

2. If a non-conforming manufactured home is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Any person aggrieved with regard to any part of this Article 6 may appeal said decision to the Board of Zoning Appeals in the standard procedure.

6-12-3-3: General Provisions and Restrictions, All Residential Uses

A. A residential developed area shall be considered as such when two (2) or more detached dwelling units are located within one (1) square acre of land.

B. Every dwelling unit shall be located on an existing lot or parcel, having a clear, recorded, legal, unobstructed vehicular and utility access to public road or street and shall be the only principal building on the lot, except as otherwise provided in this Article 6.

C. All dwellings shall be permanently affixed to a solid foundation and all portable dwellings shall have the wheels and axles removed. Foundations shall be fully enclosed with concrete block, masonry, brick, stone, metal, or other suitable material of durable quality.

D. Personal goods and articles, other than cars, fuel tanks, boats, lawn furniture, and similar items too large to reasonably enclose. shall be stored on the residential premises, ONLY in a completely enclosed structure. External utility tanks and such other equipment shall be located to the rear of the dwelling. Durable, weatherproof closed containers shall be provided for all trash and garbage, and NO open storage of such materials shall be permitted.

E. All motor vehicles stored in the open shall be licensed and plated. Open storage of more than one (1) inoperable vehicle or vehicle parts shall not be permitted for more than thirty (30) days, except in cases of extreme hardship.

F. Temporary approval for a reasonable length of time, not to exceed one (1) year, may be provided by the Zoning Administrator for manufactured homes for emergency habitable use while dwellings are being repaired, rebuilt, or constructed.

6-12-3-4: Board of Health Approval Required

All zoning clearance permits requiring new or additional sanitary facilities shall not be finally approved for zoning clearance prior to the application and approval by the Starke County or Indiana State Board of Health.

6-12-3-5: Exceptions, Residential Uses

A. Front Yard

1. Where twenty-five percent (25%) or more of the lots within a block are occupied by buildings, or, where a hypothetical block six hundred and sixty (660) feet in length, the average setback of such buildings may determine the minimum dimension of a front yard within the block or in the center of such hypothetical block. However, the maximum front yard need not exceed the standards provided for each district.

2. Front yard or setback lines established in recorded subdivisions establish the dimensions of front yards in such blocks, except when such setback may be less restrictive as provided previously in this Article 6.

3. On lots extending from one street to another, a front yard shall be required on each street.

B. Rear Yards

1. One-half (1/2) of an alley abutting the rear lot may be included in the required rear yard.

2. On corner lots, side yard dimensions shall prevail for interior yards.

C. Tapered Yard Provision for Reversed Interior Lot

Where a reversed interior lot abuts a corner lot, or on an alley separating such lots, any accessory building located in the rear of a corner lot shall set back from the side street or alley as far as the dwelling on the reversed interior lot. For each foot that such accessory building is placed from the rear line towards that front line of the corner lot, the accessory building may be set as specified for side yards under Chart #1.

D. Lot Dimensions

In no case shall the width of a lot be less, or the depth to width ratio be more than specified in Chart No. 1, except as provided in 6-12-3-2A of this Specification.

E. Accessory Buildings

(1) Permitted only for private garage or storage, exclusive of industrial or commercial use.

(2) Construction permitted prior to erection of principal building for storage purposes only and not for human habitation.

(3) A detached accessory building may be located five feet from a side lot line, provided however, that the side yard minimum requirement in "R-3" districts may be three feet if such accessory building is three feet or more to the rear of the dwelling and is located behind the rear line of such dwelling.

(4) The normal maximum height permitted shall be eighteen feet, provided however, the height may be increased to twenty feet when the minimum required distance from side lot lines is increased one foot for each two feet above the normal maximum height permitted.

Chart 1: Commercial and Industrial Uses - Minimum Standards

(except as noted under general provisions and conditional exceptions)

Application	Districts Permitted	Application	Districts Permitted	
Yard, Front From	LB, GB, LI, & I 75'	Buildings, Maximum	LB	GB, LI, & I
Highways		Height	45'	60'
All other Roads	50'	Maximum Lot Coverage	50'	75'
Yard, Rear	15'			

<u>Yard, Side</u> Abutting A or B Districts entirely within business districts	10' On Lot Line or no less than 10 feet	Vision Clearance	Required on Corner Lots as Set Forth Under Specification A Note: All front yard dimensions are measured from right-of- way lines of thorofares Note: All commercial and industrial structures and improvements shall require approval by the Administrative Building Council of Indiana
Corner on Hwys. Other Roads	50' 35'		

Note: All entrance and exit drives to be located on county roads or streets shall be subject to conditional approval by the Plan Commission prior to installation or use.

Chart No. 2

Application	Districts Permitted
Yard, Front	LB, GB, LI, & I
From Highways	75'
From All Other Roads	50'
Yard, Rear	15'
Yard, Side	
Abutting A or B Districts	10'
Entirely within Business Districts	On Lot Line or No less than 10'
Corner on Highways	50'
Corner on Other Roads	35'
Buildings, Maximum Height	LB- 45' GB, LI, & I - 60'
Maximum Lot Coverage	LB - 50% GB, LI, & I - 75'
Vision Clearance	Required on Corner Lots as Set Forth Under Specification A
Notes	
Front Yard Dimensions	All Measured from Right-Of-Way Lines of Thorofares
Commercial & Industrial Structures & Improvements	Require Approval by the Indiana Administrative Building Council
Entrance & Exit Drives Located on County Roads & Streets	Subject to Conditional Approval by Plan Commission prior to Installation/Use

D. Lot Dimensions

In no case shall the width of a lot be less, or the depth to width ratio be more than specified in Chart 1, except as provided in 6-12-3-2A of this specification.

E. Accessory Buildings

1. Permitted only for private garage or storage, exclusive of industrial or commercial use.

2. Construction permitted prior to erection of principal building for storage purposes only and not for human habitation.

3. A detached accessory building may be located five (5) feet from a side lot line, provided however, that the side yard minimum requirement in "R-3" districts may be three (3) feet if such accessory building is three (3) feet or more to the rear of the dwelling and is located behind the rear line of such dwelling.

4. The normal maximum height permitted shall be eighteen (18) feet, provided however, the height may be increased to twenty (20) feet when the minimum required distance from side lot lines is increased one foot for each two (2) feet above the normal maximum height permitted.

5. No storage building or buildings shall have as one (1) or more of its components, or by itself, a mobile home, house trailer, or recreational vehicle.

6. Use of Semi-Van Trailers and Intermodal Shipping Units
as Permanent Storage Structures

1. General Requirements:

a. Placement of the unit(s) shall comply with all building set back requirements.

b. The unit(s) shall be considered an accessory building.

c. One (1) unit is permitted on lots of 5.00 acres to 9.99 acres in area.

d. One (1) unit per ten (10) acres is permitted on lots with ten (10) acres or more in area.

e. No more than eight (8) units are permitted on parcels of eighty (80) acres or more in area.

- f. The unit(s) shall contain no plumbing, HVAC, or other utilities, except electric.
- g. The unit(s) shall be used for storage only.
- h. The minimum set back distance from all public right-of-way shall be one hundred (100) feet.
 - i. A building permit shall be obtained for each unit not having running gear (wheels and/or axles).
 - ii. Each unit on running gear shall maintain a current license plate.
 - iii. All existing units, as of the date of adoption of this ordinance amendment, shall meet the requirements of this ordinance amendment.
 - iv. Units are not permitted in R1, R2, and R3 districts and are not permitted in any platted residential subdivision regardless of zoning.

2. In agriculturally zoned districts:

- a. The unit(s) shall be placed behind the primary dwelling unit on the lot.
- b. The total number of all such unit(s) shall be limited as follows:
 - i. Units are not allowed on lots with less than two (2) acres in area.
 - ii. One (1) unit is permitted, as a conditional use, on lots with 2.01 acres to 4.99 acres in area.
 - iii. One (1) unit per ten (10) acres is permitted on lots with five (5) acres or more.

