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Airport Zoning Ordinance

ARTICLE 6: ZONING

Article 6: Zoning

6-1: General

6-1-1: Short Title

This Article 6, and ordinances supplemental or amendatory thereto, shall be known, and may be cited hereafter, as the Zoning Ordinance of Starke County, Indiana.

6-1-2: Identification

Wherever the word "County" appears in this Article 6, it shall be deemed to refer to the County of Starke, State of Indiana.

6-1-3: Interpretation

In interpreting and applying the provisions of this Article 6, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, morals, convenience, and general welfare.

6-1-4: Non-interference with Greater Restrictions Otherwise Imposed

It is not intended by this Article 6 to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Article 6, or which shall be adopted or provided, except, that where this Article 6 imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required by or imposed by such easements, covenants, or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this Article 6 shall control.

6-2: District and Zone Maps

6-2-1: Districts

A. Starke County is hereby divided into eight (8) districts in order to carry out the purpose and intent of this Article 6.

B. The districts shall be known and designated throughout this Article 6 as follows:

Designation:	Name of District
1. "A" _____	Agricultural
2. "R-1" _____	Residential - 1st Class
3. "R-2" _____	Residential - 2nd Class
4. "R-3" _____	Residential - 3rd Class
5. "LB" _____	Local Business
6. "GB" _____	General Business
7. "LI" _____	Light Industrial
8. "I" _____	Heavy Industrial

6-2-2: Zone Maps

A. The Zone Maps, dated November 2, 1964, are hereby declared to be a part of this Article 6.

B. The Zone Maps show the area included in the above classified districts.

C. Notations, references, indications, and other matters shown on the Zone Maps are as much a part of this Article 6 as if they were fully described in the text of this Article 6.

D. Two copies of said Zone Maps and amendments thereto shall be filled in the Office of the County Recorder of the County of Starke, Indiana.

6-2-3: Determination and Interpretation of District Boundaries

A. In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the county.

B. Where uncertainty exists as to the exact boundaries of any district as shown on the zone maps, the following rules shall apply:

1. Unless otherwise indicated, the district boundary lines are land lines, the nearest right-of-way lines of roads, streets, alleys, railroads, and other similar established lines or such lines extended.

2. In un-subdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by the footage indicated on the Zone Map or as established by description set forth in subsequent amendments to this Article 6.

3. In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the Zone Maps as to the location of the boundary question.

6-2-4: Procedure Relating to Disannexed or Vacated Areas

A. Territory which may hereafter be disannexed from a town or city shall remain as zoned by such town or city unless changed by amendment of this Article 6.

B. Whenever any road, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such road, alley, public way, railroad right-of-way, waterway, or similar areas, shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

6-3: General Provisions - Specifications

6-3-1: Use

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

6-3-2: Height

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

6-3-3: Yards, Lot Area, and Size of Building

No building shall be erected, reconstructed, or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.

6-3-4: Lots

Every building hereafter erected shall be located on a lot which fronts on an improved street or road.

6-3-5: Vehicle Parking Space: Loading and Unloading Berths

Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

6-3-6: Specifications

A. The following specifications are hereby declared to be a part of this Article 6.

1. Specification A - Definitions

2. Specification B - Agricultural Uses
3. Specification C - Residential Uses
4. Specification D - Commercial Uses
5. Specification E - Industrial Uses
6. Specification F - Contingent Uses
7. Specification G - Conditional Uses
8. Specification H - Vehicle Parking Lot
9. Specification I - Unit Development Plan
10. Specification J - Signs

B. Specifications B to G inclusive, and J, show the district or districts in which the use, which is the subject of the specification, is permitted, and delineates the specifications for the following, and applicable to the particular use in each district where such use is authorized:

1. Lot Area per Family
2. Width of Lot
3. Height of Building
4. Vehicle Parking Space
5. Front, Side, Rear, and Other Yards
6. Lot Coverage
7. Size of Building
8. Vision Clearance

9. Accessory Buildings and Uses

C. In general, the specifications indicate that the following principal types of land uses are permitted in:

1. “A” Districts
 - a. Agricultural uses of all types
 - b. Single-family dwellings
 - c. Two-family dwellings
 - d. Group houses and garden apartments
 - e. Mobile homes
 - f. special uses indicated in Specifications F to I inclusive.
2. “R-1” Districts
 - a. Single-family dwellings
 - b. Special uses indicated in Specification F
3. “R-2” Districts
 - a. Single-family dwellings
 - b. Two-Family dwellings
 - c. Group houses and garden apartments
 - d. Special uses as indicated in Specifications F to I inclusive
4. “R-3” Districts
 - a. All uses as indicated for “R-2” Districts

5. "LB" Districts

- a. All uses as indicated for "R-2" Districts
- b. Local business uses

6. "GB" Districts

- a. All uses as indicated for "LB" Districts
- b. General business uses
- c. Limited industrial uses

7. "LI" Districts

- a. All uses as indicated for "GB" Districts
- b. Light industrial uses

8. "I" Districts

- a. All uses as indicated for "LI" Districts
- b. Heavy industrial uses

D. Each use permitted must meet the specific requirements as listed in the specifications applicable to such use.

6-3-7: Easements for Road Access to Interior Lots

Whenever land fronting on a road is divided and sold leaving an interior lot or lots, the owner of the land being sold must create a fifty (50) foot easement to the interior lot at 1,000 foot intervals along the affected road.

6-3-8: Garage Placement

All dwellings shall have a turn around for a vehicle to back into, so the vehicle can pull onto the road hood first.

6-3-9: Undersized Lot

On an undersized lot in any type zoning, an applicant may reconstruct the same ground floor coverage for dwelling unit(s) as was removed as long as one (1) year has not passed since the dwelling unit was removed and it meets all other requirements in the Starke County Z-1 Zoning Ordinance.

6-4: Nonconforming Use Specifications

6-4-1: Continuation Thereof and Reconstruction

The lawful use of a building or premises, existing at the time of passage of this Article 6, may be continued although such use does not conform to all the provisions of this Article 6, except as hereinafter provided.

6-4-2: Extension

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

B. Additions to non-conforming structures may be permitted provided the intended use of such additions shall meet all ordinance requirements.

6-4-3: Change

A. A non-conforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building.

B. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use or a less restricted one.

6-4-4: Erection and Re-erection of Buildings

No building shall be erected upon any premises devoted to a nonconforming use, and no building located upon any such premises, which has been damaged by fire or other causes to the extent of more than seventy-five (75) percent of its appraised valuation, shall be repaired or rebuilt, except in conformity with regulations of this Article 6.

6-4-5: Temporary Permits

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

6-4-6: Right to Construct if Permit Issued

Nothing herein shall require any change in the plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit and which entire building shall be completed according to such plans, as filed within three (3) years from the date of passage of this Article 6.

6-4-7: Use to Conform after Discontinuance

In the event that the use of any building or premises is discontinued for a period of one (1) year, the use of same shall thereafter require the Zoning Administrator's approval and shall conform to the uses permitted in the district in which it is located.

6-4-8: Discontinuance of Nonconforming Use of Land or Advertising Structures

The lawful use of land for open storage purposes, or any advertising structure not attached to a building, which does not conform to the provisions of this Article 6, shall be discontinued within five (5) years from the date of passage of this Article 6.

6-4-9: Nonconforming Use Created by Amendment

These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this Article 6.

6-5: Administration

6-5-1: Enforcement by Whom:

The Zoning Administrator of the County of Starke is hereby designated and authorized to enforce this Article 6.

6-5-2: Improvement Location Permit and Plats

A. Within the jurisdiction area of the County of Starke, Indiana, no structure, improvement, or use of land, may be altered, changed, placed, erected, or located on platted or unplanted lands, unless the structure, improvement, or use, and its location, conform with the master plan and ordinance of the County of Starke, and an Improvement Location Permit for such structure, improvement, or use has been issued.

B. The Zoning Administrator of the County of Starke shall issue an Improvement Location Permit, upon written application when the produced structure, improvement, or use, and its location conform in all respects to the Master Plan of the County of Starke

C. Every application for an Improvement Location Permit shall be accompanied by a site plan, showing the location of the structure, improvement, or use to be altered, changed, placed, erected, or located, the dimensions of the lot to be improved, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Application for an Improvement Location Permit for new construction of a principal building shall be accompanied by a fee, and application for an Improvement Location Permit for an accessory building or for alteration of an existing building shall be accompanied by a fee.

D. There will be no fee requirement for permits issued for agricultural structures when such uses are for agricultural purposes.

E. A preliminary inspection fee shall be charged by the Zoning Administrator for each inspection required prior to issuance of permit.

F. Work for which a permit is issued shall begin within three months from date of approval and continue diligently until completion unless otherwise specified on the application and approved by the Zoning Administrator. Unwarranted failure to accomplish this shall result in revocation of permit to be renewed at the discretion of said Administrator. There shall be a renewal fee.

G. Applicant shall assume full responsibility for posting permit poster supplied, in a prominent location on the premises, fully conspicuous from the street, which shall be maintained in such location during entire period of excavation, erection, construction, placement, or other improvement.

H. The Zoning Administrator may approve temporary occupancy for a maximum of one year, by an owner or his family, for periodic use of any building during construction for which permit has been issued, provided that construction continue diligently toward completion of the entire project approved. Such temporary approval shall not constitute in any interpretation whatsoever an approval for final and permanent occupancy.

I. Any decision of the Zoning Administrator of the County of Starke concerning the issuance of an Improvement Location Permit may be appealed to the County Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

LOCATION IMPROVEMENT PERMIT FEES

Effective as of July 25, 2016

Permit Fees:

Permit fees apply to all new construction and all alterations, repairs, and remodeling.

No person, company, or corporation shall perform or cause to be performed any work on or in the unincorporated areas of Starke County without obtaining in advance a permit from the Plan Commission.

Where a person shall unlawfully proceed to do any work or construction without a required permit, the permit fees shall be **tripled** as a penalty. The payment of such penalty shall not release the person in default from any other penalties hereafter provided.

6-5-3: Certificates of Occupancy

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

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

6-5-4: Location Improvement Permit and Other Fees Schedule

Location Improvement Permit

Starke County Plan Commission

Effective as of July 25, 2016

New Single Family Dwelling (Fees include one <u>open</u> deck when constructed with the new dwelling.)	Dwelling: \$0.20 per square foot Attached Garage: \$50.00 (When constructed with new residence)
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**Location Improvement Permit
Starke County Plan Commission**

Effective as of July 25, 2016

Multi-Family Units	\$0.20 per square foot plus \$50.00 per unit over one unit
Additions, Repairs, and Remodeling that include structural, electrical, or plumbing modifications such as: Fire damage, storm-related damage, kitchen, or bathroom remodeling, total house renovation, converting garage or pole barns into living quarters and other related or similar repairs. No additional fee for adding an open deck at this time.	\$0.15 per square foot (Minimum \$100.00)
Commercial/Industrial/CAFO/CFO New construction, hotel-motel, additions, and remodeling (over 900 cubic feet need state approval [L x W x H]).	\$0.20 per square foot (Maximum \$5,000.00)
Attached Garage (not built at the time of initial construction), detached garage, carport or accessory building, and agricultural structure or addition to garage.	200 square feet or less \$25.00 Over 200 square feet - \$0.15 per square foot (Minimum \$50.00 - Maximum \$250.00)
Open Decks, Enclosed Decks, Porches	\$50.00
Roof- With Structural	\$50.00
Manufactured Home Placement	\$0.20 per square foot

**Location Improvement Permit
Starke County Plan Commission**

Effective as of July 25, 2016

Temporary or Construction	\$75.00
Manufactured Home Placement: Per 6-12-3-2-10, permit shall be issued to an applicant in the process of building a conventional home on a building lot only after a building permit for the dwelling has been issued. Per 6-12-3-3, temporary approval is not to exceed one (1) year while dwelling is being repaired, rebuilt, or constructed.	
Demolition Permit: Dwelling & Accessory Structures	\$100.00 or \$50.00 if gas and/or electric has been disconnected for more than two (2) years
Requires two (2) inspections. Must have receipts for disposal of <u>all</u> materials, utilities capped, and marked and removal of concrete. Land must be brought up to grade and seeded. Asbestos/lead certification.	
Swimming Pools: Above-Ground Pools over 100 Square Feet and In-Ground Pools	\$50.00
Communication Towers	\$300.00
Commercial or Utility WECS	\$20,000.00 application fee for each phase and \$1,750.00 per tower
Non-Commercial or Industrial WECS	
Residential WECS	\$250.00 per tower
Micro WECS	\$100.00 per tower

**Location Improvement Permit
Starke County Plan Commission**

Effective as of July 25, 2016

Signs & Billboards	\$100.00
One-time fee for initial placement	
Improvement Location Permit	
Renewal	
Permits renewed within the 30-day grace period	\$25.00
Permits renewed after 30-day grace period	To be treated as a new permit
No Permit Needed: Roof sheeting and roof replacement with no structural changes; new driveways; door, storm door, window, or garage door replacement with no change in opening size or structural changes; painting and decorating inside or outside; gutter replacement; siding; and concrete or asphalt flatwork such as sidewalks, patios, or driveways; and all types of fences.	
Failure to Obtain a Location Improvement Permit	Cost of location improvement permit plus three times the cost of location improvement permit
Inaccurate Location Improvement Permit	Double the cost of a new location improvement permit
Failure to Obtain Certificate of Occupancy	Double the cost of the location improvement permit
Failure to Request Required Inspection	\$250.00
Failure to Comply with Requirement for Use of Licensed Set Crew in Placement of Manufactured Housing	\$2,000.00
Violation of Stop Work Order	\$1,000.00 per day

**Location Improvement Permit
Starke County Plan Commission**

Effective as of July 25, 2016

INSPECTION FEES:

**Second and Additional Re-
Inspection Fees** \$50.00

**All Electrical & Gas Upgrades or
New Installations** \$50.00

**Installation of Back-Up
Generators All Sizes** \$50.00

**Electrical Reconnect Inspection
Fee** \$50.00

OTHER FEES:

Business Permits \$100.00
One time only fee for new
businesses

Contractor Registration \$50.00
Required for any person who
engages in the business of general
contracting, roofing, insulation,
electrical, plumbing, sewage,
masonry, well installation, heating,
ventilation, air conditioning,
excavating, septic installation, or
other ancillary work related to
construction.

**Annual Contractor Registration
Renewal** \$25.00

Registration renewal will be on or \$75.00 if not renewed by February
before January 1st each year. 15th

**Failure to Obtain Contractor
Registration** \$500.00

**Location Improvement Permit
Starke County Plan Commission**

Effective as of July 25, 2016

Subdivision Request \$200.00 plus \$15.00 per lot Major/Minor

Petition to Vacate or Amend \$200.00

Subdivision

Petition to Rezone \$200.00

Non-Commercial Dog Kennel \$25.00 one time fee

Animal shelters, humane societies, animal rescue operations (non-breeding), hobby breeders (those with more than twenty (20) dogs but less than twenty (20) unaltered female dogs that are at least twelve (12) months of age and anyone who breeds at least 75% of their dogs for sporting, service, or law enforcement/military purposes.) Kennel permits are required for any residence that has more than four (4) total dogs.

Commercial Dog Kennel	(Annual Fee)
Kennels maintaining more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.	\$75.00 for 21-50 dogs
	\$200.00 for 51-100 dogs
	\$300.00 for more than 100 dogs

Board of Zoning Appeal \$200.00

Non-Profit Organization \$15.00

Copy of Ordinance of Discs \$10.00

Copies \$0.10 per page

Location Improvement Permit
Starke County Plan Commission
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Violations, Fines, and Penalties

The Starke County Plan Commission shall adopt a schedule of fines and penalties for violations of this ordinance. Such fines and penalties shall serve as a standardized method for assessments based on violations as determined by the Planning Administrator or his/her representative. The assessment of such fines and penalties will be utilized in lieu of court action for any violation of this ordinance. In the event that court action is necessary for enforcement of any provision of this ordinance, the fines and penalties as prescribed herein shall apply. Any payment of fines shall be paid to the Starke County Plan Commission. Specific fines and penalties are as described in the above portions of this document. In addition to the fines assessed above when there is a failure to pay or there is a continued violation, the individual will be subject to the provisions of this ordinance which allows the assessment of fines not to exceed \$2,500.00 plus attorney fees and costs of enforcement should such legal action be necessary for enforcement.

