

ARTICLE 25

GENERAL STANDARDS

SECTION 2500 – Intent

The purpose of this article is to set forth the physical, environmental, operational, and other performance or design standards which must be met in each and all districts, uses, buildings, structures, or alterations of lands, and to clarify situations where problems are frequently encountered. The following regulations shall govern height, density, setbacks, location of accessory structures, and other aspects pertinent to the administration and enforcement of this ordinance.

SECTION 2502 – Dimensional Table for all Zoning Districts

Table 25.1 lists the required dimensional standards, which are applicable to all zoning districts within this Ordinance.

SECTION 2504 - Exceptions to Height Regulations

Height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other structures usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. The height of radio/t.v., telecommunication or other similar towers shall be regulated by the applicable zoning district, Article 15 and the required permit process.

SECTION 2506 – Lot Frontage Requirements

All parcels of land to be created or altered must comply within the road frontage requirements identified in *Table 25.1* or as outlined in the Dearborn County Subdivision Regulations. Each lot is required to have a minimum lot frontage, which is measured along the roadway. For lots that have irregular geometric shapes the minimum lot frontage shall be measured at the building line.

SECTION 2508 - Setback Requirements for Corner Lots

On a corner lot, the front yard shall be determined by the orientation of the front of the principal building as located on the site. The side yard setback measured from the side yard right-of-way shall be required to have the same setback as the front yard. This side yard setback requirement regulates the location of the principal building and any associated accessory structures. (See *Figure 25.1*).

Table 25.1 - Dimensional Standards

AGRICULTURE AND RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

Zoning District	Minimum Size of District	Minimum Lot Size/Area*	Minimum Frontage/Lot Width	Max Building Height, Primary Use	Max Building Height, Accessory Use^^	Minimum width of primary structure	Minimum living area	Minimum Yard Setbacks**		
								Front ***	Rear	Side
A^	30 acres	2 acres	200 ft	45 ft	36 ft for Non-Ag Uses 60 ft for Ag Uses+	18 ft	950 SF	80 ft	30 ft	30 ft
AH^	30 acres	1 acre	150 ft	45 ft	36 ft for Non-Ag Uses 60 ft for Ag Uses+	18 ft	950 SF	70 ft	25 ft	25 ft
R-1^	5 acres	0.5 acre	70 ft	45 ft	25 ft	18 ft	950 SF	60 ft	20 ft	20 ft
R-2^ Single-family and Two-family Residential	5 acres	Single-family=7,500 SF Two-Family=2,500 SF per unit Max # of attached units 2	60 ft	45 ft	25 ft	18 ft	950 SF/Single-family detached unit 750 SF/Two-family unit	45 ft	10 ft or 0 ft on one side if attached	10 ft
R-2^ Multi-Family Residential	5 acres	2,500 SF per unit Max # of attached units 8	N/A	45 ft	25 ft	18 ft	650SF/one-bedroom unit 750 SF/two-bedroom unit 850 SF/three-bedroom unit	45 ft or 30 ft in platted subdivision	10 ft	15 ft
R-3^ Single-family and Two-family Residential	5 acres	Single-family=4,400 SF Two-family=2,200 SF per unit Max # of attached units 2	40 ft	45 ft	25 ft	18 ft	950 SF	See R3 in Article 10	5 ft or 0 ft between attached units	10 ft
R-3^ Multi-Family Residential* ***	5 acres	1,815 SF per unit Max # of attached units 8	N/A	60 ft	25 ft	18 ft	500 SF/zero-bedroom unit 600 SF/one-bedroom unit 700 SF/two-bedroom unit 800 SF/three-bedroom unit	40 ft or 30 ft in platted subdivision	5 ft or 0 ft between attached units	10 ft
**** Minimum separation between buildings in R-3 is 10 ft for Single/Two-family residents and 20 ft for multi-family residents										
See Section 2562 for Multi-Family Requirements										
Manufactured Home Park	Maximum Density 7 d.u / acre	5 acres	50 ft	45 ft	45 ft			55 ft	25 ft	5 ft min. 15 ft total