3. In industrial, business, and commercially zoned districts:

- a. A total of five (5) units are permitted on lots with five (5) acres or less.
- b. A total of ten (10) units are permitted on lots with 5.01 acres to 10 acres in area.
- c. Eleven (11) or more total units are permitted as a conditional use.
- d. 6-12-3-5-E (5) is amended so as not to be in conflict with this ordinance amendment.

F. Fences

1. No fence is allowed within the county road right-of-way, and no fence is allowed within ten (10) feet of the edge of the improved portion of a road. No solid fences over four (4) feet high, hedges or retaining walls shall be permitted within twenty (20) feet of the edge of the improved portion of a road for an interior lot or within thirty (30) feet of the edge of the improved portion of a road for a corner lot. Property owners are required to move fences to conform to this ordinance if the road is moved or improved in the future.

6-12-4: Specification D - Commercial Uses

6-12-4-1: Local Business Uses

6-12-4-1-1: Definition

Commercial uses primarily of a retail or service nature, conducted entirely within enclosed buildings unless otherwise noted or established as a generally accepted type open usage, but not to include any kind of junk storage.

6-12-4-1-2: Interpretation

Local business uses shall be deemed to include those uses or buildings in general keeping with, and appropriate to, the uses hereinafter listed.

6-12-4-1-3: Location Permitted

The following classification of business uses specifically stated or implied are permitted in “LB”, “GB”, “LI” and “I” districts.

6-12-4-1-4: Business Uses Permitted

A. Automobile Service

1. Filling Station
2. Commercial Garage
3. Commercial Parking Lot
4. Sales Room
5. Open Automobile or Trailer Sales Area
6. Automobile Repair, entirely within enclosed buildings

B. Business Service

1. Bank
2. Office
3. Postal Station
4. Telegraph Office

C. Clothing Service

1. Laundry Agency
2. Self-Service Laundry
3. Dry Cleaning Establishment using not more than two (2) clothes cleaning units, neither of which shall have a rated capacity of more than four (4) pounds using cleaning fluid which is non-explosive and non-inflammable.

4. Dressmaking
5. Millinery
6. Tailor and Pressing Shop
7. Shoe Repair Shop

D. Equipment Service

1. Radio and TV Shop
2. Electric Appliance Shop
3. Record Shop
4. Locksmith Shop
5. Upholstering Shop

E. Food Service

1. Grocery
2. Meat Market
3. Supermarket
4. Restaurant
5. Delicatessen
6. Cold Storage Lockers, for individual use
7. Roadside Sales Stand
8. Catering Establishments

F. Personal Service

1. Barber Shop

2. Beauty Shop
3. Reducing Salon
4. Photographic Studio

G. Retail Service, Retail Stores Generally

1. Drugstore
2. Hardware
3. Stationer
4. Newsdealer
5. Show Room for Articles
6. Commercial Greenhouse not exceeding 1,000 square feet in area.
7. Apparel Shop
8. Flower Shop
9. Painting & Decorating Shop
10. Printing Shops
11. Department Store
12. Furniture Store
13. Sporting Goods

H. Commercial Recreational Uses - conducted only within building so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

1. Theater

2. Bowling Alley

3. Billiard Room

4. Dancing Academy

5. Tavern or Night Club, only in conformity with requirements of laws or ordinances governing such use.

I. Hotel

J. Club or Lounge

6-12-4-1-5: Public Eating and Drinking Establishments

Public eating and drinking establishments shall conform with the minimum building specifications as set forth by the Indiana State Board of Health in Regulation HFD 17, pertaining to the sanitation of such establishments.

6-12-4-1-6: Building Heights, Yards, Lot Coverage, and Vision Clearance

Permitted as indicated in Chart No. 2 in this Article 6.

6-12-4-2: General Business Uses

6-12-4-2-1: Definition

Commercial uses including wholesale and storage uses conducted within enclosed and substantially constructed buildings.

6-12-4-2-2: Location Permitted

The following classifications of business uses specifically stated or implied are permitted in the "LB", "GB", "LI", and "I" districts.

A. Local Business Uses

C. Storage Warehouse

C. Wholesale Establishment

D. Motor Bus or Railroad Passenger Station

E. Any commercial use not specifically stated or implied elsewhere in this Article 6 and complying with the above definition.

6-12-4-2-3: Buildings, Heights, Yards, Lot Coverage, and Vision Clearance

Permitted as specified in Chart No. 2 in this Article 6.

6-12-4-3: General Provisions

Applicable to all commercial uses in districts where permitted.

6-12-4-3-1: Vehicle Parking Space

Parking spaces shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals, as follows:

Use	Number of Parking Spaces
Uses listed in local business categories 3 to 7 inclusive, above	One space for each 125 other square feet of floor local area.
Commercial Recreational Uses, other than theaters, listed in Business Category B	One space for each 125 other square feet of floor local area.
Private Lodge or Club	One space for each three (3) employees
Other Commercial Uses included under General Business Uses	One space for each three (3) employees
Business Service Uses listed in Local Business Category 2	One space for each six (6) seats
Wholesale Establishments	One space for each three (3) sleeping rooms
Theaters	
Hotels	

6-12-4-3-2: Loading and Unloading Berths

Loading and unloading berths shall be provided on the lot as follows:

A. Retail stores, department stores, 3,000 to 15,000 square feet. Gross floor area - One (1) loading and unloading berth.

B. Wholesale Establishments, storage uses, other commercial uses, 15,000 to 40,000 square feet. Gross floor area - two (2) loading and unloading berths, each 25,000 additional square feet, 1 additional berth.

C. Hotels, office buildings, 100,000 or less square feet. Gross floor area - one (1) loading and unloading berth, 100,001 to 336,000 square feet. Gross Floor area, two (2) unloading and unloading berths; each 200,000 additional square feet. Gross floor area - one (1) additional loading and unloading berth.

6-12-4-3-3: Paving

Open parking area and unloading and loading berths shall be paved with dust-proof or hard surface meeting the standard specifications of the County.

6-12-4-3-4: Rear Yard

One-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.

6-12-4-3-5: Incidental Use

Any building primarily used for any of the uses enumerated under local business uses and any commercial use not specifically stated or implied elsewhere in this Article 6 and complying with the definition of commercial uses under general business uses may have not more than forty (40) percent of the floor area devoted to the industry or storage purposes strictly incidental to such primary use provided that not more than five (5) employees shall be engaged at any time on the premises in any such incidental use and that the type of industrial use falls under the classification of Limited Industrial Use in Specification E.

6-12-4-4: Conditional Exceptions

Applicable to all commercial uses in districts where permitted.

6-12-4-4-1: Maximum Height

The normal maximum height of structures may be increased as follows:

A. Buildings may be erected higher than the normal maximum if they are set back from front and rear property lines, one (1) foot for each two (2) feet of additional height above the normal maximum height.

B. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected at any height not prohibited by other laws or ordinances.

6-12-4-4-2: Front Yard

A. Where twenty-five (25) percent or more of the lots within a block are occupied by buildings, or, where no determined block exists; within a hypothetical block, 660 feet in length, the average set-back of such buildings may determine the minimum dimension of a front yard within the block or in the center of such hypothetical block, but the maximum front yard need not exceed the standards provided for each district.

B. Front yard or setback lines established in recorded subdivisions establish the dimensions of front yards in such blocks, except when such setback lines may be less restrictive as provided in 6-1-1-4.

C. On lots extending through from one street to another, a front yard is required on each street.

6-12-4-4-3: Rear Yard

On corner lots, side yard dimensions shall prevail for interior yards.

6-12-4-4-4: Vehicle Parking Space

A. Groups of uses require Vehicle Parking Space may join in establishing group parking areas with capacity aggregating that required for each participating use.

B. Vehicle parking requirements shall not apply in a block, fifty (50) percent or more of the area of which was occupied by business or industrial structures at the time passage of this Article 6.

6-12-5: Specification E - Industrial Uses

6-12-5-1: Limited Industrial Uses

6-12-5-1-1: Definition

A limited industrial use is one which ordinarily uses only light machinery, is conducted entirely within enclosed, substantially constructed buildings, does not use the open area around such buildings for storage of raw materials, manufactured products, or for any other industrial purpose other than loading and unloading operations in the rear; and which is not noxious or offensive by reason of the emission of smoke, soot, fumes, gas, odors, noises or vibrations beyond the confines of the building.