Effective Date: July 25, 2016

Grandfather provision has the intent that all inspections will take place at the level in which construction is currently in effect based on the inspection procedure adopted by the Plan Commission concerning the stage of construction.

6-6: Board of Zoning Appeals

6-6-1: Establishment

A Board of Zoning Appeals is hereby established in accordance with Chapter 174, Acts of 1974 of the Indiana General Assembly, and all Acts amendatory thereto.

6-6-2: Composition and Appointment

The Board shall be composed of five (5) members, none of whom shall hold other elective or appointed office, except that two (2) shall be appointed from the County Plan Commission's citizen members. Two (2) of the five (5) members shall be appointed to serve four (4) years; one (1) for three (3) years; one for two (2) years; and one for one (1) year. Terms of these members shall expire in the first day of January in the year in which their original appointments terminate. Thereafter, as the terms expire, each new appointment shall be for a term of four (4) years.

6-6-3: Organization

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

6-6-4: Rules of Procedure

The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Article 6.

6-6-5: Meetings and Records

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

6-6-6: Appeals From Zoning Administrator

Any decision of the Zoning Administrator made in enforcement of this Article 6 may be appealed to the Board of Zoning Appeals within the time limit as established by that board, by any person claiming to be adversely affected by such decision.

6-6-7: Powers and Duties of the Board

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

1. Hear and determine appeals from and review any order, requirement, decision, or determination made by an administrative official or Board charged with the enforcement of this Article 6, except for the Plan Commission

2. Hear and decide on permits for conditional uses, development plans, or other uses upon which the Board is required to act under this Article 6.

3. Authorize upon appeal in specific cases such variances from the terms of this Article 6 as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this Article 6 shall be observed and substantial justice done.

B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the officer or Board from whom the appeal is taken.

6-6-8: Restrictions in Board Action

A. Every decision of the Board shall be subject to review by certiorari.

B. No variance in the application of the provisions of this Article 6 shall be made by the Board relating to building, land, or premises now existing or to be constructed, unless after a public hearing; the Board shall find that such variance will not:

1. Alter the land use characteristic of the district.

2. Impair the adequate supply of light and air to adjacent property.

3. Increase the hazard from fire, flood, and other dangers to said property.

4. Diminish the marketable value of adjacent lands and buildings.

5. Increase the congestion in the public streets and roads.
6. Otherwise impair the public health, safety, convenience, comfort, or general welfare.

6-7: Amendments

6-7-1: Amendments

A. All amendments to this Article 6 shall be in conformance with the provisions of Chapter 174, Acts of 1947, General Assembly of Indiana, and all Acts amendatory thereto.

B. Any proposed amendment shall be submitted to the Plan Commission for report and recommendation prior to any action thereon by the Board of County Commissioners.

C. A fee as established by the Plan Commission to cover costs of notification or advertising of public hearings, shall be paid by petitioner or applicant upon submission of petition or application to the Commission for consideration of amendments to this Article 6.

D. If the Plan Commission does not approve the enactment of any proposed amendment, it shall become effective only by a two-thirds vote of the Board of County Commissioners.

6-8: Remedies and Penalties

6-8-1: Remedies

The County Plan Commission, the Board of Zoning Appeals, the Zoning Administrator, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Starke County to restrain an individual or a governmental unit from violating the provisions of this Article 6. The County Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing an individual, a corporation, or a governmental unit to remove a structure erected in violation of any provisions of this Article 6, or the requirements thereof, and such violation is hereby declared to be a common

nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

6-8-2: Penalties

Any person or corporation who shall violate any of the provisions of this Article 6 or fail to comply therewith, or with any of the requirements thereof, or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted and approved thereunder shall, for each and every violation or noncompliance, be guilty of a class C infraction and, upon conviction, shall be fined not less than ten (10.00) dollars, and not more than three hundred (300.00), each day that such violation or noncompliance shall be permitted to exist shall constitute a separate offense.

6-9: Validity

6-9-1: Invalidity of Portions

Should any article, section, or provision of this Article 6 be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the portions declared to be invalid.

6-9-2: When Effective

This Article 6 shall be in full effect from and after its passage and approval according to law.

6-10: Availability for Public Inspection

6-10-1: Duty of the County Recorder

The County Recorder of the County of Starke, State of Indiana, is hereby directed to keep on file two copies of the zone maps referred to in 6-2-2, and of the specifications referred to in 6-3-6, and said maps and specifications shall be available for public inspection during all regular hours of the said County Recorder.

6-11: Litigation Against Officials

6-11-1: Suits Resulting from Official Acts

Whenever a member of the Plan Commission, Board of Zoning Appeals, or any representative of such Commission or Board shall be acting for the County of Starke, Indiana or in the discharge of his official duties under the Master Plan and Zoning Ordinance and shall, by reason of any official act done in the performance of such duty, be subjected to any suit, such suit shall be defended by the attorney for said Commission, Board, or County until the final termination of the proceedings thereunder, at the expense of the County of Starke, Indiana.

6-11-2: Medical Hardship

A. The Starke County Zoning Ordinance, as amended, currently prevents two (2) principal dwellings on the same property in areas that are not zoned for multiple dwelling units on the same property.

B. There are situations where a parent, child, or other relative is medically disabled and unable to care for themselves and either a caregiver or the disabled person owns their own property.

C. In these situations, the Board of Zoning Appeals may, at their discretion, grant a medical hardship variance permit a second principal dwelling on the same property as the dwelling of the caregiver or disabled person without the applicant having to prove unnecessary hardship or practical difficulties.

D. However, before the BZA can grant a medical hardship variance, the applicant must present evidence satisfactory to the BZA proving the following:

1. That the person for whom the medical hardship variance is sought has a medical condition that prevents them from living outside a nursing home or other assisted living residence without help that the caregiver could not give if the caregiver did not live on the same property as the person for whom the medical hardship variance is sought.

2. That the need for variance must be shown to be still needed on an annual basis.

3. The one (1) of the dwellings will be removed, up to 180 days, from the property when the need for the variance has ended.

6-12: Specifications

6-12-1: Specification A - Definitions

For the purpose of this Article 6, certain terms and words used herein shall be interpreted and defined as follows:

A. Words in the present tense include the future and vice-versa; words in the singular number include the plural and vice-versa; the word “building” includes the word “structure” and vice-versa; the word “shall” is mandatory and not directory.

B. Where terms are not defined herein or in any other part of this Article 6, they shall have their ordinarily accepted meanings or such as the context may imply.

1. The Starke County Zoning Ordinance, as amended, currently prevents two principal dwellings on the same property in areas that are not zoned for multiple dwelling units on the same property.

2. There are situations where a parent, a child, or other relative is medically disabled and unable to care for themselves and either a caregiver or the disabled person owns their own property.

3. In these situations, the Board of Zoning Appeals may, at their discretion, grant a medical hardship variance permit a second principal dwelling on the same property as the dwelling of the caregiver or disabled person without the applicant having to prove unnecessary hardship or practical difficulties.

4. However, before the BZA can grant a medical hardship variance, the applicant must present evidence satisfactory to the BZA proving the following:

a. That the person for whom the medical hardship variance is sought has a medical condition that prevents them from living outside a nursing home or other assisted living residence without help that the caregiver could not give if the caregiver did not live on the same property as the person for whom the medical hardship variance is sought.

b. That the need for the variance must be shown to be still needed on an annual basis.

c. That one of the dwellings will be removed, up to 180 days, from the property when the need for the variance has ended.

Alphabetical Definition Listing

1. **Accessory:** A use which is incidental to the main use of the principal building or premises.

2. **Agricultural:** All uses incidental to farming operations, such as tillage of soil, production, marketing of crops, livestock and poultry, storage of farm products, all accessory buildings, and land use incidental thereto. It is deemed under this Article 6 that such use shall not include the manufacture or processing of agricultural products.

3. **Alley:** A public throughfare, which affords only secondary means of vehicular access to abutting property, and less than thirty (30) feet in width.

4. **Apartment:** A single family housekeeping unit, located in a building containing three (3) or more such units, each independent of the others. One or more single family living units located in a building used primarily for commercial or some purpose other than residential, may also be terms as an apartment or apartments.

5. **Automotive wrecking yard or junk storage:** A tract of land or part thereof devoted to the storage, salvage, sale, or disposal of scrap vehicles and machinery, and parts thereof, including building and equipment incidental thereto.

6. **Basement:** A story partly underground, but having less than one-half of its clear height below, which unless subdivided into rooms and used for tenant purposes shall not be included as a story for the purpose of height measurements.

7. **Block:** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intercepting or intersecting street and railroad right-of-way, waterway, or other barrier, provided the frontage is not more than 1200 feet in length nor less than 400 feet. When intersecting or intercepting streets, and railroads right-of-way, water-way, or

other barriers do not exist, the unit of six hundred and sixty (660) feet shall be used and may begin from a quarter section line and terminate each six hundred and sixty (660) feet unless intersected by a street.

8. **Board:** The Board of Zoning Appeals of Starke County, Indiana.

9. **Boarding House:** A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over thirty (30) persons regularly; a lodging house.

10. **Building:** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without openings through such walls, each portion of such a building shall be considered a separate structure.

11. **Building, Accessory:** A subordinate building, or a portion of a main building, which is located on the lot of the main building, the use of which is incidental to that of the main building shall not be used as a separate family dwelling.

12. **Building Area:** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.

13. **Building, Front Line of:** The line of that face of the building nearest the front lot line.

14. **Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner, by a roof such accessory building shall be counted as a part of the principal building.

15. **Building, Height of:** The vertical distance measured from the ground level to the highest point of the roof.

16. **Business:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

17. Campground/Recreational Vehicle Park: An area of tract or land where campsites are leased or rented and where provisions are made for ten (10) or more tents, recreational vehicles, park models, or vacation mobile homes, but not including occupancy in manufactured housing. A campground is established, operated, and maintained for recreational or tourist activities and designed for short-term occupancy away from established residences.

18. Commercial: See Business.

19. Commission: The Starke County Plan Commission.

20. District: A section of Starke County jurisdictional area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

21. Dump or Sanitary Fill In: Any premises used primarily for disposal by abandonment discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose, of garbage, trash, refuse, waste materials of any kind, junk, discarded machinery, vehicles or parts thereof, offal or dead animals.

22. Dwelling: A building or portion thereof, fifty (50) percent or more of which is used exclusively for residential occupancy and permanently affixed to the land on a solid foundation. The term "dwelling" shall not be deemed to include a motel, hotel, or auto court under this Article 6.

23. Family: A group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six (6) persons, as distinguished from a group occupying a lodging house or hotel. A family shall be deemed to include servants for purposes of this Article 6.

24. Garage, Private: An accessory building with capacity for not more than three (3) motor vehicles for storage only, not more than one (1) of which may be a commercial vehicle of not more than three (3) tons capacity. Provided however, that a garage designed to house one (1) motor vehicle for each family housed in an apartment shall be classed as a private garage.

25. Garage, Public: Any building or premises, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

26. Ground Floor Area: The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground level, exclusive of open porches, breeze-ways, terraces, garages, exterior and interior stairways.

27. Ground Level: See — Lot, Ground Level.

28. Hardship: The existing condition of the land or premises which makes a literal enforcement of this Article 6 difficult or impossible for reasons other than financial plight. All cases of hardship shall be balanced favorably toward the public interest and the purpose and intent of the Starke County Master Plan and Zoning Ordinance.

29. Highway: For the purposes of this Article 6, the term “highway” shall refer to either a federal or state highway, or both.

30. Home Occupation: An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a nameplate, not exceeding two square feet in area, is displayed and no change in the external appearance of the building shall be caused thereby.

31. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guest, in contradiction to a boarding or lodging house.

32. Jurisdictional Area: For planning and zoning, the unincorporated area of Starke County, Indiana.

33. Kennel: Any lot or premises on which four (4) or more dogs at least four (4) months of age are kept.

34. Kennel, Commercial: According to IC 15-21-1-4; means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

35: Kennel, Non-Commercial: According to IC 15-2-1; includes all other kennels. Examples include: animal shelters, humane societies, animal rescue operations (as long as they do not breed dogs), hobby breeders (those with more than twenty (20) dogs but less than twenty (20) unaltered female dogs that are at least twelve (12) months of age), and anyone who breeds at least seventy-five (75) percent of their dogs for sporting, service, or law enforcement/military purposes.

36. Kennel, Existing/Non-Commercial: A kennel that has four or more dogs prior to the adoption of this ordinance and meets the criteria established in Section 3 of this ordinance.

37. Service Dog: A type of assistance dog specifically trained to help people who have disabilities. They shall be exempt from adding to the total number of dogs allowed.

38. Loading & Unloading Berth: An off-street parking area reserved for vehicular pick-up and delivery of commercial materials and merchandise. For purposes of this Article 6, such berth shall encompass a minimum area on the premises, sixty (60) feet in length and ten (10) feet in width.

39. Lodge or Club: An association of persons for some common purpose, but not including a group organized primarily, or which is actually engaged, to render a service which is customarily carried on as a business.

40. Lodging House: See Rooming House.

41. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Article 6, including one principal building and its accessory buildings, and the open space required by this Article 6, and having its principal frontage on a street, or an officially designated and approved place.

42. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

43. Lot Coverage: The percentage of the lot area covered by the building area. An open deck is a structure, needs to meet setbacks, but is not considered Lot Coverage.

44. Lot, Depth of: The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

45. Lot, Ground Level: The percentage of the lot area covered by the building area. An open deck is a structure, needs to meet setbacks, but is not considered lot coverage.

46. Lot, Interior: A lot other than a Corner Lot or Through Lot.

47. Lot Line, Front: In case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

48. Lot Line, Rear: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

49. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line.

50. Lot Line, Through: A lot having frontage on two streets at opposite ends of the lot.

51. Lot, Width of: The distance between the side lot lines at the front line of building measured at right angles to the depth of the lot.

52. Mobile Home: A mobile living unit usually transported on its own wheels and axles and designated for year-round occupancy, whether or not such wheels and axles have been removed. Also called House Trailer.

53. Mobile Home - Double Unit: A mobile living unit that expands or is assembled into near double size consisting of seventeen (17) feet or more in width and not less than forty (40) feet in length with a minimum ground floor area of six hundred eighty (680) square feet.

54. Motel: A series of attached, semi-detached, or detached sleeping room units, located on the same parcel of land, each unit containing bedroom, bathroom, and closet space and each unit having convenient access to a parking space for the use

of the units occupants. With the exception of an office and/or managers apartment, all units are designed for the use of automobile transients.

55. Nonconforming Use: A building or premises which does not conform in its use or otherwise with all the regulations of the district in which such buildings or premises is located.

56. Occupancy: The use of which a building or premises is devoted.

57. Open Storage: Storage or abandonment, on an open tract of land or portion thereof, of any material not indigenous to said land.

58. Parking Lot: A parcel of land devoted to unenclosed parking space for five (5) or more motor vehicles for compensation or otherwise.

59. Place: An open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

60. Professional Office: When conducted in a residential district, a professional office shall be incidental to the residential occupation; shall be conducted by a member of the resident family entirely within a residential building, and shall include only the offices of doctors or practitioners, ministers, architects, professional engineers, lawyers, authors, musicians, and other recognized professional occupations occasionally conducted within residences.

61. Permanent Use: As used in Article 6-12-3-2-8, a use for any RV's lasting longer than thirty (30) days or has permanent connections to sewer, septic, electric power and water, and has porches, patios, or storage buildings affixed or in close proximity to the RV and has had tires or axles removed and is affixed to a permanent foundation or supports or skirting.