COMMERCIAL AND INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Zoning District	Maximum Density	Minimum Size of District	Minimum Lot Size*	Minimum Frontage	Max Building Height, Primary Use	Max Building Height, Accessory Use^^	Minimum Yard Setbacks**		
							Front ***	Rear	Side
B-1	8,000 - 10,000 SF per/acres	N.A.	N.A.	50 ft	50 ft	30 ft	50 ft	20 ft (50 ft)	5 ft (50 ft)
B-2	10,000 – 15,000 SF per/acres	3 acres	5,000 SF	50 ft	50 ft	30 ft	55 ft	20 ft (50 ft)	10 ft (50 ft)
I-1	25,000 SF per/acres	5 Acres	0.75 Acres	150 ft	50 ft	30 ft	65 ft (75 ft)	30 ft (100 ft)	10 ft (75 ft)
I-2	25,000 SF per/acre	10 Acres	2 Acres	250 ft	100 ft	50 ft	75 ft (100 ft)	40 ft (125 ft)	30 ft (100 ft)
I-3	N.A.	50 Acres	5 Acres	250 ft	100 ft	50 ft	100 ft (125 ft)	50 ft (150 ft)	50 ft (150 ft)

ABBREVIATIONS: d. u. = Dwelling Unit ft = Feet N. A. = Not Applicable SF = Square Feet ROW = Right-of-way

*The Dearborn County Health Department requires a lot size that allows for two viable individual sewage disposal system sites to be situated on a buildable tract. Therefore, if the Zoning Ordinance minimum lot size is not sufficient to provide two viable individual sewage disposal sites on a given land tract, additional acreage will be required to meet the Health Department’s regulations.

**All side and rear setbacks are measured from the property line.

^^See Section 2516 for Accessory Uses and Structures, including applicable setback information (where primary structures exist on the same property). All heights are measured to eaves.

+Grain elevators, grain storage bins, or other similar agricultural handling structures or processing equipment are exempt from height requirements up to 60 ft.

*** All front yard setbacks along public/private roadways are measured from the centerline of the road. All uses which front along an arterial road, as determined in Section 2404, shall be required to have a minimum setback of 100 feet from the centerline of the roadway if the roadway has less than 80 feet right-of-way. All uses which front along U.S. 50, shall be required to have a minimum setback of 100’ from the centerline of the nearest 2 lanes of traffic.

() Setback when a use adjoins and Agricultural or Residential Zoning District.

SECTION 2510 - Buildings Located on Multiple Lots

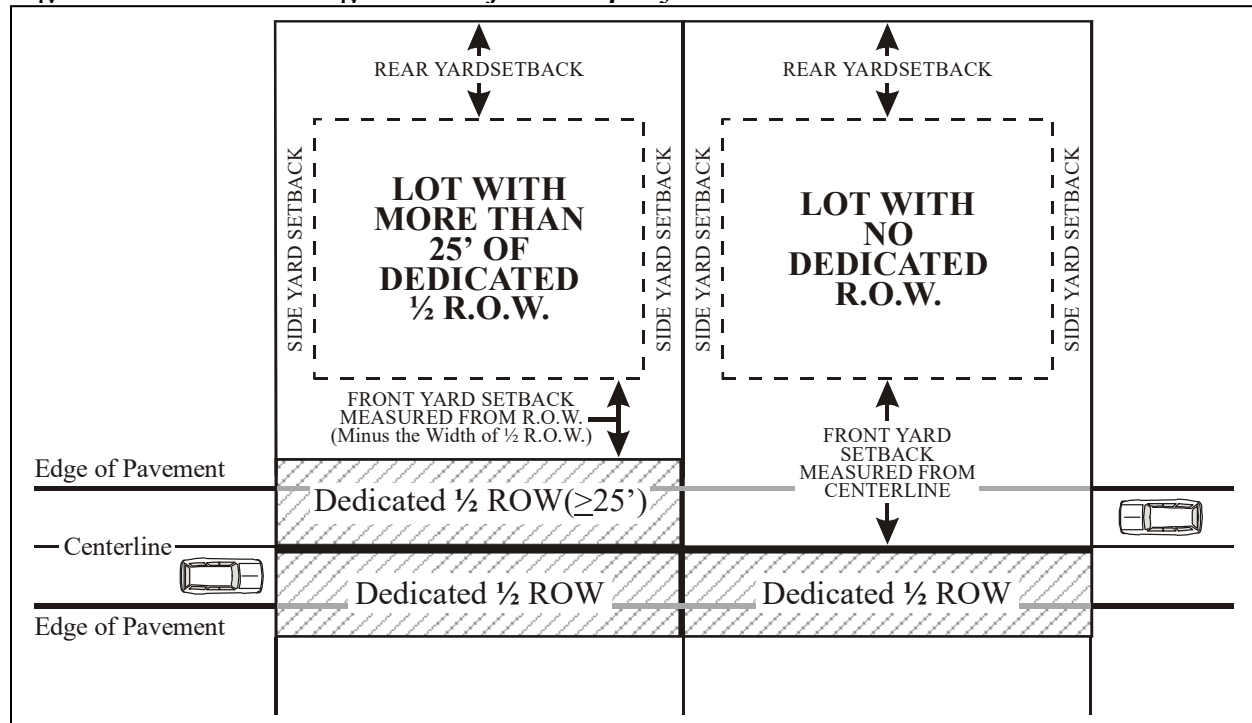
Homes, buildings, or accessory structures are permitted to be constructed on more than one lot of record as long as the lots are under common ownership. The setbacks and location requirements for the home, building or accessory structure shall be the same as if the lot were combined as one lot of record. Homes, buildings or accessory structures located on multiple lots shall be required to file a Declaration of Contiguous Lots with the County Recorders Office, which indicates the following:

For planning and zoning purposes, the lot described herein shall be considered as part and parcel of the adjacent lot(s) owned by [insert owner's name] pursuant to a deed/s recorded at Deed Record [#s], page [#s], in the office of the Dearborn County Recorder, Indiana. The real estate described herein shall not be considered to be a separate parcel of real estate for land use, development, conveyance or transfer of ownership, without having first obtained the expressed approval of the Dearborn County Plan Commission. This restriction shall be a covenant running with the land.

SECTION 2512 - Determining Setbacks from Property Lines

In many instances, property lines run to the center of the public roadway because there is no dedicated public right-of-way. Due to this situation, setbacks have been determined by adding 25 feet from the centerline of the road to the required setback for the property. The purpose of adding 25 feet to the setback is to establish a minimum standard right-of-way of fifty (50) feet for all public roadways. (See *Figure 25.1*)

Figure 25.1 - Determining Setbacks from Property Lines



All uses which front along an arterial road, as determined in Section 2404, shall be required to have a minimum setback of 100 feet from the centerline of the roadway if the roadway has less than 100 feet right-of-way. All uses which front along U.S. 50, an arterial road as determined in Section 2404, shall be required to have a minimum setback of 100 feet from the centerline of the nearest two lanes of traffic.

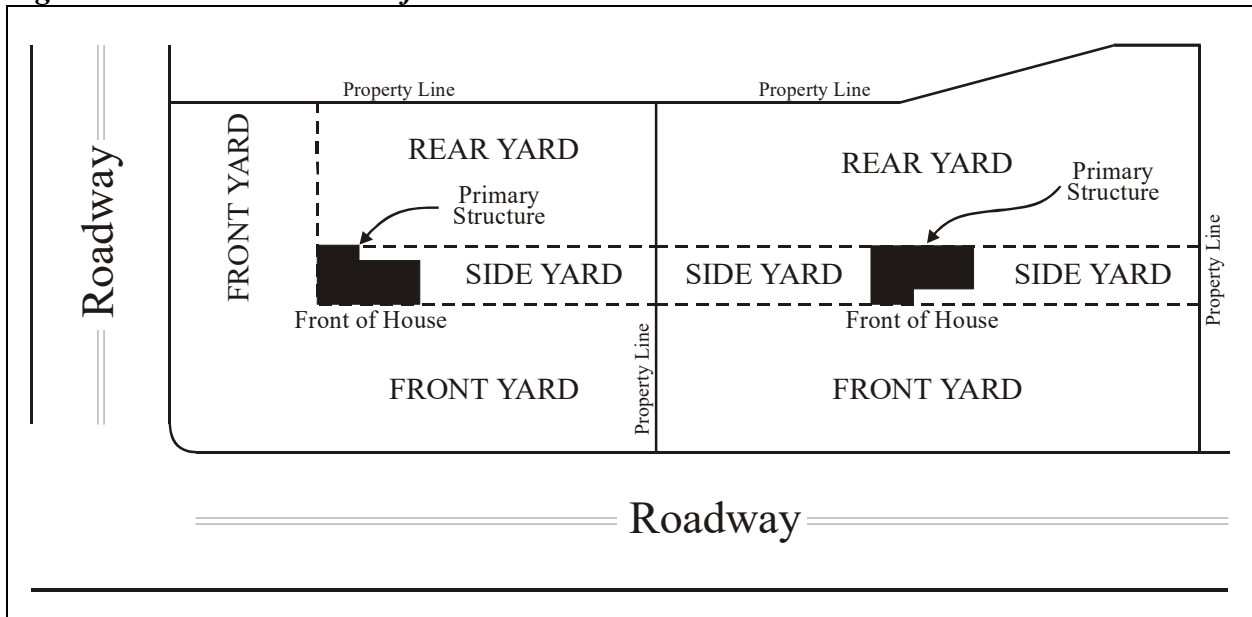
Within Residential (R) zoning districts the front yard setback shall be 70 feet for single-family homes or duplexes that are not part of a subdivision or that are located within a subdivision in which public roads are not developed.