6-12-5-1-2: Locations Permitted

Locations are permitted in the "GB", "LI", and "I" districts.

6-12-5-2: Light Industrial Uses

6-12-5-2-1: Definition

A light industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing, heavy repairing, dismantling, storage or disposal of raw materials, manufactured products or wastes, which is not injurious to health or safety of humans or animals, or injurious to vegetation; and which is not noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors, or vibrations beyond the limits of the premises upon which such industry is conducted.

6-12-5-2-2: Interpretation

The following named uses shall be deemed to include those uses or buildings in general keeping with and appropriate to the uses hereinafter specified.

Included in this classification are all industrial uses complying with the above definition, plus:

- A. Grain Elevator or Feed Mixing Plant
- B. Poultry Slaughtering and Wholesaling
- C. Veterinary Hospital or Kennel
- D. Bulk Storage of Inflammable Tanks, excluding Oil Refinery Tanks
- E. Truck Terminal
- F. Railroad Freight House
- G. Utilities Storage Yard
- H. Coal, Coke, or Wood Yard
- I. Lumber Yard
- J. Contractor's Plan or Storage Yard
- K. Bus Line Shops or Garage
- L. Building Material Storage Yard
- M. Carting, Express, Hauling, or Storage Yard

6-12-5-2-3: Location Permitted

In "LI" and "I" Districts.

6-12-5-3: Heavy Industrial Uses

6-12-5-3-1: Definition

A heavy industrial use is one which requires buildings and open area for manufacturing, fabricating, processing, heavy repair, dismantling, storage or disposal of raw materials, manufactured products or wastes; which is not injurious to health or safety of humans or animals, or injurious to vegetation; and which has not been declared a nuisance in any court of record.

6-12-5-3-2: Location Permitted

The following classifications of industrial uses are permitted in the "I" district:

- A. Any industry complying with the above definition
- B. Railroad Yards and Shops

6-12-5-4: General Provisions

Applicable to all industrial uses in districts where permitted.

6-12-5-4-1: Building Heights, Yards, Lot Coverage, and Vision Clearance

Permitted as specified in Chart No. 2 in this Article 6.

6-12-5-4-2: Rear Yard

One-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.

6-12-5-4-3: Vehicle Parking Space

One vehicle parking space for each three (3) employees shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals.

6-12-5-4-4: Loading and Unloading Berths

Shall be provided on the lot as follows:

Gross Floor Area, Square Feet:	Loading & Unloading Berths:
15,000 or less	1
15,0001 to 40,000	2
40,001 to 100,000	3
Each 40,000 additional	1 Additional

6-12-5-4-5: Paving

Open parking area, loading and unloading berths shall be paved with a dust-proof or hard surface meeting the standard specifications of the county.

6-12-5-5: Conditional Exceptions

Applicable to all industrial uses.

6-12-5-5-1: Maximum Height

A. Buildings may be erected higher than the normal maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the normal maximum height.

B. Chimneys, cooling towers, elevators, bulkheads, fire towers, penthouses, tanks, water towers transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

6-12-5-5-2: Vehicle Parking Space

A. Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each participating use.

B. Vehicle parking requirements may be waived by the Board of Zoning Appeals in a block of fifty (50) percent or more of the area of which was occupied by business or industrial structures at the time of passage of this Article 6.

6-12-6: Specification F - Contingent Uses

6-12-6-1: Definition

Uses which are likely or able, but not certain to occur, and which are not inappropriate to the principal use of the district in which located.

6-12-6-2: Location Permitted and Vehicle Parking Space Required

Contingent uses listed in Chart No. 3 of this Article 6 are permitted in the districts indicated. Parking spaces shall be provided as specified for each use, on the lot, or within 300 feet thereof, on a site approved by the Board. Spaces may be open or enclosed.

6-12-6-3: General Provisions and Exceptions

6-12-6-3-1: Paving, Parking Area

Open parking areas shall be paved with a dust-proof or hard surface meeting the minimum standards of the County.

6-12-6-3-2: Parking, Churches or Temples

A church or temple requiring parking area at times when nearby uses do not need their parking facilities, may by agreement, approved by the Board, utilize such facilities in lieu of providing their own parking facilities.

6-12-6-3-3: Height Permitted - Normal Maximum

A. Thirty-five (35) feet in "A", "R-1", "R-2", and "R-3" districts

B. Forty-five (45) feet in "LB" districts

C. Sixty (60) feet in "GB", "LI", and "I" districts

6-12-6-3-4: Height - Exception

If set back from all required yard lines as follows:

A. Additional two (2) foot setback for each foot of additional height in "A" and "R" districts.

6-12-6-3-5: Height - Towers, etc.

Spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, water towers, transmission towers, and other essential mechanical appurtenances may be erected to any height not prohibited by law.

6-12-6-3-6: Provisions for Yards, Vision Clearance, & Accessory Buildings

As they pertain to each classification of residential, commercial, and industrial use specified in this Article 6, shall also apply to each similarly classified contingent use.

6-12-6-3-7: Approval by the Administrative Building Council of Indiana

The approval by the Administrative Building Council of Indiana is required for all contingent use structures or improvements before construction is started.

6-12-7: Specification G - Conditional Uses

6-12-7-1: Permits for Conditional Uses

A. The uses listed in Chart No. 4 of this Article 6 or structural alterations thereto, which are classified as Conditional Uses, may be permitted by the Board of Zoning Appeals, in accordance with the procedure specified herein. The Zoning Administrator shall issue an improvement location permit for such use if so directed by said Board, indicating all conditions imposed as determined at the time of approval.

B. The uses listed in Chart No. 4 of this Article 6 are not be construed as limitations, but descriptive of a type of use, and, any use which the Board determines would come within a category includable as such.

C. Non-conforming commercial and industrial uses may be enlarged or expanded on the property now occupied or on adjacent property, but not exceeding one hundred (100) feet distant from the property lines of the property now occupied.

6-12-7-2: General Provisions

A. Conditional use approved by the Board shall not be used or engaged in, and no construction shall start until proper clearance has been provided by an improvement location permit issued by the Zoning Administrator; such permit shall be applied for within three (3) months from the date of Board approval.

B. A conditional use must be completed and in full effect within one (1) year from the date of Board approval, at which time a review by the Board for renewal consideration shall be mandatory for valid continuance, if not in full operation as originally granted.

C. The abandonment or discontinuance of a conditional use for one (1) year or more shall be considered no longer a valid use, and may be resumed only after approval by the Board following compliance with the procedure outlined in paragraph "B", 6-12-7-1, with this specification.

D. No conditional use granted by the Board shall be changed, altered, or expanded at any future time beyond the limitations as determined by the Board at the time of original approval, without a new application, outlining in detail the nature of such change, alteration or expansion and the reasons for same. Such application shall be processed as set forth in 6-12-7-1(B) of this specification.

E. All conditional use structures shall be approved by the Administrative Building Council of Indiana, prior to construction or improvement.

6-12-8: Specification H - Vehicle Parking Space

6-12-8-1: Specific Requirements

A. The Specifications B, C, D, and F, described in 6-3-6 of this article specify the off-street parking requirements for each type of use permitted under the provisions of this Article 6.

6-12-8-2: Permits for Parking Lots in Residential Districts

A. In order to meet requirements for vehicle parking space, where such space is not available on the lot occupied by a building, as specified in Specifications B to F inclusive, the Board of Zoning Appeals may, after receipt of a favorable report from the County Plan Commission of the proposal, and after public notice and hearing, grant a permit for the establishment of a parking lot in a "A", "R-1", "R-2", and "R-3" district provided that the entire area of the parking lot is within three hundred (300) feet of an "LB", "GB", "LI", or "I" district or, in the case of a church or other place of congregation in an "A", "R-1", "R-2", and "R-3" district, immediately adjacent to such church or other place of congregation, and provided further that:

1. There shall be no sales, dead storage, repair work, dismantling, or servicing of any kind on said parking lot.
2. Entrances and exits shall be approved as to location by the County Plan Commission.
3. No parking shall be permitted nearer than two (2) feet from the front or side lot line.
4. Except for otherwise approved entrances and exits, a curb or rail not more than two (2) feet in height and not less than eight (8) inches in height, shall be erected so as to conform with the required front lot line and may be along boundaries of the parking lot as determined by the County Plan Commission for the protection of adjoining residentially zoned or used property.
5. The lot shall be surfaced with a dust-proof or hard surface meeting the standard specifications of the county.
6. No advertising signs shall be erected upon such lot, except not more than one (1) sign on each street side to indicate the operator and purpose of the lot. Such sign shall not exceed twenty (20) square feet in overall height above the ground level.
7. Lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or use.