As used in 6-12-3-2-9, any RV's the have permanent connections to sewer, septic, electric power and water, and/or have porches, decks, patios, or storage buildings affixed or in close proximity to the RV and/or has had tires or axels removed and is affixed to a permanent foundation, supports, or skirting. Porches or decks must not be permanently affixed to the ground and should be such that they can be removed so that the RV can be ready to be removed at any time.

62. Pre-Existing Subdivision Lots: A lot in a subdivision that was erected after November 20, 1964, but before March 5, 1979, shall be deemed to be a conforming lot for building purposes if it has at least 13,000 square feet of lot area and at least a seventy (70) foot lot width. If the subdivision lot has a public sewer, then this paragraph shall not apply.

63. Recreational Vehicle (RV): A travel trailer, park model, collapsible trailer, truck-mounted camper or motor home without a permanent foundation that is designed for temporary accommodations for recreational camping and travel use.

64. Restaurant: Any affixed structure, or mobile unit, used to dispense food to the general public for oral consumption on the same premises for monetary gain.

65. Road: See Street.

66. Rooming House: A dwelling in which lodging, with or without meals, is furnished regularly to more than two (2) non-transient guests for compensation; sometimes called a lodging or boarding house.

67. Sanitarium: A private hospital, whether or not such facility is operated for profit.

68. Set Back: See Yard, Front.

69. Sign: Any board, device, structure, or part thereof used for advertising, display, or publicity purposes.

70. Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above, then the space between such floor and the ceiling next above shall be the story.

71. Story, Half: That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above shall be the story.

72. Street: A right-of-way with a minimum width of thirty (30) feet established for or dedicated to public use by duly recorded plat, which affords the principal means of vehicular access to abutting property, and may be designated a road, throughfare, parkway, boulevard, avenue, lane, drive, or other appropriate name.

73. Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something permanently located on the ground.

74. Structural Alteration: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, girders, or any substantial change in the exterior walls or the roof, excepting such alteration as may be required for the safety of the building.

75. Temporary Use: A use that is not permanent, and which is not a substitute for a fixed abode. Temporary use of a recreational vehicle (RV) is characterized by its not having a permanent connection to electric power, water connection, sewer or septic connection, not having a mail receptacle, not having any occupational or commercial use, and not on a permanent foundation. To qualify as a temporary use, such RVs must have a current license plate affixed, if of a type that state law requires to have registration and licensing, and must be mechanically ready to be moved at all times under the mode of power for which such unit was designed.

76. Tourist Home: A dwelling in which overnight accommodations for not more than five (5) transient guests is offered for compensation.

77. Use: The employment or occupation of a building structure or land for a person's service, benefit, or enjoyment.

78. Vehicle Parking Spaces: The area required for parking one automobile, which in this Article 6 is held to be an area nine (9) feet wide and twenty (20) feet long plus seventy (70) square feet of maneuver area for each vehicle parking space making a total of 250 square feet.

79. Vision Clearance of Corner Lots: A triangular space at the street corner of a corner lot free from any kind of obstruction to vision between the height of three (3) and twelve (12) feet above established grade, determined by a diagonal line connecting two points measured fifteen (15) feet from the corner along each property line.

80. Yard, Front: Horizontal space measured at ninety (90) degrees with the property line, between the front line of the principal building and the property line of the street upon which the building faces, unoccupied other than by steps, walks,

terraces, and open, unroofed, unenclosed porches; or architectural appurtenances projecting not more than twenty-four (24) inches from the building.

81. Yard, Rear: Horizontal space measured at ninety (90) degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by architectural appurtenances which project in not more than twenty-four (24) inches, or accessory buildings which do not occupy more than thirty (30) percent of the required rear yard.

82. Yard, Side: Horizontal space measured at ninety (90) degrees to the side lot line between the side of a building and the adjacent side line of the lot, unoccupied other than twenty-four (24) inches, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not over four (4) feet.

83. Zone: Same as district.

6-12-2: Specification B - Agricultural Uses

Definition: Agricultural use includes all buildings used exclusively for agricultural purposes on a tract of land containing ten (10) acres or more. Temporary housing for seasonal workers shall be considered as buildings used for agricultural purposes. Permanent residential buildings shall not be deemed to be agricultural use under this Article 6.

Location Permitted: In all districts, provided however, buildings and pens for livestock and poultry, excluding pastures grazing less than one head per acre, may be permitted if they are more than 150 feet from the nearest residentially developed area and/or business district, except that pigsties, sheds, and manure disposal lagoons shall be at least three hundred (300) feet from such residential area or district.

Front Yard: A minimum of one hundred (100) feet from highways and fifty (50) feet from all other roads and streets, measured from the nearest right-of-way line.

Side Yard: A minimum of twenty-five (25) feet.

Ground Floor Area for Permanent Residential Dwellings: A minimum of 800 square feet per family unit.

Vision Clearance on Corner Lots: Required as specified under Specification A, Definitions.

Vehicle Parking Space: One space on the lot for each family housed on the lot.

6-12-3: Specification C - Residential Uses

6-12-3-1: Permanent Site-Built Dwellings

6-12-3-1-1: Definitions

A. A single family dwelling is a detached building designed for occupancy of one family exclusively.

B. A two family dwelling is a detached building designed for occupancy by two (2) families exclusively. A duplex dwelling has one (1) family above the other and double dwelling has one (1) family beside the other.

C. Group house and garden apartments (multiple family) is described as a building designed for occupancy of three (3) or more families exclusively for dwelling purposes.

6-12-3-1-2: Location Permitted

A. A single family dwelling is permitted in all districts on a lot which was in single ownership or included in a subdivision recorded in the Office of the Recorder of Starke County, Indiana, on or before the date of passage of this Article 6, or on any lot meeting the minimum standard as specified on Chart 1 of this Article 6.

B. Two (2) family dwelling or group house and garden apartments are permitted only in districts and on lots of minimum dimensions as specified on Chart 1 of this Article 6.

6-12-3-1-3: Building Height, Yards, Floor Area and Floor Coverage

Permitted as specified in Chart 1 of this Article 6. (1964 amended 1983)

*Permitted use only when: Manufactured Homes and R.V.'s are placed on designated lot.

6-12-3-2: Manufactured Housing

6-12-3-2-1: Intent

A. Purpose: Type I Manufactured Homes

It is the intent of this Article 6 to encourage the provision of alternate modest income housing in general residential areas by permitting the use of Type I manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between such Type 1 manufactured homes and dwellings that have been, or might be, constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

B. Purpose: Type II & Type III Manufactured Homes

It is the further intent of this Article 6 to encourage the provision of alternate modest income housing by permitting the use of Type II and Type III manufactured housing, as defined herein, in certain specified districts, when the requirements and procedures set forth herein are met.

C. Purpose: Type IV Mobile Homes

It is the further intent of this Article 6 to encourage the provision of alternate modest housing in certain areas by permitting the use of mobile homes, as defined herein, in certain specified districts, when they are shown to meet the requirements and procedures set forth herein.

6-12-3-2-2: Definitions

A. Add-A-Room Unit

A unit of manufactured housing, not a part of the original structure, which may have less occupied space than a manufactured housing section.

B. Anchoring System

An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home. (Table A, Section V)

C. Approved

Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

D. Expando Unit

An expandable manufactured housing unit.

E. Foundation/Siding/Skirting

A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood, or other approved materials, enclosing the entire undercarriage of the manufactured home.

F. Manufactured Homes/Exterior Appearance Standards

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance.

G. Manufactured homes are divided into the following classifications:

1. Type I Manufactured Homes Shall:

- a. have nine hundred and fifty (950) square feet or more of occupied space in a double section or larger multi-section unit.

- b.be placed onto a permanent foundation, in accordance with the one (1) and two (2) family building code.
- c. utilize a permanent enclosure in accordance with approved installation standards, as specified in 6-12-3-2-4.
- d. be anchored to the ground, in accordance with the manufacturer's specifications, refer to Table A, Installation Instructions.
- e. have wheels, axles, and hitch mechanisms removed.
- f. have utilities connected in accordance with the manufacturer's specifications or local utility company.

2. Type II Manufactured Homes Shall:

- a.have nine hundred and fifty (950) square feet or more of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units).
- b.be placed onto a support system, in accordance with approved installation standards as specified in 6-12-3-2-4.
- c.be enclosed with foundation siding/skirting, in accordance with approved installation standards, as specified in 6-12-3-2-4.
- d.be anchored to the ground, in accordance with manufacturer's specifications. If no instructions are available from the manufacturer, refer to Table A, Installation Instructions.
- e.have siding material of a type customarily used on site-constructed residences, and
- f. have roofing material of a type and style customarily used on site-constructed residences.
- g.have utilities connected in accordance with manufacturer's specifications or local utility company.

3. Type III Manufactured Homes shall:

- a. have seven hundred (700) square feet or more and less than nine hundred and fifty (950) square feet of occupied space in a single, double expando, or multi-section unit (including those with add-a-room units).
- b. be placed onto a support system, in accordance with approved installation standards, as specified in 6-12-3-2-4.
- c. be enclosed with foundation/skirting, in accordance with approved installation standards, as specified in 6-12-3-2-4.
- d. be anchored to the ground, in accordance with manufacturer's installation standards. If no instructions are available from the manufacturer, refer to Table A, Installation Instructions.
- e. have utilities connected in accordance with manufacturer's specifications or local utility company.

4. Type IV Mobile Homes shall:

- a. have three hundred and fifty (350) square feet or more and less than seven hundred (700) square feet of occupied space.
- b. be designed to be used as year-round residential dwelling.
- c. be built prior to the enactment of the Federal Manufacturing Home Construction and Safety Act of 1974, which became effective for all mobile home construction in June 1976.
- d. be placed onto a support system, in accordance with approved installation standards as specified in 6-12-3-2-4.
- e. have utilities connected in accordance with manufacturer's specifications or local utility company.

Each of the above classifications of manufactured homes may be located as per Table B of the Starke County Manufactured Home Ordinance.

H. Manufactured Home Subdivision

A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily in manufactured homes.

I. Manufactured or Mobile Home Community (Park)

A parcel of land on which two (2) or more manufactured or mobile homes are occupied as residencies.

The creation of a mobile home park is classified as a conditional use and may be permitted by the Board of Zoning Appeals in accordance with the procedures specified in Specification G of the Starke County Zoning Ordinance Z-1 of 1964 as amended.

J. Occupied Space

The total area of earth horizontally covered by the structures, excluding accessory structures, such as, but not limited to, garages, patios, and porches.

K. Permanent Foundation

A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

L. Permanent Foundation

Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

N. Recreational Vehicle

A temporary dwelling for travel, recreation, and vacation use including, but not limited to:

1. Travel Trailer: a vehicle identified by the manufacturer as a travel trailer.
2. Pick-Up Coach: a structure designed to be mounted on a truck chassis or cut-down car.
3. Camping Trailer: a canvas folding structure, built on a chassis with wheels and designed to move on the highway.
4. Motor Home: a self-propelled vehicle with a dwelling constructed as an integral part of the vehicle.
5. Tent: a collapsible shelter of canvas or other material stretched and sustained by poles and/or ropes and used for camping outdoors.

N. Recreational Vehicle Park

An area of land (not less than five (5) acres) used for the parking of two (2) or more recreational vehicles.

O. Section

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

P. Special Exception Permit

A device permitting a use within a district other than a principally permitted use.

Q. Support System

A pad or a combination of footings, piers, caps, plates, and shims, which when installed support the manufactured or mobile home.

R. Setbacks

The minimum horizontal distance between the front line of a building or structure and the street right-of-way line.

TABLE A

SUPPORT SYSTEM (FOUNDATION):

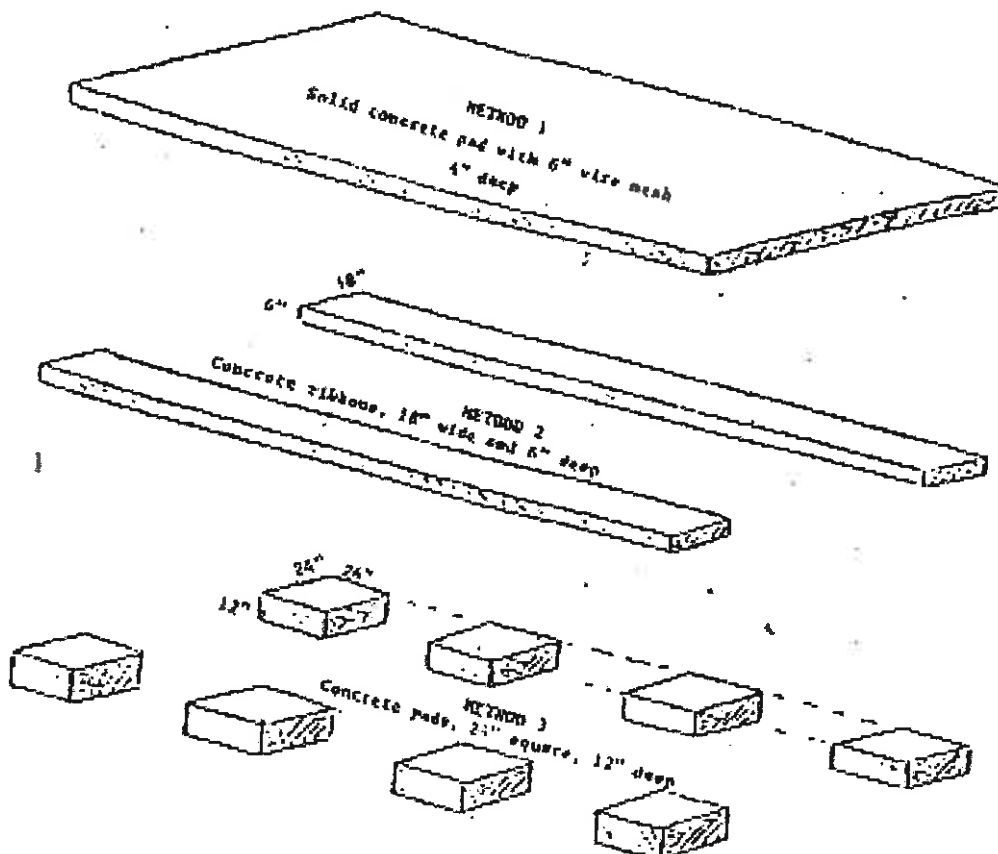


Table B: County Zoning

County Zoning	Class 1 (Doublewide Manufactured Home)	Class 2 (Single -Wide)	Class 3	Class 4	Manufactured Home Parks R.V. Parks	Manufactured Offices
A	A	A	S.E.	N	S.E.	N
R-1	A	S.E.	N	N	S.E.	N
R-2	A	S.E.	N	N	S.E.	N
R-3	A	S.E.	S.E.	N	S.E.	N
G.B.*	S.E.	S.E.	S.E.	S.E.	S.E.	S.E.
L.B.*	S.E.	S.E.	S.E.	S.E.	S.E.	S.E.
L.I.	N	N	N	N	S.E.	S.E.
H.I.	N	N	N	N	S.E.	S.E.
Manufactured Home Parks	A	A	A	A	A	A
Manufactured Home Subdivision	A	S.E.	S.E.	N	N.A.	N.A.
R.V. PARKS	S.E.	S.E.	S.E.	A	N.A.	S.E.

6-12-3-2-3: Applicability

A. Permitted Placement

The establishment, location, and use of manufactured homes as permanent residence shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to such residential use in the district, and provided such homes shall meet the following requirements and limitations:

- 1.The dwelling shall meet the appropriate exterior standards, as hereinbefore set forth in 6-12-3-2-2(F).
- 2.The dwelling shall be sited in a district where such use is permitted in the schedule of uses, as hereinafter set forth in 6-12-3-2-5.
- 3.The dwelling shall receive all required permits and conform with the comprehensive plan and other ordinances of Starke County.

B. Non-Conforming Homes

A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this Article 6, shall continue to be a legal non-conforming use. If the non-conforming use is discontinued, the land thereafter must be used in conformity with all provisions of this Article 6.

