a Recreational Vehicle Park and Campground - the following standards shall be applicable to each campsite within a Recreational Vehicle Park and Campground:

- a. Minimum Setback from Internal Street - 15'
- b. Minimum Campsite Width - 22'
- c. Minimum Distance of Campsite from Buildings or Structures - 15'

G. Additional Requirements for Caregiver, Carereceiver or Caretaker Dwellings.

In addition to the requirements of this Section for the grant of a Special Exception, a Special Exception for the placement of a Caregiver, Carereceiver or Caretaker Dwelling shall also comply with the following:

- 1. Additional Findings - In addition to the findings required for the grant of a special exception set forth in Section 18., C., 3., 2., a., b., and c., above, the Board shall also make the following respective additional findings in the case of a Caregiver, Carereceiver or Caretaker Dwelling:
 - a. The proposed Caregiver Dwelling is required to provide safe and healthful living quarters for a family required to provide daily assistance to an individual residing in the primary dwelling located on the lot, as verified by a licensed physician or osteopath responsible for the care of such individual;
 - b. The proposed Carereceiver Dwelling is required to provide safe and healthful living quarters for an individual in need of daily assistance from the family residing in the primary dwelling unit located on the lot, as verified by a licensed physician or osteopath responsible for the care of such individual; or
 - c. The proposed Caretaker Dwelling is required to house an on-premise caretaker required to provide daily grounds maintenance and operational upkeep to the agricultural or business enterprise located on the real estate.
- 2. Additional Conditions - In addition to the conditions set forth in Section 18., D., above, the grant of a Special Exception for a Caregiver, Carereceiver or Caretaker Dwelling shall be subject to the following additional conditions:
 - a. The grant shall be for a temporary period of time not to exceed two (2) years;
 - b. The Caregiver, Carereceiver or Caretaker Dwelling shall be less than sixteen (16) feet wide and installed in compliance with the applicable Building Code;
 - c. The Caregiver, Carereceiver or Caretaker Dwelling shall be made available for annual inspection to determine continued compliance with the applicable Building Code and that the need demonstrated for the grant of the Special Exception for a Caregiver, Carereceiver or Caretaker Dwelling still exists; and,

- c. If the need demonstrated for the grant of the Special Exception no longer exists, the use of the Caregiver, Carereceiver or Caretaker Dwelling shall cease and the Caregiver, Carereceiver or Caretaker Dwelling shall be removed from the site within thirty (30) days after written notice to the owner or occupant.

**AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE
OF VIGO COUNTY, INDIANA AND FIXING A TIME
WHEN THE SAME SHALL TAKE EFFECT**

Whereas, I.C. 36-7-4, et seq. empowers the Area Plan Commission of Vigo County, Indiana, to hold hearings and make recommendations to the Board of Commissioners of the Vigo and the Town Board of Riley concerning ordinances for the zoning or districting of all lands within the unincorporated areas of Vigo County and the incorporated areas of the Town of Riley; and,

Whereas, the Area Planning Commission of Vigo County, Indiana, has conducted a public hearing in accordance with I.C. 36-7-4, et seq., with respect to a proposal to amend the Unified Zoning Ordinance of Vigo County, Indiana, and has certified such proposal to the Board of Commissioners of the County of Vigo with a favorable recommendation.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VIGO, VIGO COUNTY, INDIANA AS FOLLOWS:**

Section 1. The Unified Zoning Ordinance of Vigo County, Indiana, is amended as follows:

- A. **Section 9.02** Community Commercial District (C-2) B.1. Permitted Uses is amended by removing the following permitted use in the C-2 District:

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- B. **Section 9.03** Regional Commercial District (C-3) B.1. Permitted Uses is amended by removing the following permitted use in the C-3 District:

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- C. **Section 9.05** Commercial Entertainment District (C-5) B.1. Permitted Uses is amended by removing the following permitted use in the C-5 District:

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- D. **Section 9.02** Community Commercial District (C-2) B.4. Special Exception Uses is amended by adding the following Use and language to the list of Special Exception Uses in a C-2 zoning district:

Additional Provision – In order to further promote the public’s health, safety, comfort, community moral standards, convenience, general welfare, and property values, the following use shall not be located within 500 feet of any residential use, religious use, school or child care facility:

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Section 2. If any section of this Ordinance shall be held invalid by a court of competent jurisdiction, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall be effective within the unincorporated areas of Vigo County upon its adoption by the Board of Commissioners of the County of Vigo as provided in I.C. 36-7-4.