8. If at any time after the issuance of the required permits, any of the provisions of this Section are not complied with the permits shall be revoked.

6-12-9: Specification I - Subdivisions, Planned Unit Development Plan

6-12-9-1: Approval Procedure

All subdivisions of land and planned unit developments shall be defined, processed, and regulated as set forth in the Starke County Subdivision Control Regulations, as subsequently amended.

6-12-9-2: Location Permitted

All subdivision of land and planned unit developments shall be permitted in all districts, provided that the planned uses within each such project shall meet the requirements for each zoning district as set forth in the Ordinance Z-1.

6-12-10: Specification J - Signs

6-12-10-1: Specific Requirements

A. No sign shall be erected, placed attached or painted, in any district except as hereinafter provided.

B. No sign erected before the enactment of this Article 6 shall be altered in any respect except in compliance with the provisions of this Article 6.

C. The size and location of all types of signs shall be subject to the following regulations, in the districts and areas specified.

6-12-10-2: Agricultural and Undeveloped Commercial and Industrial Districts

A. Signs pertaining to a home occupation or sale of farm produce is not to exceed twelve (12) square feet, and limited to advertising items crafted or grown on the premises and located not more than one hundred and fifty (150) feet from the actual entrance to the use.

B. To free standing non-accessory signs of not less than twenty-five (25) square feet in size and not less than five (5) feet in total height, measured from

ground level. For example, any sign advertising a business, use, activity, product or merchandise not sold, handled or occurring on the property on which the sign is located, shall be subject to the following:

1. Such sign or billboard shall be set back from road or highway right-of-way lines and at a minimum distance from a line projected perpendicular from any dwelling, church, school, or public building as follows:

a. Two hundred (200) to three hundred (300) feet from such structure-set back shall be fifty (50) feet minimum.

b. Three hundred and one (301) to four hundred and fifty (450) feet from such structure- set back shall be thirty (30) feet minimum.

c. Four hundred and fifty-one (451) to six hundred and sixty (660) feet from such structure- set back shall be twenty (20) feet minimum.

d. Over six hundred and sixty (660) feet from such structure- set back shall be ten (10) feet minimum.

2. Distance from a side property line shall be twenty-five (25) feet when such property line is a division line of property ownership.

3. One hundred (100) feet from a railroad or crossroad intersection; a "T" road or highway entrance; a bridge or stretch of highway that is specified as being hazardous by the state or county; a turn on the highway or an entering road or land, and the curve of a curved road or highway.

6-12-10-3: Residential Districts

A. Name plate or sign - one (1) per dwelling unit, not to exceed one (1) square foot in area.

B. Home occupation sign - not to exceed two (2) square feet in area, provided however, if such signs are illuminated, such illumination shall be shaded so as to project downward and no glare shall be discernible from neighboring properties.

C. Temporary sign - one (1) per lot or use, not to exceed twelve (12) square feet in area, pertaining to sale or rental of property on which it is located; or giving names of contractors, engineers, and or architects during construction period.

D. Temporary sign - one (1), not to exceed more than one hundred (100) square feet in area and no single dimension to exceed twelve (12) feet, advertising the sale of lots within a subdivision and located thereon, providing that not more than one (1) such sign be located at each major approach to the subdivision.

E. All churches, public or parochial, primary or secondary schools and all institutions shall be limited to one (1) free standing sign, not to exceed twenty-four (24) square feet in area. In the event such church, school, or institution faces more than one (1) street, one (1) sign per street may be permitted.

F. All signs except as mentioned in this 6-12-10-3 and Specification H, 6-12-8-2(A), (6), and official signs of governmental agencies are prohibited in residential districts.

6-12-10-4: Commercial and Industrial Districts

Except as provided in 6-12-10-2 of this specification.

A. Signs or billboards permitted except as restricted in Specification H, 6-12-8-2(6), and provided that same are located at a minimum of ten (10) feet from any right-of-way or property lines, and subject to the following:

1. When such sign is located within fifty (50) feet of a residential district boundary line, it shall be affixed to or be a part of any building, and shall not extend over any street line nor project above the established maximum building height.

2. No flashing sign shall be located within three hundred (300) feet of a residential district.

3. No free standing sign or billboard shall exceed three hundred (300) square feet in area.

6-12-10-5: Approved Planned Shopping Center

A. One (1) sign not to exceed three hundred (300) square feet in area on each thoroughfare on which the shopping center has established entrance drives. Such signs shall give the name of the center and may be used to give the names of individual stores but shall not be used to advertise any products or merchandise within the center.

B. No free standing sign or billboard shall be permitted within the shopping center, except as provided in Subsection A above, and as provided in Specification H, 6-12-8-2(6).

C. Signs attached to buildings, not projecting above the established maximum building height, shall be permitted, provided that such signs shall give the name of the store or use but shall not be used to advertise merchandise sold on premises.

D. Small hanging signs, not to exceed four (4) square feet in area shall be permitted within the pedestrian mall or over walkways at a minimum height of seven and one-half (7 1/2) feet above the walkway, attached to the store or use, and at no time being used for advertising products or merchandise sold on the premises. All such signs shall be of a uniform design throughout the center.

E. The nature of all signs within the shopping center shall be included in the Final Development Plan and shall be subject in all respects to the approval or disapproval of the Board of Zoning Appeals.

6-12-10-6: General Provisions

A. All signs, either of a temporary or permanent nature, shall be constructed and maintained in a presentable manner for the life of the sign.

B. Any lawful non-conforming sign that is or becomes in run-down or objectionable condition shall be removed from the premises.

C. All new signs as defined under this Article 6 except those referred to in 6-12-10-4 and in 6-12-10-5, as well as subsection E of 6-12-10-6, shall require a location permit.

D. Hazards Caused by Signs

6-13-1 Wind Energy Conversion Systems Site Regulations

6-13-1-1: Purpose, Intent, and Administration

A. Purpose

The purposes of this Chapter are to:

1. Assure that any development and production of wind-generated electricity in Starke County is safe and effective;
2. Facilitate economic opportunities for local residents; and
3. Promote the supply of wind energy in support of Indiana's alternative energy sources potential and other such economic development tools.

B. Intent

It is the intent of the Wind Energy Conversion Systems (WECS) site regulations to provide a regulatory scheme for the construction and operation of WECS in the county; subject to reasonable restrictions these regulations are intended to preserve the health and safety of the public.

C. Administration

This ordinance shall be administered by the Starke County Plan and Zoning Administrator under the direction of the Starke County Plan Commission. The Starke County Plan Commission shall approve and issue all WECS permits. The Starke County Board of Zoning Appeals shall hear and decide all variations from this ordinance.

6-13-1-2 Applicability

The provisions of this Chapter are applicable to those areas which allow wind energy conversion systems (WECS), govern the sites of WECS and substations that generates electricity to be sold to wholesale or retail markets, or that generate electricity for private use. A reasonable attempt shall be made to notify all property owners within the defined area of the WECS project prior to making application for a WECS permit. Notification may be done by media, separate mailings, or through the public notice requirements prescribed by IC 5-3-

1 as amended from time to time. Said notice shall inform land owners of the intent to build any WECS and/or WECS project.

6-13-1-3 Prohibition

No applicant shall construct, operate, or locate a wind energy conversion system (WECS) within Starke County without having fully complied with the provisions of this Chapter.

6-13-1-4 Conflict with Other Regulations

Nothing in this Chapter is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration rules and regulations and shall comply with the notification requirements of the Federal Aviation Administration. Nor are they intended to interfere, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

6-13-1-5 Definitions

For the purposes of this Article, the following definitions shall apply:

1. WECS - Wind Energy Conversion System: An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers, which operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

2. Wind Turbine: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

3. Commercial or Utility WECS: Any WECS that is exclusively designed and built to provide electricity to the electric utilities power grid as an ongoing commercial enterprise or for commercial profit, and is over the size of 900kW.