C. Replacement of Non-Conforming Homes

Upon application to the designated administrator and subsequent approval thereof, a manufactured or mobile home, deemed a legal

non-conforming use, may be replaced by a manufactured home provided the replacement is of an equal or a higher type, as specified in 6-12-3-2-2(F) of this Article 6, (exterior appearance standards). Equal or higher type means that a mobile home may be replaced with a Type I, II, or III manufactured home. A Type III manufactured home may be replaced with a Type I, II, or III manufactured home; a Type II manufactured home may be replaced with a Type I or II manufactured home; a Type I manufactured home may be replaced with another Type I manufactured home.

D. Structural Alterations

Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the authorized Zoning Administrator of Starke County.

E. Applicability

An application for an improvement location permit for any manufactured home built before January 1, 1981 shall not be granted.

F. New manufactured homes shall be permitted in all zoning districts that permit residential use and shall comply with the following requirements:

1. The applicant shall submit plans and specifications for all proposed alterations and/or from either the home manufacturer or a professional engineer licensed in the State of Indiana.
2. The applicant shall submit a list of all proposed contractors who will work on the home.
3. Manufactured homes shall be set by Indiana licensed set crews only. The applicant shall submit a copy of the proposed set crew's license.
4. The applicant shall submit foundation plans and specifications prepared by either the home manufacturer or a professional engineer licensed in the State of Indiana.

G. Used manufactured homes are permitted in manufactured home parks, manufactured home subdivisions and zoning districts that permit residential use and shall comply with the following requirements:

1. Comply with all requirements in 6-12-3-2-3(F).
2. The manufactured home shall not be flood damaged, wind damaged, structurally damaged, or otherwise damaged, and shall not have suffered insurable damages.
3. If the manufactured home is HUD approved, the manufacturer's data plate indicating the manufactured home is designed for the northwest Indiana area (proper roof snow load, wind load, insulation, etc.) shall be provided.

H. New and used single wide manufactured homes are only permitted in manufactured home parks, manufactured home subdivisions, areas zoned Agriculture, and shall comply with all requirements in 6-12-3-2-3(F) and 6-12-3-2-3(G).

6-12-3-2-4: Manufactured Homes not in Manufactured Home Parks or Subdivisions

All manufactured homes permitted in areas other than manufactured home parks and subdivisions may be located where permitted subject to the following conditions:

A. Principal Building on Lot

Each manufactured home shall be located on a lot or parcel and shall be the only principal building on the lot or parcel and must be at least ten (10) feet from any other building.

B. Minimum Lot Size and Setback Requirements

The minimum lot size, minimum yard size, and other single-family dwelling requirements of the Starke County Zoning Ordinance for the district in which the manufactured home park or subdivision is in must be complied with.

C. Minimum Accommodations Required

Each manufactured home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for and attached to appropriate external systems. The septic must be approved by the Starke County Board of Health. Refer to page 39, Z-1-B, Minimum Residential Standards in the Starke County Master Plan.

D. Smoke Detector Required

Each manufactured home shall have a smoke detector, underwriter laboratories, factory mutual approved, located as per manufacturer's requirements in the manufactured home.

E. Foundation/Siding

All manufactured housing must have either a perimeter retaining wall or foundation (skirting). All manufactured or mobile homes without a perimeter retaining wall shall have an approved foundation siding around the exterior perimeter of the home. Foundation siding and back-up framing shall be weather-resistant, non-combustible, or self-extinguishing material, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards. The area underneath the home floor shall be enclosed with self-ventilating siding or shall be ventilated by openings on the foundation siding. The opening shall have a net area of not less than one and one-half (1 & 1/2) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one-half (1/2) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inches (18"x24") minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

6-12-3-2-5: Schedule of Uses

Refer to the following: Anchor System, Table A, Manufacturer and Mobile Permitted Uses, Table B.

6-12-3-2-6: Installation Standards Including Manufactured Homes and Subdivisions

A. Type I Manufactured Homes

All HUD code Type I manufactured home foundations shall be installed in conformance with the regulations in the one (1) and two (2) family dwelling codes and with the manufacturer's installation specifications.

B. Type II and III Manufactured Homes

All HUD code Type II and III manufactured and all mobile home foundations shall be installed in conformance with the manufacturer's installation specifications. If no instructions are available from the manufacturer, refer to Table A.

C. Anchoring System (Tie Downs)

All manufactured or mobile homes shall be anchored meeting one (1) of the following approved standards:

1. Installation pursuant to the manufacturer's specifications (6-12-3-2-5 & Table A).
2. Installation pursuant to the design of the entire support and anchoring system by a registered professional engineer or architect.

D. Utility Connections

All manufactured or mobile home utility connections shall meet one (1) of the following standards:

5. Manufactured home parks shall have direct access to an adequate public thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of manufactured homes into and out of the park.

6. All manufactured homes shall be located thirty-five (35) feet or more from the right-of-way line of an abutting dedicated public thoroughfare and fifteen (15) feet or more from other boundary lines of the park.

7. Streets in a manufactured home park, if dedicated to the public use, shall meet the minimum standards of design and construction as required in the subdivision control ordinance. If the streets are not dedicated to the public use, then they must be at least sixteen (16) feet wide, must be dust free, and be properly drained. Also manufactured home parks must supply off-street parking equivalent to two (2) spaces per manufactured home.

8. Each park shall provide, in a central location, a recreational area or areas equal in size to at least eight (8) percent of the area of the park. Streets, parking areas, park service facility areas shall not be included in the required recreational area.

9. In zoning districts where not otherwise permitted, coin-operated laundries, laundry and dry-cleaning pickup stations, and other commercial convenience establishments may be permitted in manufactured home parks provided that:

- a. they are subordinate to the residential character of the park;
- b. they are located, designed, and intended to serve only the needs of persons living in the parks;
- c. the establishments and the parking areas related to their use do not occupy more than ten (10) percent of the total area of the park, and

d. the establishments present no visible evidence of their commercial nature to the areas outside the park.

10. Each manufactured home site shall meet the requirements in 6-12-3-2-4 of this Article 6.

11. All exterior park lights shall be so located and shielded to prevent direct illumination of any areas outside the park.

12. Each manufactured home shall meet the requirements of 6-12-3-2-4 and 6-12-3-2-6 of this Article 6.

H. Manufactured Home Subdivisions

Manufactured home subdivisions shall meet the following minimum requirements:

1. shall be located in a permitted district,
2. shall comply with the procedures, design standards, and required improvements of the Starke County Subdivision Control Ordinance,
3. shall require each manufactured home to be located in compliance with the requirements of 6-12-3-2-4 and 6-12-3-2-6 of this Article 6.
4. shall permit only Type I and Type II manufactured homes to be placed.

6-12-3-2-7: Permits (Administration and Enforcement-Improvement Location Permits)

A. Administration and Enforcement

The administration and enforcement of this Article 6 is the responsibility of the Zoning Administrator appointed by the Starke County Plan Commission.

B. Improvement Location Permit

No building or other structure may be erected, moved, added to, or structurally altered unless an improvement location permit has been issued by the Zoning Administrator in accordance with the provisions of this Article 6, and only if a sewage permit for the building or structure has been approved and issued by the Starke County Health Department in accordance with the ordinance or by the appropriate state agency if within the jurisdiction of Indiana. A permit may be issued only if the building or structure for which the permit is sought will comply in all respects with this and all other applicable laws.

C. Application for Improvement Location Permits

Application for an improvement location permit must be made in duplicate and accompanied by a detailed sketch showing the dimensions and the shape of the lot to be built upon, the size and location of existing buildings, and the location and dimensions of the proposed building or alteration. The application must include any other information that is necessary for the administration and enforcement of this Article 6, including, but not limited to existing or proposed uses of the buildings and land. The application must also include the number of families, housekeeping units, rental units the building is designed to accommodate, and conditions existing on the lot. All drawings submitted by the applicant, if they comply with the requirements of this section, shall be satisfactory.

1. All permits must be applied for two (2) weeks before placement of the manufactured home.
2. One (1) copy of the application shall be returned to the applicant and shall state whether it is approved or disapproved. The second copy similarly marked, shall be retained by the Zoning Administrator. If an application is not approved, the Zoning Administrator shall state the reasons for disapproval.
3. If the application for an improvement location permit is

approved, the applicant shall post the permit in a conspicuous location on the site of a new or altered building or structure, or an addition, or a building or structure moved from another location.

4. Any permit application for a new single family dwelling being built as a replacement for an existing dwelling shall be signed by the applicant agreeing to remove the existing dwelling no more than ninety (90) days after completion of the new dwelling and receipt of Certificate of Occupancy. In addition, an application for the required demolition permit of the existing structure must be completed and paid for in conjunction with the application for the new dwelling permit. In the event that the single family dwelling permit is renewed, the demolition permit will be renewed at no additional fee to the applicant. Penalty for violations will be implemented per Article 6-12-3-2-11 of the Starke County Zoning Ordinance.

D. Expiration of Improvement Location Permit

If the work described in an improvement permit has not been started within ninety (90) days from the date it was issued, the permit shall expire and written notice thereof shall be given to the person affected. If the work described in any improvement location permit is not substantially completed within six (6) months of the date it was issued, the permit shall expire and written notice thereof shall be given to the persons affected, together with notice that all work shall cease until a new permit has been obtained. This section shall not be construed to allow the applicant six (6) months to comply with condition of approval which are made part of the permit and which shall be complied with, beginning with initial construction.

6-12-3-2-8: Recreational Vehicles

A. Recreational vehicles parked on private residential property shall not be occupied for temporary or permanent use as a dwelling.

B. A resident may store recreational vehicles outdoors in the side or rear yard; provided the recreational vehicle is owned by the resident

of the dwelling on that lot and the recreational vehicle is located a minimum of five (5) feet from the side or rear lot line.

C. Recreational vehicles shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any zoning district. All recreational vehicles parked or stored shall not be connected to sanitary facilities.

D. All recreational vehicles shall maintain building setbacks as required by ordinance for the applicable zoning district.

E. All recreational vehicles shall have current state registration and license.

6-12-3-2-9: Recreational Vehicle Parks

Recreational vehicle parks shall meet the following requirements:

All recreational vehicle parks shall be subject to all provisions defined in 410 IAC 6-7.1.

A. Shall have direct access to a public highway or road with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exists shall be designed for safe movement of recreational vehicles into and out of the park.

B. Shall be located only where conditions of soil, groundwater level, drainage, geologic structure and topography do not create hazards to the park site or to the health and safety of occupants, nor subject the site to the hazards of objectionable smoke, odor, noise, or the possibility of subsidence, sudden flooding, or severe erosion.

C. Shall not allow the density of the park to exceed twenty (20) recreational vehicle spaces per acre of gross site area.

D. Shall have a minimum area of at least five (5) acres.

E. Shall require the recreational vehicles to be separated from each other and from park buildings or structures by at least fifteen (15) feet.

F. Shall comply with the required minimum yard provisions of the Zoning Ordinance.

G. Shall require each recreational vehicle space to be no nearer than twenty-five (25) feet to the right-of-way line of a highway or road.

H. Shall have a yard of at least twenty-five (25) feet in width wherever the boundary line of a recreational vehicle park coincides with that of a residential district other than along a thoroughfare or alley.

I. At least one centrally located recreational area equal in size to eight (8) percent of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas, and park service facility areas shall not be included in the required area.

J. In other than business districts, food stores, restaurants, sporting goods stores, laundromats, dry cleaning pickup stations, and similar convenience and service shops shall be permitted in recreational vehicle parks containing fifty (50) spaces provided:

1. such shops and the parking areas required by their use shall not occupy more than ten (10) percent of the total area of the park.
2. the shops shall be primarily for the use of the occupants of the park.
3. such shops shall be so located or designed within the park to present minimal visual evidence of their commercial nature to persons outside the park.

K. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs, and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.

L. The shops have installed and approved septic systems, meeting all health requirements from the Indiana State Board of Health.

M. Recreational vehicle parks must be screened as follows:

1. Screening materials shall be a minimum of six (6) feet in height and shall be opaque.
2. Where plant materials are used, said materials shall be of a species that is suited to local climatic and soil conditions, and shall not be less than four (4) feet high and which at maturity are not less than eight (8) feet high.
3. When plant materials are used, a strip of land a minimum of six (6) feet in width shall be reserved for the plant materials.
4. When permitted, all outside storage areas shall be screened from contiguous or adjacent residential uses or residential zoning district boundary lines.

6-12-3-2-10: Temporary Uses

Subject to conditions, fees, and standards otherwise required by this Article 6, a temporary use permit shall be issued:

A. To an applicant in the process of building a conventional dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued.

B. To an applicant to use a manufactured or mobile home as a caretaker's quarters or construction office at a job site.

C. Recreational vehicles parked on private property shall not be occupied for residential purposes.

6-12-3-2-11: Penalty for Violation

A. Failure to Comply

Each day of non-compliance with the provisions of this Article 6 constitutes a separate and distinct ordinance violation. Judgement of up to five

hundred dollars (\$500.00) per day may be entered for a violation of this Article 6.

B. Subject to Removal

A home sited upon property in violation of this ordinance shall be subject to removal from such property. However, the home owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring the home into compliance, a lien may be brought against the property for the expenses involved.

C. Removal Method

The zoning administrator may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated, or removed.

6-12-3-2-12: Severability Clause

If any section, subsection, paragraph, sentence, clause, or phrase of this Article 6 is for any reason held to be invalid or unconstitutional, such non-validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Article 6. It is being expressly declared that this Article 6 and each section, subsection, paragraph, sentence, clause, and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases be declared invalid or unconstitutional.

6-12-3-2-13: Non-Conformance

A. Non-Conforming Uses of Land

If, at the effective date of adoption or amendment of this Article 6, lawful use of land exists that is made no longer permissible under the terms of this Article 6 as enacted or amended, such use may be continued subject to the following provisions:

1. No non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article 6.

2. No non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article 6.

3. If any non-conforming use of land is abandoned for a period of more than twelve (12) consecutive months, any subsequent use of land shall conform to the regulations specified by this Article 6 for the district in which the land is located provided however, that a non-conforming manufactured home may be replaced on a lot in any district if it is of equal or larger size and of less age than the manufactured home being replaced, the replacement is full completed within a period of less than six consecutive months, and the replacement manufactured home otherwise meets the requirements of this Article 6.

B. Pre-existing Manufactured Homes and Manufactured Home Subdivisions

Manufactured homes and manufactured home subdivisions described in the following two (2) paragraphs shall not be required to comply with the terms of this manufactured housing amendment to the Starke County Zoning Ordinance except they shall be required to comply with 6-12-3-2-4.

1. Manufactured home or subdivision plans recorded in the Office of the County Recorder prior to the effective date of adoption or amendment of this Article 6, or on a land contract date prior to June 1, 1976.

2. Manufactured homes on a lot described on a deed or subdivision plat recorded on or after June 1, 1976, providing that the lot is seven hundred fifty (750) feet from a confined feeding operation and meets the minimum requirement of the Zoning Ordinance in effect at time of recording.

C. Non-Conforming Structures

If a lawful manufactured home exists at the effective date of adoption or amendment of this Article 6 that could not be built under the terms of this Article 6 by reason of restriction on area, height, yards, or other characteristics of the manufactured home, or by its location on the lot, such manufactured homes may be continued subject to the following provisions:

1. No non-conforming manufactured home may be enlarged or altered in a way which increases its nonconformity.

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	
<u>Yard, Front From</u>	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	
Private Lodge or Club	One space for each 125 other square feet of floor local area.
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 three (3) employees
Wholesale Establishments	
Theaters	One space for each six (6) seats
Hotels	One space for each three (3) sleeping rooms

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:

15,000 or less

15,0001 to 40,000

40,001 to 100,000

Each 40,000 additional

Loading & Unloading Berths:

1

2

3

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", "LP", 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 exists 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	The length of one (1) blade of the WECS Tower being placed on such property. The setback requirement is waived if the affected adjoining landowners sharing the common property line are participating landowners. 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

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 have 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 of 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.