In situations where the setbacks required by this Article are out of character with established setbacks of existing buildings in older neighborhoods, (such as Guilford, New Alsace) or nonconforming lots, setback reductions can be made by the Planning Director or designee. The purpose is to allow the proposed use to conform with the established setbacks of structures on either side and in the area.

SECTION 2514 – Determination of Front Yard

In most cases the part of the home that faces the roadway and which contains the main entrance of the home is considered the front of the home. This orientation determines the front, side and

Figure 25.2 - Determination of Front Yard



rear yards for setback and accessory use location purposes. (See ***Figure 25.2***) However, in some situations the front of the home does not face the road, but rather faces a side or rear property line for views, design reasons, irregular lot shapes or multiple road frontages. In these cases, the Planning Director or designee shall determine the front yard location based on the orientation of the home and of other homes in the vicinity.

SECTION 2516 – Accessory Uses and Structures

Accessory uses and structures, not including accessory dwelling units, are permitted in all zoning districts in accordance with the provisions of this Section. Accessory use and structures shall be incidental and clearly subordinate to the principle (or primary) structure of the property—in terms of size and purpose, except as specified herein.

Accessory uses and structures that are typically accessory in nature, and are not being used (or are intended to be used) as a primary use or structure, shall also be subject to additional location and size requirements that include:

- 1) An accessory structure may be situated in the front yard of a property provided: a) it is located 110% behind the front-yard building setback requirement for the zoning district in which it is located; b) it can meet the minimum side and rear setbacks set forth in this Section; and c) there is not a more restrictive covenant or restriction in place and there are no utility, drainage or other easements in existence. Accessory structures that do not meet the aforementioned requirement must otherwise be located behind the front wall of the principle structure of the property—in the side or rear yard of the site.
- 2) An accessory structure may be located within 5 feet of a side or rear property line in any zoning district, provided that it does not exceed 15' in height to its eaves—or for non-traditional buildings an overall height of 20'—provided that there is not a more restrictive covenant or restriction in place and that there are no utility, drainage or other easements in existence.
- 3) An accessory structure may be located within 10 feet of a side or rear property line in all zoning districts, provided that it does not exceed 30' in height to its eaves—or for non-traditional buildings an overall height of 35'—provided that there is not a more restrictive covenant or restriction in place and that there are no utility, drainage or other easements in place. For accessory structures that are greater than 30 feet in height to the eaves, there shall be a minimum 15-foot side setback.
- 4) Accessory structures that do not meet the same setback as primary structures or principle structures cannot be used for primary residential, institutional, commercial, or industrial uses unless one or more Variances are granted by the Board of Zoning Appeals.

Gas pumps, canopies, automatic teller machines and photo service facilities are permitted in the front yard, but shall be located a sufficient distance from the property line in order to have safe internal traffic flow and meet the requirements set forth in this Order. All setbacks still apply. In addition, uses which are permitted outside display of products for sale, can locate these products within the front yard. These display areas shall be organized and not cluttered in appearance and shall not obstruct traffic flow.

The following are considered incidental accessory uses that do not require zoning permits (Building Permit may be required) and can be located within in all yards. They include walks, driveways, curbs, retaining walls, lattice work screens, trees, shrubs, flowers, plants, mail boxes, name plates, lamp posts, basketball poles, bird baths, benches, and structures of a like nature. In addition, direct television satellite dishes, which are less than 26 inches in diameter and ground mounted, are permitted within the front yard. Playground equipment and similar uses do not require a zoning permit (Building Permit may be required) but are required to be located in the side or rear yards.