4. Micro-WECS: Micro-WECS are WECS of 1kW or less that are used to power accessory machinery or buildings in a remote area where it is not feasible or cost effective to connect to a utility company.

5. Non-Commercial or Industrial WECS: Any WECS of less than 900kW but more than 40kW that is used for the purpose of supplying electric for use to a business or commercial enterprise, it may be connected to a utility power grid.

6. Residential WECS: Any WECS that is connected to a residence for the purpose of supplying electric for its own use, and may be connected to the utility company through net-metering and cannot be of a size larger than 40kW.

7. Aggregated Project: Aggregated projects are those which are developed and operated in a coordinated fashion, but which may have multiple entities separately owning one (1) or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

8. Feeder Line: Any power line that carries electrical power from one (1) or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electrical power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

9. Meteorological Tower: For the purpose of the WECS Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to site development of a WECS. Meteorological Towers do not include towers and equipment used by airports, the Indiana Department of Transportation, or other similar applications to monitor weather conditions.

10. Property Line: The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installing a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

11. **Public Conservation Lands:** Land owned in fee title by State or Federal agencies and managed specifically for (grassland) conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges, and Waterfowl Production Areas. For the purpose of this section, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to the public agencies or non-profit conservation organizations.

12. **Rotor Diameter:** The diameter of the circle described by the moving rotor blades.

13. **Substations:** Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.

14. **Total Height:** The highest point above ground level reached by a rotor tip or any other part of the WECS.

15. **Tower:** Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

16. **Tower Height:** The total height of the WECS exclusive of the rotor blades.

17. **Transmission Line:** Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

18. **Default:** Any violation of the requirements of the approved application.

6-13-1-6 Zoning Regulations

A. Location

Commercial, non-commercial, and micro-WECS will be permitted, or not permitted, in various zoning districts as prescribed by the Official Schedule of Uses, Appendix A.

B. Height

1. Non-Commercial WECS or Meteorological Towers

Any non-commercial WECS Towers or Meteorological Towers greater than two hundred (200) feet in height shall require a variance approval.

2. Commercial WECS or Operational Support Meteorological Towers

For commercial WECS Towers and Operational Support Meteorological Towers, there are no limitations on height, except those height limitations imposed by Federal Aviation Administration rules and regulations.

3. Micro-WECS

No micro-WECS Tower shall exceed sixty (60) feet in height.

6-13-1-7 Setback Requirements

A. Minimum setback distances for Commercial WECS Towers

Distance from a....	Minimum Setback Distance
Property line, measured from the center of the WECS Tower to the property line	<p>The length of one (1) blade of the WECS Tower being placed on such property.</p> <p>The setback requirement is waived if the affected adjoining landowners sharing the common property line are participating landowners.</p> <p>A WECS Tower may be placed up to the property line, if a fully executed and recorded written waiver agreement is secured from the affected adjoining</p>

Residential dwellings, measured from the center of the WECS Tower to the nearest corner of the structure

Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way

non-participating landowner.

One thousand (1,000) feet
See Footnote 1

1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than three hundred and fifty (350) feet
See Footnote 2

A. Minimum setback distances for Commercial WECS Towers

Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than three hundred and fifty (350) feet
Public conservation lands, measured from the center of the WECS Tower to the nearest point of the public conservation land in question	Seven hundred and fifty (750) feet
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS Tower to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers
Yellow and Kankakee River measured from the center of the WECS Tower to the shoreline	One-half (1/2) mile
Incorporated limits of a municipality, measured from the center of the WECS Tower to the corporate limits	Fifteen hundred (1,500) feet
Above-ground electric transmission line, measured from the center of the WECS Tower	1.1 times the total height (where the blade tip is at its highest point)

Footnote 1: The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within one thousand (1,000) feet of a commercial WECS Tower, measured from the center of the WECS Tower to the nearest corner of the structure.

Footnote 2: The setback shall be measured from future rights -of-way width if a planned public road improvement or expansion is known at the time of application.

B. Commercial WECS Power Collection and Transmission System

1. WECS Substation

For all substations, setbacks from property lines are waived if the affected adjoining landowners sharing the common property line are all participating landowners.

2. Poles

For all poles carrying overhead wiring connecting Commercial WECS Towers to a Substation for connection to a utility's electric transmission line, there is no setback requirements from property lines as long as the poles are located within a recorded easement for such purpose.

Minimum Setback Distances for Non-Commercial and Micro WECS Towers

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the WECS tower to the property line	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Residential dwellings, measured from the center of the WECS Tower to the nearest corner of the structure	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point)
Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Public conservation lands, measured from the center of the WECS Tower to the nearest point of the public conservation land in question	Seven hundred and fifty (750) feet

Minimum Setback Distances for Non- Commercial and Micro WECS Towers

Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS Tower to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers
Distance from a...	Minimum Setback Distance
Yellow and Kankakee River measured from the center of the WECS Tower to the shoreline	One-half (1/2) mile
Incorporated limits of a municipality, measured from the center of the WECS Tower to the corporate limits	Fifteen hundred (1,500) feet
Above-ground electric transmission line, measured from the center of the WECS Tower	1.1 times the total height (where the blade tip is at its highest point)

6-13-2 Commercial WECS Power Collection and Transmission System

A. WECS Substation

For all substations, setback from property lines are waived if the affected adjoining landowners sharing the common property line are all participating landowners.

B. Poles

For all poles carrying overhead wiring connecting Commercial WECS Towers to a substation for connection to a utility's electric transmission line, there is no setback requirements from property lines as long as the poles are located within a recorded easement for such purpose.

Minimum Setback Distances for Non-Commercial and Micro WECS Towers

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the WECS Tower to the property line	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Residential dwellings, measured from the center of the WECS Tower to the nearest corner of the structure	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point)
Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Public conservation lands, measured from the center of the WECS Tower to the nearest point of the public conservation land in question	Seven hundred and fifty (750) feet
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS Tower to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers
Yellow and Kankakee River measured from the center of the WECS Tower to the shoreline	One half (1/2) of a mile
Above-ground electric transmission lines, measured from the center of the WECS Tower	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point)

6-13-3 Horizontal extension for Non-commercial and Micro WECS

The furthest horizontal extension (including guy wires) shall not extend into a required setback by the zoning district or be closer than twenty (20) feet to any primary structure, or public right-of-way easement for any above-ground telephone, electric transmission, or distribution lines.

Minimum Setback Distances for all Meteorological Towers

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the Meteorological Tower to the property line	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback. The setback requirement is waived if the affected adjoining landowners sharing a common property line are participating landowners.
Residential dwellings, measured from the center of the Meteorological Tower to the nearest corner of the structure	1.1 times the total height of the Meteorological Tower
Public road right-of-way, measured from the center of the Meteorological Tower to the edge of the right-of-way	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback*
Other rights-of-way, such as railroads and public utility easements, measured from the center of the Meteorological Tower to the edge of the right-of-way	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback

*The setback shall be measured from the future public rights-of-way width if a planned public road improvement or expansion is known at the time of application

B. Horizontal Extension for all Meteorological Towers

The furthest horizontal extension (including guy wires) shall not extend into a required setback by the zoning district or be closer than twenty (20) feet to any primary structure, or public right-of-way easement for any above-ground telephone, electric transmission, or distribution lines.

6-13-4 Safety Design and Installation Standards

A. Equipment Type

1. Turbines

All turbines shall be constructed of commercially available equipment.

2. Meteorological Towers

All Meteorological Towers may be guyed.

3. Experimental or prototype equipment

Experimental or prototype equipment still in testing which do not fully comply with industry standards may be approved by the Board of Zoning Appeals per the variance process established by this Ordinance.

B. Industry Standards and Other Regulations

All WECS shall conform to applicable industry standards, as well as all local, state, and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

C. Controls and Brakes

1. Braking System

All WECS Towers shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip,

and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.

2. Operation Mode

All mechanical brakes shall be operated in a fall-safe mode.