6-16-2-46. Increased Cost of Compliance {ICC} means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention regulations. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

6-16-2-47. Letter of Map Amendment (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

6-16-2-48. Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

6-16-2-49. Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA

6-16-2-50. Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

6-16-2-51. Lowest floor means the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition

to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,

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

6-16-2-52. Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

6-16-2-53. Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

6-16-2-54. Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

6-16-2-55. Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

6-16-2-56. Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

6-16-2-57. Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two-fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

6-16-2-58. National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

6-16-2-59. National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

6-16-2-60. New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

6-16-2-61. New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

6-16-2-62. North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

6-16-2-63. Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

6-16-2-64. One-hundred-year flood (100-year flood) is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one percent annual chance flood. See "Regulatory Flood".

6-16-2-65. One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

6-16-2-66. Participating community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

6-16-2-67. Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

6-16-2-68. Pre-FIRM construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

6-16-2-69. Probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

6-16-2-70. Public safety and nuisance means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

6-16-2-71. Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

6-16-2-72. Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed, and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

6-16-2-73. Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3-16-2-6 of these regulations.

The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

6-16-2-74. Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

6-16-2-75. Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

6-16-2-76. Special Flood Hazard Area (SFHA) means those lands within the jurisdictions of the County subject to inundation by the regulatory flood. The SFHAs of Starke County are generally identified as such on the Starke County Indiana Unincorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated April 1, 1993. (These areas are shown on a FHBM or FIRM as Zone A, AE, AI- A30, AH, AR, A99, or AD).

6-16-2-77. Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation lor placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

6-16-2-78. Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a

manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

6-16-2-79. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

6-16-2-80. Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

6-16-2-81. Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

6-16-2-82. Variance is a grant of relief from the requirements of these regulations, which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

6-16-2-83. Violation means the failure of a structure or other development to be fully compliant with these regulations. A structure or other development without the elevation, other certification, or other evidence of compliance required in these regulations is presumed to be in violation until such time as that documentation is provided.

6-16-2-84. Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

6-16-2-85. Water surface elevation means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

6-16-2-86. X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs {8 zones on older FIRMs} designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

6-16-2-87. Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

6-16-2-88. Zone A (see definition for A zone)

6-16-2-89. Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

6-16-3. General Provisions.

6-16-3-1. Lands to Which These Regulations Apply.

These regulations shall apply to all SFHAs and known flood prone areas within the jurisdiction of Starke County.

6-16-3-2. Basis for Establishing Regulatory Flood Data.

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

(1) The regulatory flood elevation, floodway, and fringe limits for the SFHAs within the jurisdiction of Starke County delineated as an "A Zone" on the Starke County Indiana Unincorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated April 1, 1993, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

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

6-16-3-3. Establishment of Floodplain Development Permit.

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

6-16-3-4. Compliance.

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

6-16-3-5. Abrogation and Greater Restrictions.

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6-16-3-6. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

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

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

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

6-16-3-7. Interpretation.

In the interpretation and application of these regulations all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

6-16-3-8. Warning and Disclaimer of Liability.

The degree of flood protection required by these regulations are considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, these regulations do not create any liability on the part of Starke County, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on these regulations, or any administrative decision made lawfully thereunder.

6-16-3-9. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of these regulations. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Starke County. All violations shall be punishable by a fine not exceeding \$300.00 per day.

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

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

(3) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

6-16-3-10. Increased Cost of Compliance (ICC).

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

6-16-4. Administration.

6-16-4-1. Designation of Administrator.

The Board of Commissioners hereby appoints the Planning Administrator to administer and implement the provisions of these regulations and is herein referred to as the Floodplain Administrator.

6-16-4-2. Permit Procedures.

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

(1) Application stage.

- a). A description of the proposed development;
- b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
- c). A legal description of the property site;
- d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
- e). Elevation of the top of the lowest floor (including basement) of all proposed buildings.

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

g). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD as or NGVD elevation of the lowest floor or flood proofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood proofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project

6-16-4-3. Duties and Responsibilities of the Floodplain Administrator.

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

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

(1) Review all floodplain development permits to assure that the permit requirements of these regulations have been satisfied;

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

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to 6-16-5-5 and 6-16-5-7-1 of these regulations, and

maintain a record of such authorization (either copy of actual permit or flood plain analysis/regulatory assessment)

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

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

(6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations; regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), letters of Map Revision (LOMR). copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to these regulations.

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

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

(9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with 6-16-4-2;

(10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with 6-16-4-2;

(11) Review certified plans and specifications for compliance.

(12) Stop Work Orders

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

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

(13) Revocation of Permits

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

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

(14) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized Stake County Building Commission and/or Planning Administrator and/or Flood Plain Administrator shall have the right to enter and inspect properties located in the SFHA.

6-16-5. Provisions for Flood Hazard Reduction.

6-16-5-1. General Standards.

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

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

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

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

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

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

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

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

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

(9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of these regulations shall meet the requirements of "new construction" as contained in these regulations; and,

(10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of these regulations, shall be undertaken only if said non-conformity is not further, extended, or replaced.

(11) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

a). The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located;

b). Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;

c). The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water;

d). The fill or structure shall not obstruct a drainage way leading to the floodplain;

e). The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water;

f). The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and,

g). Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

6-16-5-2. Specific Standards.

In all SFHAs, the following provisions are required:

(1) In addition to the requirements of 6-16-5-1, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

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

b). Addition or improvement made to any existing structure:

(i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);

(ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.

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

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

e). Installing a manufactured home on a new site or a new manufactured home on an existing site. These regulations do not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

I). Reconstruction or repairs made to a repetitive loss structure;

(2) Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall

have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of 6-16-5-2(4).

(3) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of 6-16-5-2(4).

Structures located in all "A Zones" may be flood proofed in lieu of being elevated if done in accordance with the following:

a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in 6-16-4-3(10).

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

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

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize

hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

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

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

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

d). openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device; and

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

f). the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and

g). the interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade; and

h). where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

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

(a) The fill shall be placed in layers no greater than one (1) foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method.

(b) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

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

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

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

6-16-5-3. Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that its lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:

- a. Outside a manufactured home park or subdivision.
- b. In a new manufactured home park or subdivision.
- c. In an expansion to an existing manufactured home park or subdivision.

- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
- (b) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
- (c) Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in 6-16-5-2 (4).
- (d) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- (e) Recreational vehicles placed on a site shall either:
 - a. Be on site for less than 180 days; and
 - b. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnected type utilities and security devices, and has no permanently attached additions); or
 - c. Meet the requirements for “manufactured homes” as stated earlier in this section.

6-16-5-3. Standards for Subdivision Proposals.

6-16-5-3-1. All subdivision proposals shall be considered with the need to minimize flood damage;

6-16-6-3-2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

6-16-5-3-3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;

6-16-5-3-4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres;

6-16-5-3-5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA;

6-16-5-3-6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

6-16-5-4. Critical facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

6-16-5-5. Standards for Identified Floodways. Located within SFHAs established in 6-16-3-2, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of

Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving, etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources).

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources. Granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in 6-16-5 have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

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

6-16-5-6. Standards for Identified Fringe. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in 6-16-5 have been met. The key provision is that the top of the lowest

floor of any new or substantially improved structure shall be at or above the FPG.

6-16-5-7. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

6-16-5-7-1. Drainage area upstream of the site is greater than one square mile:

6-16-5-7-1-1. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana department of Natural Resources for review and comment.

6-16-5-7-1-2. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

6-16-5-7-1-3. Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in 6-16-5 have been met.

6-16-5-7-2. Drainage area upstream of the site is less than one square mile:

6-16-5-7-2-1. If the site is in an identified floodplain where the limits of **the floodway and fringe have not yet been determined and the drainage area upstream** of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one percent annual chance flood elevation for the site.

6-16-5-7-2-2. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in 6-16-5 have been met.

6-16-5-7-2-3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

6-16-5-8. Standards for Flood Prone Areas. All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet general standards as required per 16-1-5-1 through 16-1-5-7.

6-16-6. Variance Procedures.

6-16-6-1. Designation of Variance and Appeals Board. The Board of Zoning Appeals as established by the Board of Commissioners of Starke County shall hear and decide appeals and requests for variances from requirements of these regulations.

6-16-6-2. Duties of variance and Appeals Board. The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of these regulations. Any person aggrieved by the decision of the Board may appeal such decision to the Starke Circuit Court.

6-16-6-3. Variance Procedures. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these regulations and:

6-16-6-3-1. The danger of life and property due to folding or erosion damage;

6-16-6-3-2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

6-16-6-3-3. The importance of the services provided by the proposed facility to the community;

6-16-6-3-4. The necessity to the facility of a waterfront location, where applicable;

6-16-6-3-5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

6-16-6-3-6. The compatibility of the proposed use with existing and anticipated development;

6-16-6-3-7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

6-16-6-3-8. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6-16-6-3-9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and

6-16-6-3-10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as water, gas, electrical, and water systems, and streets and bridges.

6-16-6-4. Conditions for Variances.

6-16-6-4-1. Variances shall only be issued when there is:

6-16-6-4-1-1. A showing of good and sufficient cause;

6-16-6-4-1-2. A determination that failure to grant the variance would result in extreme hardship; and

6-16-6-4-1-3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

6-16-6-4-2. No variance for a residential use within a floodway subject to 6-16-5 including 6-16-5-7-1 may be granted.

6-16-6-4-3. Any variance granted in a floodway subject to 16-6-5 including 6-16-5-7-1 will require a permit from the Indiana Department of Natural Resources.

6-16-6-4-4. Variances to the Provisions for Flood Hazard Reduction of 16-6-5-2 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

6-16-6-4-5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6-16-6-4-6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

6-16-6-4-7. Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See 6-16-6-5)

6-16-6-4-8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See 6-16-6-5).

6-16-6-5. Variance Notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

6-16-6-5-1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

6-16-6-5-2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance and report such variances issued in the

community's biennial report submission to the Federal Emergency Management Agency.

6-16-6-6. Historic Structure. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

6-16-6-7. Special Conditions. Upon the consideration of the factors listed in 6-16-6, and the purposes of these regulations, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

6-16-7. Severability. If any section, clause, sentence, or phrase in these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of these regulations.

6-16-8. Effective Date. These regulations were passed and adopted by the Board of Commissioners of Starke County on June 20, 2011, following the required public hearing and approval of the Starke County Planning Commission on June 15, 2011.

ARTICLE 6-17 REGULATION OF CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

6-17-1. INTENT & PURPOSE

Establishing a procedure for the permitting of CAFO'S.

Regulation the location, development, and the expansion of CAFO'S.

Protecting CAFO'S from residential, commercial, and public land use conflicts.

Protecting agriculture's ability to grow and change.

Protecting the land, water, and air resources of Starke County.

Protecting Starke County's taxpayer's property values.

Protecting human welfare, health, safety, and well-being.

6-17.2. DEFINITIONS

"Animal Feeding Operation, AFO “

A lot or facility, other than an aquatic animal production facility, where both of these conditions are met:

A. Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and

B. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over at least fifty percent {50%} of the lot or facility. Reference 327 IAC 5-4-3(b)13)

“Concentrated Animal Feeding Operation, CAFO”

An AFO that stables or confined as many as or more than the number of animals specified in any of the following categories. Two (2) or more AFOs under common ownership are considered to be a single CAFO, if the AFO's adjoin each other or use a common area for land application of manure, litter, or process wastewater.

A. Seven hundred (700) mature dairy cows, whether milked or dry.

B. One thousand (1,000) veal calves.

C. One thousand (1,000) cattle other than mature dairy cows or veal calves. Cattle include, but are not limited to, heifers, steers, bulls, and cow/calf pairs.

D. Two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more.

E. Ten thousand (10,000) swine each weighing less than fifty-five (55) pounds.

F. Five hundred (500) horses.

G. Ten thousand (10,000) sheep or lambs.

H. Fifty-five thousand (55,000) turkeys.

I. Thirty thousand (30,000) laying hens or broilers, if the AFO uses a liquid manure handling system.

J. One hundred twenty-five thousand (125,000) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system.

K. Eighty-two thousand (82,000) laying hens, if the AFO uses other than a liquid manure handling system.

L. Thirty thousand (30,000) ducks, if the AFO uses other than a liquid manure handling system.

M. Five thousand (5,000) ducks, if the AFO uses a liquid manure handling system. Reference 327 IAC 5-4-3(b)(4) & 5-4-3(b)(7)

"Shall"

Means that the requirement is mandatory, rather than optional,

"Non-Farm Residence"

An occupied dwelling or house located in Agriculture Zoned Property that is not controlled by the owner and/or operator of a CAFO.

"Waste Management System"

Any method of managing manure at a site, including: 1) manure storage structure, 2) manure transfer system, 3) manure treatment systems, such as a constructed wetland, vegetative management system, or wastewater treatment system, 4) feedlot, 5) confinement building, 6) waste liquid handling, storage, and treatment system. Reference 327 IAC 16-2-44

6-17-3. DEVELOPMENT STANDARDS

CONFORMANCE REQUIREMENTS

A Concentrated Animal Feeding Operation (CAFO) shall meet all applicable requirements of the Federal, State or local government. In addition, CAFO applicants shall meet the following requirements.

a) Obtain a pre-application permit from the Planning Commission of Starke County prior to the submission of a permit application for approval from the Indiana Department of Environmental Management (IDEM)

1) A pre-application permit shall be granted to the CAFO upon submittal of the application to the Planning Commission if the CAFO ordinance requirements are met.

2) A CAFO is a "proposed" CAFO, for purposes of this ordinance, when a preapplication permit is submitted.

3) A CAFO is an "existing" CAFO, for purposes of this ordinance, when approval and a permit from IDEM is issued.

b) CAFO waste management system, compost facility, and mortality staging shall not be within one hundred fifty (150) feet of any county road centerline. Any other developed portions of the facility shall abide by existing zoning setbacks for like structures.

c) The minimum lot size on which a CAFO shall be permitted is ten (10) acres.

d) CAFO'S shall only be allowed on agriculturally zoned property.

e) A CAFO waste management system, compost facility, and mortality staging shall not be located within one hundred fifty (150) feet of any side or rear property line unless permission for a reduced setback is granted by the adjoining landowner.

f) Adequate truck loading areas and access shall be provided. Ingress and egress shall be designed to avoid creation of traffic hazards and congestion, odor, dust, noise or drainage impacts.

g) All CAFO'S shall obtain a "Route Permit" from the County Highway Department.

h) A copy of the Indiana Department of Environmental Management approval shall be submitted to the Planning Commission prior to receiving a Building Permit.

6-17-4: ODOR SETBACKS

a) Minimum setback for any CAFO waste management system from non-farm residences shall be as follows:

1. Seven hundred fifty (750) feet as long as the CAFO includes three (3) odor controls prior to the start-up of the operation.

2. One thousand (1,000) feet as long as the CAFO includes two (2) odor controls prior to the start-up of the operation.

3. One thousand three hundred twenty (1320) feet as long as the CAFO includes one (1) odor control prior to the start-up of the operation.

4. One thousand five hundred seventy (1570) feet when the CAFO does not include any odor control prior to the start-up of the operation. Operations that do not include odor controls shall increase the minimum setback by two hundred fifty (250) feet for each multiple greater than one (1) (rounded up to the nearest whole number), above the animal numbers required to be a CAFO. (i.e., A dairy with seven hundred (700) mature cows without odor controls would require a one thousand five hundred seventy (1570) foot setback; A dairy with one thousand five hundred {1500} mature cows without odor controls would require a one thousand eight hundred thirty (1830) foot setback; $(1,500-700)/700-1=0.14$, round up to 1, 1,570 feet + $[1 \times 250 \text{ feet}]$).

5. Odor controls include, but are not limited to, the controls listed in Table 1. Proven odor controls are listed in Table 1 for reference. Other proven odor controls not listed in Table 1 may be used to determine the required setback.