SECTION 2518 - Architectural Projections

Open structures such as covered porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard. Chimneys, overhangs, gutters, bay windows and similar items may extend up to two and one-half (2.5) feet into a required front, side, or rear yard.

SECTION 2520 - Single Family/Duplex Dwelling Units on a Single Recorded Parcel

Only one single family detached dwelling unit or duplex shall be permitted on a single lot of record unless additional dwelling unit/s are permitted as accessory uses by this Ordinance.

SECTION 2522 - Exemptions for Agricultural Purposes

Nothing in this ordinance shall interfere with the right to farm pre-existing agricultural operations as defined in Article 27 of this ordinance.

SECTION 2524 - Access Management

Where a frontage road (public or private) is provided as a part of a development, the setback requirements may be adjusted by the Planning Director, to take the width of the frontage (and associated easements, right-of-ways, etc.) into consideration. Additional Access Management Regulations are noted in Article 24.

SECTION 2526 – Septic System Requirements

All newly created lots recorded by Subdivision Review or Certified Survey that use a septic system shall be required to provide a dedicated and reserved Primary and Secondary site for the location of the septic system on the plat for each lot to be recorded. Each site shall be able to accommodate a typical three-bedroom home and shall be inspected by a licensed professional according to the specification established by the Dearborn County Health Department. All reviews of and permits for each septic site and system shall still be under the authority of the Dearborn County Health Department.

SECTION 2528 - Vibration

No operation or activity shall be carried out in any district which causes or creates levels of vibration that are determined to be a nuisance to the surrounding areas. If necessary, the levels of vibration may be measured on any property line of the tract on which the operation is located. Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring device that is approved by the Planning Director. The specific type of vibration shall not exceed the designated displacement in inches as defined in **Table 25.2**, based on the frequency. Vibrations that exist outside of the tract on which the operation is located and is not directly related to the operation, such as vibration from motor vehicles or other transportation facilities, may be excluded from these regulations and may be compensated for in the measurement of the vibration.

Table 25.2 – Standards for Vibration

<i>FREQUENCY</i> <i>(Cycles per Second)</i>	<i>VIBRATION DISPLACEMENT IN INCHES</i>	
	<i>Steady-state Vibrations</i>	<i>Impact Vibrations</i>
Under 10	.0055	.0010
10-19	.0044	.0008
20-29	.0033	.0006
30-39	.0002	.0004
40 and over	.0001	.0002

SECTION 2530 – Glare

No operation or activity shall be carried out in any district which causes or creates an amount of glare that is determined to be a nuisance to the surrounding areas, and may not be of such an intensity or brilliance as to cause glare or to impair the vision of drivers, pedestrians, employees or neighbors. All outdoor lighting shall be located, screened, or shielded so that adjacent lots are not directly illuminated. If necessary, the levels of glare may be measured on any property line of the tract on which the operation is located, to determine the amount of glare. The levels of glare shall be measured in foot-candles. No operation or activity shall produce a level of illumination that exceeds 0.5 foot-candles at any adjoining property line of the tract on which the activity is located.

SECTION 2532 – Noise

No Commercial or Industrial operation or activity shall be carried out in any district which causes or creates noise levels that are determined to be a nuisance to the surrounding areas. If necessary, noise levels may be measured on any property line of the tract on which the operation is located, to determine the level of decibels. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values described in **Table 25.3** of any octave band frequency. The sound pressure level shall be measured with a sound level meter and an octave band analyzer that conform to specifications published by the American Standards Association. Octave band analyzers shall be calibrated in Preferred Frequencies for Acoustical Measurements. These regulations are intended to regulate noises associated with business activities and not noises generated from individuals such as a loud stereo, car alarm, etc. Noises that are associated with temporary construction, or other similar activities, are exempt from these regulations.