D. Electrical Components

1. Standards

All electrical components of all WECS shall conform to applicable local, state, and national codes, and any relevant national and international standards.

2. Collection Cables

All electrical collection cables between each WECS Tower shall be located underground whenever possible.

3. Transmission Lines

All transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the land owner or the land owner's designee until the same reach the property line or a substation adjacent to the property line.

E. Color and Finish

In addition to all applicable Federal Aviation Administration requirements, the following shall also apply:

1. Wind Turbines and Towers

All wind turbines and towers that are part of a WECS shall be white, grey, or another non-obtrusive color.

2. Blades

All blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.

3. Finishes

Finishes shall be matte or non-reflective.

4. Exceptions

Exceptions may be made for all Meteorological Towers, where concerns exist relative to aerial spray applicators.

F. Warnings

1. Commercial WECS

The following notices shall be posted for all Commercial WECS:

A. A sign or signs shall be posted on the pad-mounted transformer and the substation(s) warning of high voltage.

B. Private roads providing access to Commercial WECS shall have posted an Emergency-911 address road sign.

2. Guy Wires and Anchor Points

For all guyed towers, one of the following warning mechanisms shall be used for each anchor point:

A. Visible or Reflective Objects

Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the anchor points of guy wires and along the innermost guy wires up to eight (8) feet above the ground.

B. Visible Fencing

Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.

3. Non-Commercial WECS and Micro WECS

A. The following notices shall be clearly visible on all non-commercial WECS and Micro WECS Towers and accessory facilities:

- i. "No Trespassing" signs shall be attached to any perimeter fence.
- ii. "Danger" signs shall be posted at the height of five (5) feet on WECS Towers and accessory structures.
- iii. A sign shall be posted on the WECS Tower showing an emergency telephone number.
- iv. The manual electrical and/or over speed shutdown disconnect switch(es) shall be clearly labeled.

4. Meteorological Towers

A. Consideration shall be given to paint aviation warnings as required by the Federal Aviation Administration on all Meteorological Towers.

B. Climb Prevention

All Commercial WECS Tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:

1. Fences with locking portals at least six (6) feet in height; or
2. Anti-climbing devices fifteen (15) feet vertically from the base of the WECS Tower; or

3. Locked WECS Tower

doors. C. Blade Clearance

The minimum distance between the ground and any protruding blade(s) utilized on all Commercial WECS Towers shall be twenty-five (25) feet as measured by the lowest point of the arc of the blades. The minimum distance between the ground and any protruding blade(s) utilized on all non-commercial or Micro WECS Towers shall be a minimum of fifteen (15) feet, as measured at the lowest point of the arc of the blades, provided the rotor blade does not exceed twenty (20) feet in diameter. In either instance, the minimum distance shall be

increased as necessary to provide for vehicle clearance in locations where oversized vehicles might travel.

D. Lighting

1. Intensity and Frequency

All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the Federal Aviation Administration permits and regulations.

2. Shielding

Except with the respect to lighting required by the Federal Aviation Administration, lighting may require shielding so that no glare extends substantially beyond any WECS Tower.

E. Materials Handling, Storage, and Disposal

1. Solid Wastes

All solid wastes whether generated from supplies, equipment, parts, packaging, operation, or maintenance of the WECS, including old parts and equipment related to the construction, operation, and/or maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

2. Hazardous Materials

All hazardous materials or waste related to the construction, operation, and/or maintenance of any WECS shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

1.8: Other Applicable Standards

A. Guyed Wire Anchors

No guyed wire anchors shall be allowed within any required public road right-of-way setback.

B. Sewer and Water

All facilities or structures that are part of the WECS Project shall comply with the existing septic and well regulations as required by the Starke County Health Department and/or the State of Indiana Department of Public Health.

C. Noise and Vibration

The noise level of non-commercial WECS shall be no greater than sixty (60) decibels measured from the nearest residence. This level may only be exceeded during short-term events such as utility outages and/or severe wind storms. All other noise and vibration levels shall be in compliance with all county, state, and federal regulations.

ARTICLE 6-14 COMMUNICATIONS FACILITIES

SECTION 6-14-1: PURPOSE

- A. To regulate the construction, erection, placement, and modification of communication facilities.
- B. To protect Starke County from communication facilities that are incompatible with existing or future land use, health, safety, or welfare of its citizens.
- C. To assure placement of facilities in areas that will cause the least disruption, obtrusiveness, and visibility to residential, park, or greenway areas.
- D. To facilitate installation and long-range planning of necessary wireless communication, infrastructure, and technology.

SECTION 6-14-2: APPLICATION

- A. All construction, placement, and modification of communication facilities within unincorporated areas of the County of Starke, Indiana, and not within the limits of a city or town's perimeter jurisdictional limits, shall conform to the requirements of this Article, as well as Indiana and Federal regulations.

SECTION 6-14-3: DEFINITIONS

- A. Antenna: a device that transmits or receives radio, television, telephone, or spectrum-based signals which include omni directional (whip), directional (panel), and free-standing antennas.
- B. Co-Location: a single site where equipment from multiple providers is located.
- C. Commercial Wireless Service: cellular, personal communication service (PCS), specialized mobile radio (EMR), paging, cellular telephone, or similar service marketed to the general public and licensed by the FCC.
- D. Communications Facility (aka facility): infrastructure including the compound, towers, accessory buildings, power source, supporting antennas, and anything else at the site that makes possible or enhances the transmission or reception of signals to an antenna.
- E. Tower: a structure that is designed and erected for the single use of supporting antennas, including guyed towers, wooden poles, lattice towers, and monopoles capable of accommodating multiple varieties of transmission devices and antenna users.
 - 1. Guy Tower: a tower, 100-400 feet high, anchored by cables.

2. Lattice Towers: a freestanding tower 60-400 feet high with 3-4 support legs.
 3. Monopoles: a single pole, freestanding tower larger in diameter at its base tapering at the top.
- F. Fail Area: the structurally designed area surrounding a tower quantified as linear distance from the base of the tower to the outer edge of this perimeter area in which a tower could fall, should it fall as designed.
- G. Radio Frequency Emission (RF): a non-ionizing electromagnetic energy used to transmit communication signals through air space, usually absorbed as heat, if absorbed at all.
- H. Tower Height: the vertical distance from the ground to the highest point of the tower assembly including antenna, devices, ground or building connections, and any other communications facility.
- I. Tower Setback: the horizontal distance from the base of a tower to an abutting property line, right of way, road, easement, or structure.

SECTION 6-14-4: EXISTING FACILITIES

- A. Communication facilities in existence on the effective date of this Article which do not conform or comply with the provisions of this Article are subject to the following criteria.
1. Legal Non-Conforming Facility. Any communication facility located within unincorporated areas of Starke County which were permitted through prior Planning Commission or Board of Zoning Appeals approvals and do not contain exceptions noted with Loss of Legal Status found in 2. Below.
 2. Loss of Legal Status. A legal but non-conforming communications facility shall lose its approved status if:
 - a. The facility has been improperly installed.
 - b. The facility constitutes a threat to public safety or health.
 - c. The facility is not maintained or exceeds its expected life.
 - d. The facility is not in use for a period more than 90 days.
 - e. The facility is damaged or has been structurally altered.
 - f. The facility has been demolished, partially dismantled, or removed.
 - g. The permit, variance, or other condition under which the facility was allowed or time for existence has expired.
 3. Unlawful Facility:

- a. Any facility which interferes with public safety communications or transmissions
- b. Any communications facility that is not a legal non-conforming facility or is not otherwise in compliance with this Article.

All unlawful facilities shall be removed within 90 days of served written notice to the landowner and/or tower owner.