Table 1: Proven Odor Controls

Diet Manipulation/Fee Additives	Liquid separation
Shelterbelts	Anaerobic treatment lagoon
Vegetation screens	Anaerobic digester
Windbreak walls	Manure storage surface accretion

Biofilters	Reduced anaerobic lagoon loading rate
Biomass filters	Aerobic treatment
Air filters	Ozonation
Aerodynamic deduster (air cleaner)	Urine/feces segregation
Wet scrubber (ventilation air)	Permeable covers (i.e., geotextile)
Catalytic converter	Impermeable covers
Vegetable oil spray (dust control)	Pit additives (i.e., biological, chemical)

a) A new CAFO shall not locate the waste management system within a two (2) mile buffer from the city limits of the cities of Knox, North Judson, and Hamlet

b) An active animal feeding operation (AFO) that expands such that it is defined as a CAFO shall not locate a new waste management system within a two (2) mile buffer from the city limits of Knox, North Judson, and Hamlet or any closer than the setback between an existing waste management system and the city limits of Knox, North Judson, and Hamlet (whichever is least restrictive).

c) A new CAFO shall not locate the waste management system within a minimum of one thousand five hundred seventy (1570) feet or the prescribed setback from a non-farm residence required by this ordinance (whichever is greater) of an incorporated city or town limits.

d) An active animal feeding operation (AFO) that expands such that it is defined as a CAFO shall not locate a new waste management system within a minimum of one thousand five hundred seventy (1570) feet, the prescribed setback from a non-farm residence required by this ordinance, or any closer than the setback between an existing waste management system and the city or town limits of an incorporated city or town (whichever is least restrictive).

e) If the setback between an existing CAFO and non-farm residence is less than the setback prescribed in subsection {a) above, the existing CAFO may expand at the same location provided the new or expanded waste management system does not reduce the existing setback between the CAFO waste management system and non-farm residence unless written permission is given by the owner of the non-farm residence.

f) An existing AFO proposing to expand such that after the expansion it would be defined as a

CAFO may expand at the same location provided the following:

1. If the setback between the existing AFO and non-farm residence is less than the setback prescribed in subsection (a) above, the existing AFO may expand at the same location provided the new or expanded waste management system does not reduce the existing setback between the AFO waste management system and nonfarm residence, unless written permission is given by the owner of the non-farm residence.

2. If the setback between the existing AFO and non-farm residence is greater than the setback prescribed in subsection (a) above, the existing AFO may expand at the same location provided the new or expanded waste management system location maintains the setback distances prescribed in subsection (a) above, unless written permission is given by the owner of the non-farm residence.

g) A newly constructed non-farm residence shall not be located within the required setback by subsection (a)(4) of Section III of this ordinance from an existing or proposed CAFO waste management system for the number of animals at the existing or proposed CAFO. The minimum setback shall be 1,570 feet.

h) If a variance is granted by the BZA for a non-farm residence from the setback standards of this ordinance, the party obtaining the variance/rezone shall be required to enter into the following covenant protecting the CAFO's right to operate:

"In accepting this deed, grantees acknowledge that surrounding land is agricultural in usage; and grantees, and their successors in interest, are precluded from attempting to enjoin any farm operation within the prescribed setback of [(required setback)] required by the Starke County Concentrated Feeding Operation Ordinance because of nuisances which might result from said operation."

i) If a variance/rezone is granted for a new subdivision development in an agriculturally zoned property there shall be a condition of receiving a variance/rezone, the grantee must sign an agricultural clause that must be accompanied by a deed restriction to successive owners:

"Grantee/owners of said lot(s) and their successors in title are on notice and understand that this residence/subdivision will be built in a predominantly agricultural area and that farming operations, to include animal feeding operations and other livestock operations may be practiced in the area of this residence/subdivision. With this understanding, grantee/all owners of the lot(s) in this subdivision and their successors in title forego their right to bring claim against any agricultural operation in the area who has not been negligent."

6-17-5. SETBACK EXCEPTIONS

a) Grandfathered Non-conforming Uses. Any existing CAFO legally established prior to September 21, 2015 shall be considered a legal non-conforming use.

b) A non-farm residence may agree to a reduced setback between a new or expanding CAFO and to a non-farm residence. A written agreement between the non-farm residence and a CAFO must be filed with the Planning Commission prior to the issuance of a building permit.

6-17-6: ENVIRONMENTAL PROTECTION

a) The operator of a new, expanding, or existing CAFO shall comply with all State laws and rules; including the laws and rules administered by IDEM and with any permits granted by IDEM.

b) All applicants who have or had ownership in any CAFO/AFO in the State of Indiana or any other state during the five years prior to the date of obtaining a pre-application permit must not have any unresolved violations with the Indianan Department of Environmental Management or any other corresponding or comparable local, state, or federal regulatory agency. All such outstanding violations must be resolved before a building permit will be issued by the Planning Commission.

c) CAFO'S shall abide by 312 IAC 12 Water Well Drilling and Ground Water and register all wells capable of withdrawing over one hundred thousand (100,000) gallons per day or seventy (70) gallons per minute with the Department of Natural Resources.

d) A CAFO shall follow all manure application rules as defined in their IDEM permit and in accordance with their manure management plan.

e) A CAFO/AFO shall not locate any portion of the waste management system within the flood plain unless a Federal Emergency Management Agency, National Flood Insurance Program "Floodproofing Certificate" for non-residential structures is provided and the waste management system access is at least two (2) feet above the flood base elevation. Reference 327 IAC 16-8-1(a)(3).

f) Groundwater test wells shall be required all new approved floodplain CAFO sites. Placement, number, and depth of these systems shall be determined by a licensed engineer or hydro- geologist after the groundwater directional flow is determined. Sampling and testing of these systems for nitrates and bacteria shall be performed bi-annually by the Starke County Health Department.

g) If the Starke County Health Department determines that surface or ground water has been or is being contaminated by the CAFO, the Health Department may order any reasonable or necessary corrective action to protect public health.

h) A copy of the results of any environmental testing must be provided to the Starke County Health Department.

6-17-7. SEVERABILITY

The provisions of this ordinance are severable, and the invalidity of a particular provision shall not invalidate any other provisions.

6-17-8. EFFECTIVE DATE

THIS ORDINANCE IS APPLICABLE TO NEW CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) AND ACTIVE ANIMAL FEEDING OPERATIONS (AFO) THAT WISH TO EXPAND SUCH THAT AFTER THE EXPANSION IT WOULD BE DEFINED AS A CAFO. (September 21, 2015)

ARTICLE 6-18 EMERGENCY ACTION TO SEAL BUILDINGS

- A. Any building whose doors and windows have been so damaged by fire that they cannot be closed and secured from unauthorized entry by normal locks immediately upon expiration of the fire, is hereby declared to be an immediate and imminent threat to public welfare and safety.
- B. Upon the extinguishment of any fire, all burned structures shall be immediately sealed with materials as shall render the property enterable only through a single locked entrance.
- C. Burned structures shall be sealed by qualified contractors or individuals, registered by the Starke County Plan Commission. Upon approval, each contractor shall be placed on a rotating list which shall be on file at the Starke County Dispatch Center.
- D. Upon receipt of a request from the Starke County Plan Commission or jurisdictional fire department, the Starke County Dispatch will contact the registered contractor in proper order of rotation to seal the burned structure.
- E. The Contractors must be registered by the Starke County Plan Commission, and only registered contractors will be on the call list. The list of registered contractors will be kept at the Starke County Dispatch Center, Starke County Plan Commission, and the local fire departments.
- F. The contractors will supply all labor and materials necessary to seal the building. The materials must meet all specifications required by the Starke County Plan Commission and shall meet the following minimum requirements: All broken windows, doors and openings shall be covered with 3/8 inch plywood, particle board, or chip bard, which shall be fastened to the building with 1 ½ clutch head or square head screws. Once entranceway of at least ½ thickness shall be fastened to the building with hinges and a hasp, shall be padlocked, and the key shall be delivered to the local jurisdictional fire department.
- G. The contractors shall be compensated in the manner set forth in I.C. 36-7-9 et seq. and shall have no claim against the Starke County government or the local jurisdictional fire department.
- H. Construction, repair, or demolition must start within 90 days of this order except in extenuating circumstances and on an appeal made to the Starke County Plan Commission for an extension.

6-19 SOLAR ENERGY

6-19-1: Commercial Solar Energy Systems

The Commercial Solar Energy Systems Standards shall apply to the following zoning district: AGRICULTURE.

6-19-1-1: Purpose. It is the purpose of these performance standards to enable Starke County to regulate the permitting of commercial solar energy systems; be informed of the placement of commercial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in Starke County. The terms, conditions, and regulations set forth herein may be enforced through the issuance and enforcement of a Location Improvement Permit.

6-19-1-2: Commercial Solar Energy Systems (CSES) and Private Residential Solar Energy Systems (PRSES) are defined in 6-19-1-16-1 and 6-19-1-16-2.

6-19-1-3: Permitted Districts: Subject to issuance of a Location Improvement Permit (hereinafter "Permit") a CSES may be located as follows only: Zoning District – Agriculture

6-19-1-4: Parcel Line Setbacks. Any CSES equipment, excluding any security fencing, poles, roads, and wires, necessary to connect to facilities of the electric utility, must be set back in accordance with the accessory structure standards for the zoning district. Ground mounted solar panels/arrays shall be set back a minimum of 50 feet from any adjoining property line and a minimum of 100 feet from the center of any public road. These setbacks shall not apply between adjoining participating parcels. Additionally, such CSES equipment must be set back a minimum of 200 feet from the foundation of a primary dwelling unit located on a parcel not participating in the CSES. These setbacks may be waived in writing by adjacent property owners.

6-19-1-5: Height Limit. The height of any CSES ground mounted solar equipment is limited to 35 feet, as measured from the highest natural grade below each solar panel. If a switchyard or substation is required to connect the project to the electrical grid, the switchyard's/substation's design, including height will be in accordance with applicable electrical codes.

6-19-1-6: Noise Limit. A noise study shall be performed and included in the application. Noise caused by an operational CSES shall not exceed 55 dBA above background, as measured at a dwelling unit measured on an average hourly basis (Leg) (1 hour). These limits may be waivable by any adjoining property owners.

6-19-1-7: Landscape Buffer. Evergreens shall be placed along the perimeter of the CSES (outside of the fence), including along road frontage. This requirement shall not apply between adjoining participating parcels. This requirement may be waived by an adjoining property owner, but no waiver applies along road frontage.

6-19-1-8: Application Procedure. Applications for CSES permits shall be filed on forms provided by the Zoning Administrator.

6-19-1-9: Application and Permits. Any CSES shall be required to submit a preliminary/conceptual commercial site plan to the Technical Advisory Committee for review. Such review shall occur within 30 days of filing. Once an application has been approved, an Improvement Location Permit shall be issued. The following shall also be required:

6-19-1-9-1. Solar system specifications, including typical manufacturer and model and maximum spatial extent (height and fence lines).

6-19-1-9-2. Preliminary array/module design and site plans with the maximum spatial extent of the CSES and its perimeter fence indicated.

6-19-1-9-3. Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as the National Electrical Code (NEC) (NFPA-70), the American National Standards Institute (ANAI), the Underwriters Laboratories (UL), the American Society for Testing & Materials (ASTM), the Institute of Electric and Electronic Engineers (IEEE), the Solar Rating and Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Indiana Building Code (IBC), and any other standards applicable to solar energy systems. The manufacturer's specifications for the key components of the CSES shall be submitted with the application.

6-19-1-9-4. All ground mounted electrical and control equipment for CSES shall be labeled and secured to prevent unauthorized access.

6-19-1-9-5. All CSES shall be installed so as not to cause significant wire or wireless communication signal disturbance.

6-19-1-9-6. All CSES shall be designed to avoid concentrated and prolonged glare onto abutting structures and roadways.

6-19-1-9-7. All ground mounted electrical and control equipment for CSES shall be fenced to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public, and access to same shall be through a locked gate.

6-19-1-9-8. To the greatest practical extent, all electrical wires and utility connections for CSES shall be installed underground, except for transformers, inverters, switchyards/substations, and controls. The Plan Director will take into consideration prohibitive cost and site limitations in making his or her determination.

6-19-1-9-9. Exterior lighting for CSES shall be limited to that required for safety, inspection,/repair/maintenance, and operational purposes.

6-19-1-9-10. All signs, other than the manufacturer's or installer's identification, appropriate warning (including safety and trespassing) signs, or owner identification on a solar panel array and/or modules, building, or other structure associated with a CSES, shall be prohibited.

6-19-1-9-11. The CSES applicant shall certify that the applicant will comply with the utility notification requirements contained in Indiana law, and accompanying regulations through the Indiana Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electric grid.

6-19-1-9-12. Prior to the start of construction, a Decommissioning Agreement must be executed by the applicant which stipulates that decommissioning of the entire facility will begin upon the occurrence of twelve consecutive months of no power generation at the facility. In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES when it reaches the end of its useful life, or if the applicant ceases operation of the facility, applicants must file a decommissioning agreement which details the means by which decommissioning will be accomplished and the timeline for completion. This agreement must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule

for contributions to a decommissioning fund, and a demonstration of financial assurance. Salvage value shall be considered in determining decommissioning cost. In the event of a force majeure or other event which results in the absence of electrical generation for twelve months, by the end of the twelfth month of non-operation the applicant must demonstrate to Starke County that the project will be substantially operational producing electricity within twenty-four months of the force majeure or other event. If such a demonstration is not made to Starke County's satisfaction the decommissioning must be initiated eighteen months after the force majeure or other event. The County considers a force majeure to mean fire, earthquake, flood, tornado, or other acts of God and natural disasters, and war, civil strife, or other similar violence. The operator of any CSES shall secure and provide a performance bond, escrow deposit, or other financial assurance in a form acceptable to the County in an amount determined by a third-party engineering firm to ensure the proper decommissioning and removal of the CSES. The applicant will have the financial assurance mechanism in place prior to the start of construction and will re-evaluate the decommissioning cost and financial assurance at the end of years five, ten, and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to Starke County for review. Proof of acceptable financial assurance will be required prior to the start of commercial operation.

6-19-1-9-13. The site plan should be submitted in accordance with the plan requirements of the Starke County Storm Drainage, Erosion and Sediment Control Ordinance (Rule 5).

6-19-1-9-14. Drainage Board approval shall be required for all CSES and must be located at a minimum of 75 feet from any county ditch and shall not be built over any county tile lines.

6-19-1-9-15. Must follow same rules as building in a flood plain, including raising elevation of structures if deemed necessary.

6-19-1-9-16. Applicant agrees to pay all attorney fees and costs in the enforcement of the terms of this Article.

6-19-1-10. Public Improvements and Repairs

6-19-1-10-1. Road Capacity. During construction, roads shall remain open at all times except for periods of time less than twenty (20) minutes unless notice is provided as required herein. Expected loss of capacity (i.e.,

temporary closures) greater than twenty (20) minutes shall require notice to neighboring and affected property owners at least twenty-four hours prior to the temporary closure, and either a detour to be established or personnel to redirect traffic to alternate routes during the temporary closure closed for the day by the Starke County Highway Department. Any necessary temporary closures and proposed detours shall be made known to the Highway Department at least twenty-four (24) hours prior to the temporary closure or as otherwise agreed.

6-19-1-10-2. Commitment to Avoid Disruptions; Responsibility for Damages. In addition to a surety, the CSES operator shall sign an affidavit indicating they will compensate Starke County for any and all damage to public roads caused by CSES construction vehicles or traffic and shall strive to avoid damage to roads, unreasonable disruption of vehicular circulation around the development site, and unreasonable disruption of power or other utility services to surrounding areas.

6-19-1-11. Public Notice. The CSES operator shall identify all State highways and local roads to be used in the transport of equipment and parts for construction of the CSES. It shall also prepare a time line and phasing plan for construction and identify any known road closures. This information shall be released to the local newspapers as notice to persons who may be affected. This information shall also be conveyed to local law enforcement, emergency services, public school corporations, the United States Postal Service, and the regional office of the Department of Transportation.

6-19-1-12. As-Built Plans Requirement. Upon completion of all development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-Built plans), as amended, to the Plan Administrator with the exact measurements thereon shown. The Plan Administrator after being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, shall approve, date and sign said Construction Plans for the project, which the applicant, owner, or operator shall then record.