Table 25.3 – Standards for Noise

OCTAVE BAND FREQUENCY (Cycles per Second)	MAXIMUM PERMITTED SOUND LEVELS IN DECIBELS	
	Along Residential District Boundaries	Along Business District Boundaries
0 to 75	67	73
76 to 150	62	68
151 to 300	58	64
301 to 600	54	60
601 to 1200	49	55
1201 to 2400	45	51
2401 to 4800	41	47
Over 4800	37	43

If the noise is not smooth and continuous, one of the corrections described in **Table 25.4** may be added to or subtracted from each of the decibel levels given in **Table 25.3**. Only one of these corrections may be applied.

Table 25.4 - Permitted Decibel Corrections

Type of Operation or Character of Noise	Correction in Decibels
Noise source operates less than 20% of any one hour period	Plus 5
Noise source operates less than 5% of any one hour period	Plus 10
Noise source operates less than 1% of any one hour period	Plus 15
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

SECTION 2534 – Smoke

No operation or activity shall be carried out in any district which causes or creates levels of smoke that are determined to be a nuisance to the surrounding areas. The levels of smoke may be measured from any point of emission, and shall use the Ringelmann Smoke Chart published by the United States Bureau of Mines. Smoke not darker or more opaque than No. 0 on the described chart may be emitted except that smoke not darker or more opaque than No. 1 on the described chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minute period. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

SECTION 2536 – Heat

No operation or activity shall be carried out in any district which causes or creates levels of heat that are determined to be a nuisance to the surrounding areas. The level of heat shall be determined at any adjoining property line of the tract on which the operation is located. No activity shall be permitted to cause a temperature change of more than 1 degree Fahrenheit as measured at any adjoining property line.

SECTION 2538 - Home Owner Association

When Home Owner Associations or similar associations are to be employed for a development, the association documents shall be included with the plans and application for the development.

SECTION 2540 - Required Trash Areas

All uses other than single family residential or duplex developments that provide trash and/or garbage collection areas shall be completely enclosed or otherwise screened or located in such areas to minimize their visual impact from public streets, internal circulation areas, and adjoining properties. (See Section 2255 for Screening Requirements) Provisions for adequate vehicular access to and from trash collection areas shall be required as determined by the Plan Commission. Additional requirements are located in Article 23.

SECTION 2542 - Public Right-of-Way

Nothing in this order shall permit the placement of any structure or use in any public right-of-way except publicly owned uses or structures and mailboxes, which are of a breakaway type construction, unless a permit is obtained from the owner of said right-of-way.

SECTION 2544 - Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may be permitted in any district during the period construction work is in progress. Such temporary facilities shall be removed upon completion of the construction work. Continued placement, use or storage of such facilities or equipment on site beyond the completion date of the project shall require a zoning permit authorized by the Planning Director. These temporary buildings cannot be used for advertisement of any kind except that the temporary building may display the builder's and/or developer's names.

SECTION 2546 - Private or Resident Swimming Pools

A private or resident swimming pool, except portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, must comply with the following conditions and requirements:

1. The pool is intended and is to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than (5) feet to any property line;
3. Access to residential pools shall be restricted by one (1) of the following means:
 - (a) Walls or fencing not less than four (4) feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked
 - (b) Other means not less than four (4) feet high and deemed impenetrable by the Building Department at the time of construction and completely surrounding the pool and deck area when the pool is not in use.
 - (c) A power safety pool cover which shall: i) provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool; ii) be mechanically operated by a key or key and switch such that the cover cannot be drawn open or retracted without the use of a key or a key and switch or touch pad with a personal access code; iii) be capable of supporting a four hundred (400) pound imposed load upon a completely drawn cover; iv) is installed with a track, rollers, rails, guides, or other accessories necessary to accomplish the other items in this section; v) bear an identification tag indicating the name of the manufacturer, name of the installer, installation date, and applicable safety standards, if any.

SECTION 2548 - Community or Club Swimming Pools

Community and club swimming pools shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members, families of members, and guests of members of the association or club;
2. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

SECTION 2550 - Recycling Collection Points and Garment/Furniture Drop-off Centers

Recycling collection points and drop-off centers will be permitted in any Business or Industrial zoning district if it meets all of the following performance standards.

1. The recycling collection point or drop-off center shall be placed only in the side or rear yard of the Principally Permitted Use and may be no closer than ten (10) feet to any property line.
2. The area must be enclosed or otherwise screened to minimize its visual impact.
3. The Planning Director may make exceptions to these requirements.