SECTION 6-14-5: NEW FACILITIES

All commercial towers or facilities constructed, erected, or located within the unincorporated areas of the County of Starke Indiana after this Article becomes effective shall comply with the following criteria:

- A. Co-location: A communications facility may be built in any area in Starke County that is NOT zoned R-1, R-2, or R-3 provided that the proposed communications facility cannot be co-located upon an existing tower or building in an existing communications facility and provided that a favorable decision from the Starke County Board of Zoning Appeals is first obtained. A proposed communications facility does not meet the requirements for co-location if it has been documented by an Indiana Professional Engineer that:
 1. There is not a tower or building that has already been approved as a communications facility within a two-mile search area of the proposed communication facility site.
 2. That a tower or building that has already been approved as a communications facility within a two-mile search area of the proposed communications facility site is not acceptable because of one or more of the following reasons:
 - a. The planned equipment exceeds the structural capacity of the existing tower building.
 - b. The existing tower or building cannot be reinforced to accommodate planned equipment at a reasonable expense.
 - c. The planned equipment causes interference or materially impacts the usability of other existing or approved facilities.
 - d. Existing towers or facilities within the search area cannot provide the height necessary to function as required for the proposed equipment.

- e. Other unforeseen reasons that make it unfeasible to locate the planned facility upon an existing tower or building.
- B. If a communication facility does not meet the requirements for co-locations, then an application will be submitted to the Board of Zoning Appeals containing all the information that is required for a new location application.
- C. Information required for new location permits.
1. Structural, architectural, civil, and electrical designs for the proposed communications facility.
 2. Site plans that show not only the parcel on which the facility will be built, but also all adjacent property parcels, right-of-way easements, utility services, and setback lines.
 3. If the facility is for antenna use, designs shall be noted for one (1) additional future user if tower height is sixty (60) to one hundred (100) feet high, and two (2) additional future users if tower height exceeds one hundred (100) feet.
 4. Designs showing the towers and antennas will blend into the natural surrounding environment through the use of color unless color is dictated by federal or state authorities.
 5. Documentation showing that the proposed communication facility is in compliance with the FCC RF emissions and exposure ratings.
 6. Site plans shall indicate that the communication facility and towers shall have a setback from the right of way roads and property lines greater than the total height of the tower and any building or other structure underneath the tower.
 7. Designs showing the accessory utility buildings blend in with the surrounding environment, with vegetation screens provided if within $\frac{1}{4}$ mile of a residential area.
 8. Designs showing a minimum of 6 feet high, locking security fence installed within 10 feet of all accessible ground mounted tower bases, equipment pads, power supplies, and guy anchors.
 9. Documentation showing that the communication facility is not in an area zoned residential unless a use variance has been obtained from the Stake County Board of Zoning Appeals.
 10. Documentation showing that signage is limited to entry signage indicating ownership of the facility, warnings, safety and 24-hour emergency telephone number.

11. Documentation showing that no commercial advertising will be allowed on communication facilities , towers, or fencing.
12. Documentation showing that any roof mounted antenna does not exceed 20 feet above any zoning district building height.
13. Documentation showing that tower lighting is limited to service area or beacon strobes as required by the FAA or other Federal or State Agency.
14. For antennas mounted on existing towers, poles, structures, or buildings, designs by an Indiana structural engineer, showing anchoring details, points of attachment, and structural conditions of the existing facility before and after said proposed installation.

SECTION 6-14-6: APPROVAL PROCESS

- A. The Starke County Board of Zoning Appeals shall review all permanent requests for communication facilities and either grant or deny each request.
- B. All applications must be submitted by the property owner or proposed facility owner and consist of:
 1. Name, address, and telephone number of applicants.
 2. Name, address, and telephone number of property owner.
 3. Name, address, and telephone number of designing engineer.
 4. Name, address, and telephone number of facility supplier and facility owner, erection or alteration contractor and approximate installation time in weeks, after permit approval, if approved.
 5. Design data described in Section 5.
 6. Written consent of property owner for facility erection
 7. Written proof the communication facility will be in service within 30 days of facility completion.
 8. Written consent from facility owner and users that its successors or heirs shall allow shared use of the facility if permit is granted.
 9. Written documentation from the FCC that:
 - a. This new work or facility causes no interference with the transmission of other communications facilities.
 - b. This new work cannot be installed within or onto any existing facility.
 10. A non-refundable application fees. This fee may be waived by the Starke County Plan Commission for family-owned farms, personal use, or government entities.

11. The communication facility complies with this Article, other related Articles, as well as applicable state and federal laws and regulations.
- C. All proposed communication facility applications, designs, and written documents shall be submitted within the deadline of the Board of Zoning Appeals secretary.

SECTION 6-14-7: INSPECTIONS

- A. All communication facility components including foundation wiring and construction process may be subject to inspection by the Plan Commission, Board of Zoning Appeals, or its designee at no cost to the county.
- B. Prior to building of a communications facility, a survey by an Indiana land surveyor shall be submitted to the Plan Commission showing all easements, property lines, and other civil data and including a statement sworn to by the surveyor that the communications facility is in compliance with the site and design plans for said facility.

SECTION 6-14-8: RIGHT OF ENTRY

- A. The Board of Zoning Appeals, Plan Commission, or its agent may enter onto any real estate containing a communications facility to determine if said facility is unlawfully erected, altered, or maintained.

SECTION 6-14-9: OTHER CONDITIONS

- A. Abandoned or unused communications facilities, including towers, poles, dishes, antennas, foundations, fencing, etc. shall be removed within six (6) months of operation cessation, by the owner of the facility and/or the property owner, or shall be removed by the County as the property owners of facility owner's expense.
- B. Facilities not in compliance with this Article, or deemed unsafe, or visually damaged shall be brought into compliance within 30 days of notice from the Plan Commission or its agent.
- C. All new communications towers built after July 1, 2010 shall be required to provide Starke County, free of charge, the following spaces and amenities for emergency services:
- a. A space in the electronics building with the following measurements: 3 feet by 3 feet by 7 feet.

- b. Two (2) spaces on the tower for antenna use on the upper third of the tower.
- c. AC power to run the equipment.
- d. Antennas for County use shall be placed in such a way that they do not interfere with any existing equipment already established on the tower.

ARTICLE 6-15: ADOPTION OF INDIANA UNSAFE BUILDING LAW

SECTION 6-15-1. Adoption of the Unsafe Building Law

Pursuant to the authority of I.C. 36-7-9-3, except for some additional language that has been added in Sections 6-16-6 and 6-16-7 which have been noted by underlining said additions, Starke County hereby adopts I.C. 36-7-9, which establishes the Indiana Unsafe Building Law and explicitly incorporates by reference the definition of "substantial property interest" found in I.C. 36-9-7-2.

SECTION 6-15-2. Appointment of Department to Administer

The Starke County Plan Commission shall be the executive department authorized to administer the Article.

SECTION 6-15-3. Construction

Any reference to a state statute in this Article shall be construed to refer to such statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.

SECTION 6-15-4. Penalty for Violation

Violations of this Article shall be addressed as established in I.C. 36-7-9 as it may be amended from time to time.

SECTION 6-15-5. SEVERABILITY

Should any section, paragraph, sentence, clause, or any other portion of this Article be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if, such remaining provisions can, without the invalid provisions shall not be affected, if and only if, such remaining provision scan, without the invalid provisions, be given the effect intended by the adopting body. To this end the provisions of this Article are severable.

SECTION 6-15-6. UNSAFE BUILDINGS AND UNSAFE PREMISES DESCRIBED

(a) For purposes of this chapter, a building or structure, or any part of a building or structure, that is:

(1) in an impaired structural condition that makes it unsafe to a person or property;

- (2) a fire hazard;
- (3) a hazard to the public health;
- (4) a public nuisance such as:

(a) Inoperable Vehicle: Any motor vehicle from which, for a period of at least twenty (20) days, the engine, wheels or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own power. Any motor vehicle that does not a current license plate or current license tags attached to it shall also be considered an inoperable vehicle unless stored in a location that is not visible from public property. Vehicles covered by a tarp or other plastic, vinyl, rubber, cloth, or textile covering are considered to be visible. Inoperable motor vehicle does not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

(1) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment may be stored without a current license plate provided it is stored where it is not visible from public property.

(b) Junk and Debris: Includes but is not limited to garbage, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned with substantial repair) where such object, due to its present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or creating a condition that is detrimental or potentially detrimental to the health and/or safety of the inhabitants of Starke County, Indiana. As used herein the phrase junk and debris does not include inoperable vehicles. Personal goods and articles other than cars, fuel tanks, boats, or similar items too large to be reasonably enclosed shall be stored on the residential premises ONLY in a completely enclosed structure and shall be located to the rear of the dwelling as described in the Starke County Zoning Ordinance 6-12-3-3-D.