6-19-1-13. Change in Ownership. It is the responsibility of the owner or operator listed in the application to inform the Advisory Plan Staff of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

6-19-1-14. CSES Permits and Fees

6-19-1-14-1. Fees applicable to Site Plan submittal shall also be required, as well as any and all other permits as required by Starke County.

6-19-1-14-2. An ILP application for a CSES permit shall be accompanied by a fee of:

0-10 kilowatts	\$150.00
11-50 kilowatts	\$300.00
51-100 kilowatts	\$600.00
101-500 kilowatts	\$1,200.00
501-1,000 kilowatts	\$2,750.00
1,001-2,000 kilowatts	\$6,000.00
Over 2,000 kilowatts	\$6,000.00 + \$200.00 for each additional kw
Maximum Fee	\$30,000.00

6-19-1-15. PRSES Permits. Application shall be accompanied by an accessory use fee of \$150.00.

6-19-1-16. Definitions.

6-19-1-16-1. "Commercial Solar Energy Systems (CSES)" means an area of land or other area used by a property owner, multiple property owners, and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing ground mounted, solar arrays or modules, battery storage facilities, solar related equipment, and ancillary improvements, including substations. CSES are a minimum of 10 acres in total area.

6-19-1-16-2. "Private Residential Solar Energy Systems (PRSES)" means an area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES shall be permitted in all

zoning districts and shall be treated as accessory structures in each zoning district in which they are erected. The maximum size of PRSES is limited to the maximum size allowed for an accessory structure in each zoning district (other accessory structures shall not be included in maximum size calculations).

6-20: Dog Kennels

6-20-1: Zoning Requirements

1. Commercial Kennels

a. Shall be permitted in agricultural and commercially zoned areas provided all the requirements of this ordinance are met, as it pertains to them.

b. Shall not be permitted in residential zoned areas or subdivisions.

2. Non-Commercial Kennels

a. Shall be permitted in agricultural and commercially zoned areas provided all the requirements of this ordinance are met, as it pertains to them.

b. Shall not be permitted in residential zoned areas or subdivisions.

3. Kennel permits are required for any residence that has more than four (4) total dogs.

6-20-2: Minimum Lot Specifications

1. Commercial Kennels

a. The minimum lot size shall be two (2) acres.

b. The kennel structure shall be set back at least four hundred (400) feet from the nearest adjacent residence.

c. The kennel structure and/or the confining fencing shall be set back from all property lines by at least twenty (20) feet.

2. Non-commercial Kennels

a. The minimum lot size shall be two (2) acres.

b. The kennel structure shall be set back at least four hundred (400) feet from the nearest adjacent residence.

c. The kennel structure and/or the confining fencing shall be set back from all property lines by at least twenty (20) feet.

6-20-3: Kennel Site Requirements

1. Commercial Kennels

a. All exercise areas proposed to be used by loose dogs shall be fully enclosed by a fence.

b. The fence should be of a height to keep the dog confined, based on the size of the dog. (see Appendix A)

c. The kennel shall be constructed of new or otherwise serviceable materials.

2. Non-commercial Kennels

a. All exercise areas proposed to be used by loose dogs shall be fully enclosed by a fence.

b. The fence should be of a height to keep the dog confined, based on the size of the dog. (see Appendix A)

c. The kennel shall be constructed of new or otherwise serviceable materials.

6-20-4: Required Supporting Documentation

1. Commercial Kennels

a. The applicant shall submit a manure management plan acceptable to the County Health Department.

1. Kennels already established, are well kept, and where no problem exists, are exempt.

b. The applicant shall submit calculations supporting the proposed kennel size. For example: Dog breed A typically requires a minimum kennel area of X

square feet per animal and the proposed number of animals is Y. Therefore for dog breed A, the proposed kennel will have a minimum of (X)(Y) square feet of space. Please refer to I.C. 35-46-3-0.5 for additional information.

1. Kennels already established, are well kept, and where no problem exists, are exempt.

c. The applicant shall submit a dog kennel management plan that includes the following information:

1. Maximum number of animals on premises
2. Proposed breeding and marketing schedules
3. Proposed animal dwelling time, i.e. temporary vs. long term
4. Proposed daily animal care requirements
5. Mortality disposal plan

- a. Kennels already established, are well kept, and where no problem exists, are exempt from submitting a management plan.

d. It is recommended that an emergency contact number and number of animals be listed on any building, or home, that contains animals, in case of an emergency.

e. The applicant shall submit a copy of their Commercial Dog Breeders registration/license, required by the State of Indiana.

f. The applicant shall submit a proposed construction schedule, as applies to new structures, and those structures being remodeled.

g. All dogs kept outside, should be provided with adequate shelter, cleanliness, food, water, and those things are necessary for good health.

h. The applicant shall submit proof of liability insurance.

i. Need to adhere to the Standard of Care Statement in 6-20-5.

2. Non-commercial Kennels

a. Shall submit a manure management plan, as necessary for the County Health Department.

b. Shall submit a proposed kennel area.

c. Shall submit a dog kennel management plan that includes an estimate of the number of dogs on the premises. Example (less than 20, more than 20, etc.) this is required to differentiate between a Minor/Major Kennel License.

d. It is recommended that an emergency contact number and number of animals be listed on any building, or home, that contains animals, in case of an emergency.

e. There is no registration/license required by the State of Indiana (they are exempt).

f. Shall be exempted from submitting a proposed construction schedule, except as is required by county building codes for new structures and those structures being remodeled.

g. All dogs kept outside, should be provided with adequate shelter, cleanliness, food, water, and those things necessary for good health.

h. Shall be allowed to decide, with the help of their insurance company, whether or not they need to be covered by liability insurance.

i. Need to adhere to the Standard of Care Statement in 6-20-5.

6-20-5: Standards of Care Statement

1. All dogs will be provided with adequate shelter

a. Considering shade and location when taking extreme temperatures under consideration. Protect from rain, direct sun, and snow.

b. Consider size of area, so that animals can comfortably move around in their enclosures, or specified areas.

c. Provide adequate ventilation.

2. All dogs will be provided with clean, fresh water at all times.

3. All dogs will be provided with adequate nutrition (taking their lifestyles into consideration - working, hunting, training, pregnant/nursing, regular activity).

4. All dogs will be provided a clean area to lie down and walk around, free of feces and urine.

5. All dogs will be provided adequate exercise (taking their lifestyles into consideration).

6. All dogs should be kept in good health; providing medical treatment as needed.

6-20-6: Penalties for Commercial Kennels

1. Penalties/Fines

a. A person who is found to be in violation of any provisions of this Ordinance may also be liable for all reasonable attorney fees and costs incurred by the County in the enforcement of this Ordinance.

b. A person who has violated the provisions of this Ordinance, or failing or refusing to comply with an order issued under this Ordinance within the time prescribed, may be fined a sum not less than one (1) dollar (\$1.00) and not greater than five hundred (500) dollars (\$500.00) per violation.

c. All fines, penalties, and clean-up costs paid pursuant to this ordinance shall be deposited into the General Fund of the County of Starke, Indiana.

d. Collection of such amounts shall constitute collection of money owed the unit pursuant to Indiana Code Section 36-1-4-17.

6-20-7: Penalties for All Non-Commercial Kennels

1. Fines

a. Any complaints/problems brought forth against these kennels may be fined a sum not less than one (1) dollar (\$1.00) and not greater than one hundred (100) dollars (\$100.00) per day per violation.

b. First time complaints/problems will be given a prescribed time to be resolved before any fines would be charged, provided that no damages have occurred.

c. All fines shall be deposited into the General Fund of the County of Starke, Indiana.

6-20-8

APPENDIX A

Purpose

The purpose of Appendix A is to give guidelines as to the size of Kennel Fence that should be considered for the type and breed of dog being raised.

1. Extra small and small dogs should be fenced with at least a three foot high fence.
2. Medium and large dogs should be fenced with at least a four foot high fence.
3. Extra Large and XXL dogs should be fenced with at least a six foot high fence.

All fence requirements are for guideline purposes only, and may be modified depending on the Planning Administrator's judgement.

Dog Size Chart

Size Weight	Size Measurements	Animal Examples
1 - 10 lbs	Extra Small	Most cats, Yorkies, Chihuahuas, Pomeranians, Maltese,
	19" x 13"	Papillons
26- 40 lbs	Medium	Beagle, Mini Schnauzer, Shetland Sheepdogs, Cavalier
	30" x 20"	

		King Charles, Scottish Terriers, American Staffordshire Terriers
71 - 90 lbs	Extra Large 42" x 28"	Labrador Retrievers, Golden Retrievers, Siberian Huskies, Weimaraners, Collies, Vizslas, Siredale, Standard Poodle, Border Collies, Chow Chows, German Shepherd, Rottweilers, Doberman Pinschers, Rhodesian Ridgebacks
91 - 110 lbs	XX Large 48" x 30"	Alaskan Malamute, Bernese Mountain Dog, Great Dane, St. Bernard

ZONING ORDINANCE

STARKE COUNTY COMPREHENSIVE AIRPORT ZONING ORDINANCE

An ordinance regulating and restricting the height of structures and objects of natural growth; regulating the use of land; and mode of construction of structures within noise impacted areas in proximity of Starke County Airport; providing an effective date and repealing all ordinances or provisions thereof in conflict herewith.

Be it ordained by the Starke County Council in lawful session assembled as follows:

This ordinance is adopted pursuant to the authority conferred by Indiana Code 8-22-3-14. It is hereby found that an airport obstruction has the potential for being hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of such an obstruction. An obstruction may affect land use in its vicinity and may reduce the size of areas available for taking off, maneuvering and landing of aircraft, thus, tending to impair or destroy the utility of the Starke County Airport, and the public investment therein. Certain other land uses in the vicinity of airports also have the potential for being hazardous to normal aircraft operations or to increase the potential for personal and property damage in the event of an aircraft accident.

Further it is hereby found that aircraft noise may be an annoyance or objectionable to residents in the community surrounding the Starke County Airport.

Accordingly, it is declared that:

1. The creation or establishment of an airport obstruction which is hazardous to aircraft operations or which reduces the size of the area available for such operations is a public nuisance and an injury to the region served by the Starke County Airport.

2. It is necessary in the interest of the public health, public safety, and general welfare that the creation of airport obstructions and the incompatible use of land within certain airport zones to be prevented; and

3. The prevention of these obstructions and incompatible land uses should be accomplished to the extent legally possible, by the exercise of police power without compensation.

It is further declared that preventing the creation or establishment of airport obstructions and incompatible land uses and their elimination, removal, alternation, or mitigation to include marking and lighting of existing airport obstructions is a public purpose for which the political subdivision may raise and expend public funds and acquire land or interests in land.

A. Zones, Limitations, Variances

The purpose of this part is to establish standards of heights and land uses to prevent the creation of obstructions hazardous to aeronautical operations which would impair utility and capacity of the Starke County Airport. This part creates specific land use limitations and; establishes procedures for their orderly administration and enforcement.

1. **Airport-** An area of land or water designed and set aside for the landing and taking off of aircraft, utilized or to be utilized in the interest of the public for such purpose and validly licensed by the state in the Public Airport category which includes AP.

2. **Airport Elevation-** The highest point of the airport's usable landing area measured in feet Above Mean Sea Level (AMSL).

3. **Airport Obstruction-** Any object of natural growth or structure or use of land which would exceed the federal obstructions standards as contained in 14 CFR S.S. 71.21, 77.23, 77.25, 77.28, 77.29 or which obstruct the airspace required for flight of aircraft in taking off, maneuvering or landing at an airport or may otherwise be hazardous to the taking off, maneuvering or landing of aircraft.

4. **Airspace Height-** The height limits are established in all zones set forth in this ordinance. AMSL elevation shall be the datum unless otherwise specified.

5. **Climb Gradient-** Aircraft instrument departure procedure requiring adherence to a minimum climb slope or grade expressed in feet per nautical mile.

6. **Decision Height-** The height at which a pilot must decide, during an Instrument Landing System (ILS) approach, to either continue the approach or to execute a missed approach.

7. **Minimum Decent Altitude-** The lowest AMSL altitude to which descent is authorized on final approach or doing circling-to-land maneuvering in execution of a Standard Instrument Approach Procedure (SIAP) where electronic glide slope is not provided.

8. **Minimum Enroute Altitude (MEA)-** The lowest published altitude between radio fixes that assures acceptable navigational signals coverage and meets obstruction clearance requirements between those fixes.

9. **Minimum Obstruction Clearance Altitude (MOCA)-** The lowest published altitude between radio fixes on Federal VOR airways, off-airway routes, on routes segments that meets obstruction clearance requirements for the entire segment and assures acceptable navigational signal coverage only within 22 miles of a VOR.

10. **Minimum Vectoring Altitude (MVA)-** The lowest AMSL altitude at which aircraft operating on Instrument Flight Rules (IFR) will be vectoring by a radar controller, except when otherwise authorized for radar approaches, departures, or missed approaches.

11. **Nonconforming Use-** any pre-existing structure, objet, or natural growth or use of land which is inconsistent with the provisions of this Ordinance, or amendments thereto.

12. **Non-Precision Instrument Runway-** A runway having an instrument approach procedure utilizing air navigational facilities with only horizontal guidance, or area type navigational equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision instrument approach facilities are planned or indicated on an appropriate civil or military airport planning document.

13. **Nonstandard Take Off Minimums-** Conditions of existing weather required for take off at an airport which exceed the standards prescribed in Federal Aviation Regulations Part 91.

14. **Other Than Utility Runway-** A runway designed for and intended to be used by all types of aircrafts including those having gross weights greater than 12,500 pounds.

15. **Precision Instrument Runway-** A runway having an instrument approach procedure utilizing an Instrument Landing System (ILS), Microwave Landing System (MLS), or a Precision Approach Radar (PAR) including a runway for which such a system is planned and is so indicated on an approved civil or military airport layout plan; other FAA planning documents, or comparable military service planning documents.

16. **Runway-** A defined area on an airport prepared for landing and take off of aircrafts along its length.

17. **Structure-** Any object, constructed, or installed by man, including but not limited to: buildings, towers, smoke stacks, cranes, utility poles, and overhead transmission lines.

18. **Utility Runway-** A runway that is constructed for and intended to be used only by propeller driven aircrafts of 12,500 pounds maximum gross weight and less.

19. **Visual Runway-** A runway intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedure planned or indicated on an approved civil or military airport layout plan, or by any other planning document submitted to the FAA by competent authority.

20. **Zoning Administrator-** The administrative office or agency responsible for administering and enforcing the requirements of this ordinance within Starke County or within each political subdivision that adopts this ordinance. The zoning administrator in Starke County is the Starke County Zoning Administrator.

B. Airport Zones and Airspace Height Limitations

There are hereby created, and established certain zones which includes all land lying beneath the approach, transitional, horizontal, and conical surfaces as they apply to a particular airport. Such zones are shown on the Starke County Airport Zoning Map(s) attached to this ordinance and made a part thereof as Appendix 1. An area located in more than one of the described zones is considered to be only in

the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. **Primary Zone:** An area longitudinally centered on each runway, extending 200 feet beyond each end of that runway with the width specified for the most precise approach existing or planned for either end of the runway. The width of each Primary Zone is as follows: Other Than Utility, Non-precision, Instrument Runway(s); 500 feet.

Zone Height: No structure or obstruction will be permitted within a Primary Zone that is not part of the landing and take off facility and is of a greater elevation AMSL height than the nearest point of the runway centerline.

2. **Horizontal Zone:** An area around each public use airport with an outer boundary perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Zone of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of the arc specified for each end of the runway will have the arithmetic value, and the value will be the highest composite value determined for either end of that runway. When a smaller arc is encompassed by the tangent connecting two adjacent larger arcs, the smaller arc will be disregarded in the construction of the perimeter of the horizontal zone. The radius of each runway are is as follows: Precision Instrument and Other Than Utility, Non-precision Runway(s); 10,000 feet.