SECTION 2552 - Temporary Certificate of Occupancy

In situations where a property has a permanent principally permitted single family dwelling unit which is destroyed or damaged to the point where it is not livable, a zoning permit allowing temporary occupancy may be issued. (The requirements of Article 4 still apply.) However, it will still be necessary to obtain a Building Permit from the Building Department for the placement of a temporary residence. The zoning permit shall be limited to six (6) months, but can be renewed for a period of six (6) additional months by the Planning Director. The purpose of the temporary permit is to allow the residents of the damaged or destroyed home time to rebuild or locate a new permanent living arrangement. A zoning permit is required and all applicable setback standards and health permits apply. No fee will be assessed for the application. Extension beyond the time indicated above will require approval from the Board of Zoning Appeals.

In addition, temporary occupancy may be given for a temporary residence for an applicant who is constructing a single family home and must or desires to move from their existing residence before their new residence is completed. The applicant must obtain the appropriate zoning permit for their proposed single family residence and indicate the location of their temporary residence on the zoning permit. All health and building code requirements must be met for the temporary dwelling. Before the temporary dwelling can be located and occupied, the following items must be completed:

1. The foundation for the approved home shall be installed;
2. The water source, septic/public sewer, phone and electric shall be installed and inspected as necessary by the Dearborn County Building Department before a temporary occupancy permit can be issued;
3. The temporary dwelling shall be located in the side or rear of the home being constructed and shall comply with all setback of primary structures;
4. The temporary occupancy shall be permitted for only six months but can be renewed for a period of six (6) additional months by the Planning Director;
5. The temporary residence must be removed from the property at the end of the approved period. If the temporary residence is a recreational vehicle it can remain on the property in the appropriate location as required by this Article, but cannot continue as a residence.

SECTION 2554 – Pond and Lake Requirements

The construction of ponds or dams within Dearborn County is permitted as long as the following requirements are met and a Zoning Permit or Site Plan is issued. Retention and detention ponds installed to comply with the stormwater requirements of this Ordinance and the Dearborn County Subdivision Ordinance are exempt from the requirements listed below and shall not be considered a pond, lake or dam. The following requirements are not intended to supersede or contradict any State or Federal regulations pertaining to construction of a pond, lake, dam or watercourse. The more restrictive requirements shall be followed and the issuance of a permit from the Plan Commission does not relieve the applicant of any State or Federal permits, which may be required.

1. Ponds or lakes are permitted to be constructed on property that is five (5) or more contiguous acres in size;
2. No part of the pond or lake shall be constructed closer than 150 feet from any public right-of-way, or public/private easement. If the width of an easement containing a public roadway cannot be determined, 30 feet shall be added to the 150 foot setback, and shall be measured from the centerline of the roadway;
3. Ponds or lakes shall not be constructed closer than 30 feet from a property line, but at no time shall be closer than 150 feet to an existing residence on an adjoining parcel;
4. The pond or lake shall have a spillway constructed, which allows the overflow to follow the natural drainage course, and it shall be constructed so as to prevent soil erosion at the outflow of the dam;
5. Ponds or lakes, which have more than a one square mile area of drainage from upstream or contain more than 30 acres of water, shall be required to follow Site Plan Review as detailed in this ordinance. The plan must be prepared and stamped by a registered Indiana Engineer or Surveyor;
6. Ponds or lakes which have a depth greater than twenty (20) feet measured from crest of emergency spillway to flow line of original ground shall be required to follow Site Plan Review and have the plan prepared and stamped by a registered Indiana Engineer or Surveyor;

7. Any pond or lake constructed closer than 150 feet to a public or private roadway and the enclosure/water impounding area of the pond or lake is located below, or at the same grade, as the roadway, a guardrail shall be required to prevent vehicle entry from the road. A guardrail may not be necessary if vegetation exists between the pond or lake and the roadway, which would reasonably prevent vehicle entry from the road. If the pond or lake is located closer than 150 feet to the roadway, and is at a grade above the roadway, a guardrail may be required if vehicle entry from the roadway is possible. The Dearborn County Engineer, or Highway Department, shall determine if a guardrail is required, and the guardrail shall be constructed according to the requirements and specifications of the Dearborn County Subdivision Ordinance. All ponds or lakes constructed closer than 150 feet to any public roadway shall require a permit from the Dearborn County Highway Department.