(c) Storage of Construction Materials: It is a public nuisance to store lumber or other building materials, construction vehicles, and/or construction

equipment, not in connection with a permitted building project in progress on the property where it is visible from public property.

(5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or

(6) vacant or blighted and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; is considered an unsafe building.

(b) For purposes of this chapter, the following are considered unsafe premises:

(1) An unsafe building and the tract of real property on which the unsafe building is located.

(2) A tract of real property, not including land used for production agriculture, that does not contain a building or structure or contains a building or structure that is not considered an unsafe building, if the tract of real property is:

(A) a fire hazard;

(B) a hazard to public health;

(C) a public nuisance;

(D) a chronic nuisance property, i.e. any property upon which two (2) or more nuisance activities or conditions as defined in this Article, have occurred during any three (3) year period; such chronic nuisance property status shall result either from

(1) two (2) or more distinct types of nuisance conditions or activities on such property (even if arising from the same factual circumstances or investigation),

(2) Two (2) or more separate factual events that have been separately investigated by an enforcement officer involving the same nuisance condition or activity, or

(3) a combination of two (2) or more conditions, activities, or events as described in (1) and (2); or

(E) dangerous to a person or property because of a violation of a statute or an ordinance.

SECTION 6-15-7. HEARING; EXTENSION OF TIME LIMITS; PERFORMANCE BONDS; RECORD OF FINDINGS AND ACTION; PENALTIES

(a) A hearing must be held relative to each order of the enforcement authority, except for an order issued under I.C. 16-7-9-5(a)(2),(a)(3),(a)(4), (a)(5) or I.C. 16-7-9-7.5. An order issued under I.C. 16-7-9-5(a)(2) , 5(a)(3), 5(a)(4), 5(a)(5), or I.C. 16-7-9-7.5 becomes final ten (10) days after notice is given, unless a hearing is requested before the ten (10) day period ends by a person holding a fee interest, life estate interest, mortgage interest, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority.

(b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given, to continue the hearing to a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner prescribed by I.C. 16-7-9-25. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service under I.C. 16-7-9-25 by a method other than publication.

(c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

(d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:

- (1) affirm the order;
- (2) rescind the order; or

(3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.

(e) In addition to affirming the order, in those cases where unsafe structure(s) are determined to exist in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000). The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority may order the civil penalty reduced or stricken if the hearing authority is satisfied that all work necessary to fully comply with the order has been done. For purposes of an appeal under section 8 of this chapter or enforcement of an order under section 17 of this chapter, action of the hearing authority is considered final upon the affirmation of the order, even though the hearing authority may retain jurisdiction for the ultimate determination related to the civil penalty. In the hearing authority's exercise of continuing jurisdiction, the hearing authority may, in addition to reducing or striking the civil penalty, impose one (1) or more additional civil penalties in an amount not to exceed five thousand dollars (\$5,000) per civil penalty. An additional civil penalty may be imposed if the hearing authority finds that:

(1) significant work on the premises to comply with the affirmed order has not been accomplished; and

(2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.

The hearing authority may not impose an additional civil penalty in a hearing to review a civil penalty imposed by the enforcement authority under I.C. 36-7-9-25.

(f) Whoever suffers or permits any public nuisance or nuisances as specified in this Article to exist or continue in violation of this Article shall be subject to a separate fine for each offense. Fines may be assessed by the Starke County Plan Commission, or a Hearing Officer pursuant for failure to abate violations of this Article in accordance with this Article or State of Indiana statute. Each day that a violation of this Article exists or continues shall be considered a separate offense and any fine or fines for these separate offenses shall be assessed in accordance

with applicable Indiana statutes. Any fine or fines shall go into an Unsafe Building Fund.

(1) First Offense: \$360.00 after ten (10) day cleanup period, plus cost of cleanup.

(2) Second Offense: \$700.00 after ten (10) day cleanup period plus cost of cleanup

(3) Third Offense: Referred to Board for Public Hearing. Civil penalty of up to \$2,500 per day plus any administrative fee incurred related to advertising and conducting a public hearing.

(g) Chronic Nuisance Properties. Upon the finding by the Starke County Plan Commission or a Hearing Officer pursuant, the County may record on the chain of title for such property in the Starke County Recorder's Office a notice that such property is a chronic nuisance, provided that a further notice shall later be recorded at such time that the property ceases to be a chronic nuisance property. A property that is found to be a chronic nuisance property shall remain a chronic nuisance property until such time that the Enforcement Officer or the Enforcement Officer's designee certifies that the property has remained nuisance-free for twenty-four (24) consecutive months.

(h) If, at a hearing, a person to whom an order has been issued requests an additional period to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.

(i) If an order is affirmed or modified, the hearing authority shall issue a continuous enforcement order (as defined in I.C. 36-7-9-2).

(j) The board or commission having control over the department shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with IC 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required under subsection (h).

(k) The record of the findings made and action taken by the hearing authority at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.

(l) If a civil penalty or other fine assessed under subsections (e) and/or (f) is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected from any person against whom the hearing officer assessed the civil penalty or fine. A civil penalty or fine may be collected under this subsection in the same manner as costs under I.C. 16-7-9-13. The amount of the civil penalty or fine that is collected shall be deposited in the unsafe building fund.

6-16: FLOODPLAIN MANAGEMENT

6-16-1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

6-16-1-1. Statutory Authorization.

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

6-16-1-2. Findings of Fact.

6-16-1-2-1. The flood hazard areas of Starke County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

6-16-1-2-2 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

6-16-1-3. Statement of Purpose.

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

6-16-1-3-1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

6-16-1-3-2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

6-16-1-3-3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

6-16-1-3-4. Control filling, grading, dredging, and other development which may increase erosion or flood damage;

6-16-1-3-5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands; and,

6-16-1-3-6. Make federally subsidized flood insurance available for structures and their contents in the County by fulfilling the requirements of the National Flood Insurance Program.

6-16-1-4. Objectives.

The objectives of these regulations are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

6-16-2. Definitions.

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

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to

buildings. These areas are labeled as Zone A, Zone AE. Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

6-16-2-1. Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

6-16-2-2. Zone AE and A 1 A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

6-16-2-3. Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

6-16-2-4. Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

6-16-2-5. Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

6-16-2-6. Zone A99: Areas subject to inundation by the one-percent annual chance flood event. but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

6-16-2-7. Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

6-16-2-8. Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

6-16-2-9. Appeal means a request for a review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

6-16-2-10. Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

6-16-2-11. Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

6-16-2-12. Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

6-16-2-13. Building - see "Structure."

6-16-2-14. Community means a political entity that has the authority to adopt and enforce floodplain regulations for the area under its jurisdiction.

6-16-2-15. Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

6-16-2-16. Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools,

nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

6-16-2-17. Development means any man-made change to improved or unimproved real estate including but not limited to:

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

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

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

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

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

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

(7) storage of materials; or

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

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

6-16-2-18. Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

6-16-2-19. Elevation Certificate is a certified statement that verifies a structure's elevation information.

6-16-2-20. Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of

insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

6-16-2-21. Encroachment means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

6-16-2-22. Existing Construction means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

6-16-2-23. Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

6-16-2-24. 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 tile installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

6-16-2-25. FEMA means the Federal Emergency Management Agency.

6-16-2-26. Five-hundred-year flood (500-year flood) means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

6-16-2-27. Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

6-16-2-28. Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

6-16-2-29. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A

6-16-2-30. Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

6-16-2-31. Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

6-16-2-32. Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

6-16-2-33. Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA- (see "Freeboard")

6-16-2-34. Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

6-16-2-35. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

6-16-2-36. Floodplain management regulations means these regulations and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

6-16-2-37. Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces,

6-16-2-38. Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect

6-16-2-39. Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

6-16-2-40. Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

6-16-2-41. Fringe is those portions of the floodplain lying outside the Roadway.

6-16-2-42. Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

6-16-2-43. Hardship (as related to variances of these regulations) means the exceptional hardship that would result from a failure to grant the requested variance. The Starke County Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

6-16-2-44. Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

6-16-2-45. Historic structure means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.