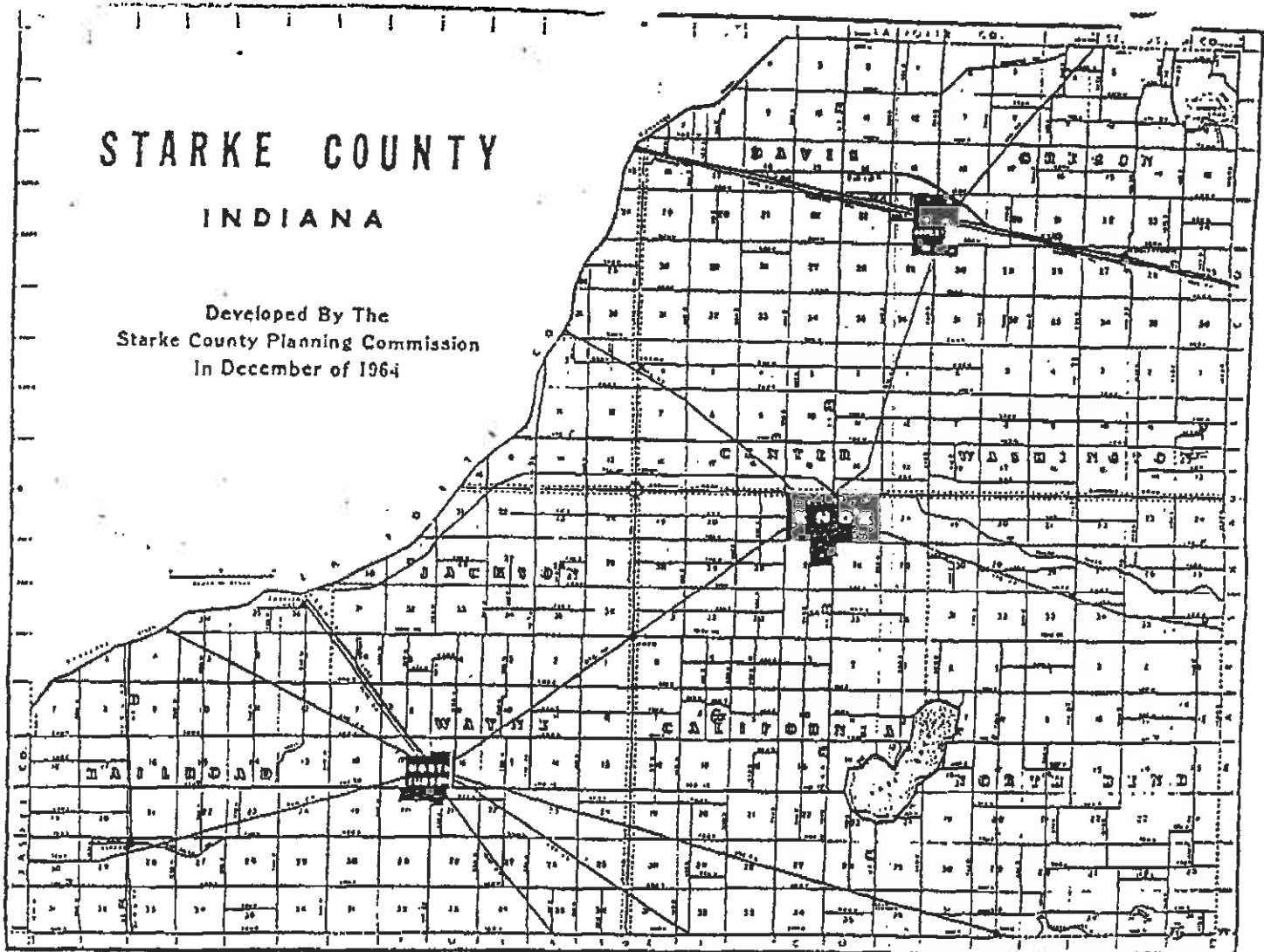
Zone Height: No structure or obstruction will be permitted in the Horizontal Zone that has a height greater than 150 feet above the airport height.

3. **Conical Zone:** An area extended outward from the periphery of an airport Horizontal Zone for a distance of 4,000 feet.

Zone Height: No structure or obstruction will be permitted in the Conical Zone that has a height greater than 150 feet above the airport height at its inner boundary with permitted height increasing one (1) foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.

4. **Approach Zone:** An area longitudinally centered on the extended runway centerline and extending outward from the end of the Primary Surface. The approach zone is designated for each runway based upon the type of approach available or planned for that runway end and;

A. Approach Zone Widths: The inner edge of the Approach Zone is the same width as the Primary Zone. The outer width of the Approach Zone is prescribed for the most precise approach existing or planned for that runway end expanding uniformly outward to a width of: Other Than Utility, Non-precision



Instrument Runway(s); 3,500 feet.

B. Approach Zone Lengths: The Approach Zone extends for a horizontal distance of: Other Than Utility, Non-precision Instrument Runway(s); 10,000 feet.

C. Approach Zone Heights: No structure or obstruction will be permitted within approach zones having a height greater than the runway end elevation at its

inner edge, increasing with horizontal distance from the inner edge as follows:
Other Than Utility, Non-precision Instrument Runway(s); one (1) foot vertically for every thirty-four (34) feet horizontally.

5. Transitional Zone: An area extending outward from the ends of each Primary Zone and Approach Zone connecting them to the Horizontal Zone and an area outward 5,000 feet horizontally or until intersection with the Conical Zone from the side of that portion of the Approach Zone of a Precision Instrument Runway extending through and beyond the Conical Zone.

Zone Height: No structure or object will be permitted within the Transitional Zone greater in height than the Primary or Approach Zone at their adjoining lines increasing at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the Horizontal Zone, or the height of Conical Zone for a horizontal distance of 5,000 feet from each side of that part of the Approach Zone for a Precision Instrument Runway extending beyond the Conical Zone.

6. Other Areas: In addition to the height limitations imposed in paragraphs 1 through 5 above, no structure or obstruction will be permitted within Starke County that would cause a MDA, MOCA, MVA, or a decision height to be raised nor which would impose either the establishment or restrictive minimum climb gradients or non-standard take off minimums for any runway at the Starke County Airport.

C. Airport Land Use Restrictions

Not with standing any other provisions of this Ordinance, no use may be made of the land or water within any Zones established by this Ordinance in such manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated in such manner that is not misleading or dangerous to aircrafts operating from the Starke County Airport or in the vicinity thereof.

2. No operations from any type shall smoke, glare, or produce other visual hazards within three (3) statute miles of any usable runway of the Starke County Airport.

3. No operations from any type shall produce electronic interference with navigational signals or radio communication between aircrafts, the airport, or other air traffic control facilities.

4. Within any airport Primary Zone or within any runway Approach Zone area where the zone height is fifty (50) feet or less above the end of the runway, no operations of any type shall involve the storage; distribution or manufacturing of flammable, explosive, toxic, or other hazardous material. This restriction shall apply to those materials in a quantity or of a type which if exposed to an aircraft accident, would further jeopardize the safety or health of the aircraft occupants, of the facility in the vicinity, by-standers and emergency personnel or would prevent, delay, limit, or otherwise curtail appropriate response actions by emergency personnel.

5. Within any airport Primary Zone or within any runway Approach Zone area where the zone height is fifty (50) feet or less above the end of the runway, no operations of any type shall involve the congregation of people for either short or long term purposes. This restriction shall apply to any use involving individuals who by their numbers condition, age, or other factor, should they be exposed to an aircraft accident, escalate the resultant effect.

6. Sanitary landfills shall be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:

a. Landfills located within 10,000 feet of any runway used or planned at the Starke County Airport.

b. Any landfill located so that it places on the runways and/or approach departure patterns at the Starke County Airport between bird feeding, water or roosting areas.

c. Landfills outside the above perimeters but still within the lateral limits of the airport zones described herein will be reviewed on a case-by-case basis.

D. Obstruction Marking and Lighting

Any variance or permit granted as a specific condition, require the owner to mark and light the structure to indicate to aircraft pilots the presence of an obstruction. Such marking and lighting shall conform to the specific standards established by Chapter 14-60, *Rules of the Department of Transportation* and the Federal Aviation Administration Advisory Circular 70/7460-1 as amended and attached to this report as Appendix 2.

E. Variances

Any person desiring to erect or increase the height of any structure or use his/her property not in accordance with the regulations prescribed by this Ordinance, may apply to the Board of Zoning Appeals for a variance from such regulations. At that time of filing, the applicant shall forward a copy of his/her application for variance by certified mail return receipt requested the Indiana Department of Transportation- Office of Aviation and the Starke County Airport Authority. The Office of Aviation and the Airport Authority shall have 45 days from the receipt of the application to provide comments to the applicant and the Board of Zoning Appeals after which time that right is waived. Additionally, no application for a variance may be considered unless the applicant shows evidence the requirement for Notice of Construction or Alteration under Title 14, Code of Federal Regulations, Part 77 has been complied with. No application for a variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Starke County Zoning Administrator. The Board of Zoning Appeals may proceed with consideration of an application only upon receipt of the Office of Aviation and/or Airport Authority comments or the waiver of the right as demonstrated by the applicant's filing a copy of a return receipt showing the 45 days have elapsed.

F. Nonconforming Use

The requirements prescribed by this Ordinance shall not be construed to necessitate the removal, lowering, or other alternation of any existing structure or tree not conforming to the requirements as of the effective date of this Ordinance. Nothing herein contained shall require any change in the construction or alteration which has begun prior to the effective date of this Ordinance, and is diligently pursued and completed within two (2) years thereof. The cost of removing or lowering any tree not conforming to the requirements of this Ordinance shall be borne by the Starke County Airport Authority. Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt or allowed to

grow higher or replanted, a permit must be secured from the Zoning Administrator or his/her a duly appointed designee. No permit shall be granted that would allow the establishment or creation of an obstruction hazardous to aircraft operations or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was as of the effective date of this Ordinance. Whenever the Zoning Administrator determines that a nonconforming use or nonconforming structure or tree has been abandoned or that the cost of repair, reconstruction, or restoration exceeds the value of the structure or tree, no permit shall be granted that would allow said structure or tree to be repaired, reconstructed, or restored except by a conforming structure or tree.

G. Administration and Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the requirements prescribed herein within the territorial limits over which Starke County has jurisdiction through the permitting process. Permits shall be requested by use of IC 8-21-10 *Regulation of Tall Structures* Application attached to this report as Appendix 3. Prior to the issuance or denial of a Tall Structure permit by the Zoning Administrator, the Federal Aviation Administration must have reviewed the proposed construction or alteration and issued a determination of the proposal's effect on navigable airspace where such prior notification under Title 14, Code of Federal Regulations, Part 77 is required. Temporary or conditional permits pending completion of the Federal Aviation Administration's review shall not be issued. In the event that the Zoning Administrator finds any violation of the requirements herein, the Zoning Administrator shall give notice to the person responsible for such violation in writing. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Board of Zoning Appeals. The Zoning Administrator shall order discontinuance of any work being done or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this Ordinance.

H. Board of Zoning Appeals

1. The Starke County Board of Zoning Appeals shall have and will exercise the following power on matters relating to areas within their territorial limit of authority:

a. to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

- b. to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Zoning Appeals may be required to pass.
- c. to hear and decide specific variances.

2. The Board of Zoning Appeals shall adopt rules for its governance in harmony with the provisions of this Ordinance. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his/her absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Zoning Appeals shall be public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the Starke County Clerk.

3. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be sufficient to reverse any order, requirement, decision, or Determination of the Zoning Administrator, or to decide in favor of the application on any matter upon which it is required to pass under this Ordinance, or to effect variation of this Ordinance.

I. Appeals

1. Any person aggrieved, or any taxpayer, by any decision of the Zoning Administrator made in the administration of this Ordinance, may appeal to the Board of Zoning Appeals.

2. All appeals hereunder must be made within a reasonable time as provided by the rules of the Board of Zoning Appeals, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals, all the papers constituting the record upon which the action appealed was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by order of the Board of Zoning Appeals on notice to the Zoning Administrator and after cause is shown.

4. The Board of Zoning Appeals shall fix a reasonable time for hearing appeals, give the public notice and due notice to the interested parties and render a decision within a reasonable time. During the hearing, any party may appear in person, by agent, or by attorney.

5. The Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination, as may be appropriate under the circumstances,

J. Judicial Review

Any person aggrieved, or any taxpayer affected by any new decision of the Board of Zoning Appeals, may appeal to the Circuit Court as provided in Indiana Code 36-7-4-1003 et. seq.

K. Penalties

Each violation of this Ordinance or of any regulation, order, or ruling promulgated herein shall be punishable as set forth in the Starke County Zoning Ordinance.

L. Conflicting Regulations

Where there exists a conflict between any of the requirements or limitations prescribed in this Ordinance and any other requirements, regulations, or zoning applicable to the same area, whether the conflict be with respect to the height of structures or trees; the use of land; or any other matter, the more stringent limitation or requirement shall govern and prevail. The variance to or waiver of any such more stringent limitation or requirement shall not constitute automatic variance or waiver of the less stringent limitations or requirements of this Ordinance.

M. Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application, and to the end, the provisions of this Ordinance are declared to be severable.

PART II COMPATIBLE LAND USES AND REQUIREMENTS

The purpose of this Part is to establish standards for land use at the Starke County Airport, and establishes notification procedures to prospective purchasers of real estate.

A. Definitions

1. **Avigation Easement** - The assignment of a right of the Starke County Airport Authority to a portion of the total benefits of the ownership of real property. The selected rights may be granted or may be purchased.

2. **Occupied Rooms** - Rooms within enclosed structures which are or may reasonably be expected to be used for human activities which involve speech communication, sleeping, eating, listening to live, recorded, or broadcast music or speech, or the regular use of telephones.

3. **Persons** - Individual, firm, partnership, corporation, company, association, joint stock association, or political body including the trustee, receiver, assignee, administrator, executor, guardian, or other representative.

B. Land Use Restrictions

1. Permitted and Restrictive Activities

Land uses in the Noise Sensitive Area of the Starke County Airport shall be permitted as provided by Indiana Code (IC) 8-21-10-3 attached to this Ordinance and made a part hereof in Appendix 4. Those activities and land uses not specifically listed in the IC are permitted or restricted based on their familiarity to noise tolerance and compatibility with normal airport operations.

2. Nonconforming Uses

The regulations prescribed by this Part shall not be construed to require the sound conditioning or other changes or alteration of any existing structure not conforming to this Part as of the effective date of this Ordinance or to otherwise interfere with the continuance of any such existing nonconforming use. Nothing herein contained shall require any such change in the construction or alteration of a structure which was begun prior to the effective date of this Ordinance and is diligently pursued.

C. Appeals

An appeal from any interpretation or administrative decision of the Zoning Administrator may be taken, and requests for variance or exception may be made to the Board of Zoning Appeals as provided in Section I of this Ordinance.

D. Future Uses

No change shall be made in the use of land, and no structure shall be altered or otherwise established in any zone hereby created except in accordance with this Part.

E. Variances

A variance may be granted by the Board of Zoning Appeals where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship, and would prevent the substantial enjoyment of property rights as shared by nearby properties which do conform to this Ordinance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions, requirements and safeguards in conformity with this Act and the intent hereof including avigation easements if deemed necessary.

F. Violation and Penalties

Each violation of this Ordinance or of any regulation, order, or ruling promulgated herein shall be punishable as set forth in the Starke County Zoning Ordinance.

G. Severability

If any section, provision, or part thereof in this Part shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of this Part as a whole, or any section, provision or Part hereof not adjudged invalid or unconstitutional.

H. Effective Date

This Ordinance shall take effect on adoption by the Starke County Council and does hereby repeal all ordinances or provisions thereof in conflict herewith.

Passed and Adopted in regular session, this, the 16th day of May, 2016.

Starke County Plan Commission Public Hearing Held on: April 20, 2016

**Recommended and Approved by the Starke County Plan Commission:
April 20, 2016**

Presented to the Starke County Council on: May 16, 2016