SECTION 2556 - Home Occupations

Occupations of personal services, professional office, studios or crafts, which are maintained or conducted solely within a dwelling, will be permitted only if they meet all of the following performance standards and obtain the necessary permit:

1. The use is clearly incidental to the principal residential use;
2. The use is conducted entirely within a dwelling or an accessory building, provided the use does not occupy more than 250 square feet;
3. Only members of the household residing on the premises may be the primary owners/operators of such operation. No more than one (1) person, other than members of the household residing on the premises, shall be engaged in such operations;
4. No commodity shall be sold on the premises in connection with such home occupation;
5. There shall be no change in the exterior appearance of the building or premises, to evidence that such property is used for a non-residential use;
6. No traffic shall be generated by such home occupation in greater volumes than would be expected in the residential neighborhood;
7. No home occupation shall result in exterior evidence of such use being conducted by reason of atmospheric pollution, light flashes, glare, odors, noise, parking or vibration discernible from abutting properties;
8. Properties with approved home occupations may be permitted to have one (1) sign of up to eight (8) square feet of area for property that has less than one hundred (100) feet of road frontage—or one (1) sign of up to twenty (20) square feet of sign area for property with greater than one hundred (100) feet of road frontage. Signage may not exceed six (6) feet in height and must meet all other applicable requirements set forth in Article 20 of this Order;
9. Any home occupation conducted under this section shall not be a nuisance to any abutting properties or to the general neighborhood.

SECTION 2558 - Parking and Storage of Certain Vehicles

Within residential subdivisions in Dearborn County or when located in established towns or named communities on the Dearborn County map, where the average lot size is one acre or less the following provisions shall apply.

1. Unlicensed or non-operable vehicles shall be stored inside an enclosed building or structure or may be fenced if determined by the Planning Director or designee;
2. Automotive vehicles larger than a full size pickup or van, boats, trailers, campers and the like shall be stored inside a structure or parked or stored on a paved or gravel surface in the side or rear of the property and located at least five feet from the property line;
3. One vehicle larger than a full size pickup or van, which is used for business or employment by the resident of the property, may be permitted as per item 2 above;
4. In no situation shall vehicles not driven or owned by the residents of the property be permitted to be stored on the property unless permitted by the zoning district or by a Conditional Use from the Board of Zoning Appeals.

For property located within Dearborn County that is not located within a residential subdivision or located in an established towns or named communities on the Dearborn County map and the average lot size is greater than one acre the following provisions shall apply.

1. Unlicensed or non-operable vehicles shall be stored inside an enclosed building or structure or may be fenced if determined by the Planning Director or designee. In situations where the vehicles are not visible from an adjoining property or public roadway it will not be required to fence or store the vehicles within a structure. However, this does not allow the creation of a junkyard as defined by Article 27.
2. Operational automotive vehicles larger than a full size pickup or van, boats, trailers, campers and the like shall be stored inside a structure or parked or stored on a paved or gravel surface in the side or rear of the property and located at least five feet from the property line. In situations where the vehicles are not visible from an adjoining property or public roadway they can be located within the front yard.
3. In no situation shall vehicles not driven or owned by the residents of the property be permitted to be stored on the property unless permitted by the zoning district or by a Conditional Use permit from the Board of Zoning Appeals.

In multi-family, manufactured home parks, or townhouse developments, the storage of recreational vehicles or boats shall be in designated areas only. These designated areas shall be illustrated on the appropriate zoning permit or site plan. In business districts, recreational vehicles or boats shall be placed in designated storage areas only, which are indicated on the approved Site Plan and not in any designated parking area.

SECTION 2560 - Temporary Uses of Land or Structures

Temporary uses such as carnivals, revival meetings, concerts and uses of a similar nature can be permitted under the following conditions with a zoning permit:

1. A Zoning Permit will be required with a detailed site plan which indicates the location of the activity on the site, the location of parking, location of sanitary facilities, etc., and a written explanation of the event proposed, purpose, the specific hours and dates of the event and when the event will terminate;
2. The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire or other emergency vehicles. All parking for the event will be located on site or at other secured locations within 1000 feet of the event. Parking for the event shall not be permitted along public roadways;
3. Written confirmation is received from the appropriate police and fire department to alert them to the event;
4. Outdoor lighting will be shielded or directed away from adjoining residential property and streets;
5. All signs used to advertise the event shall be removed the following day after the event has ended;
6. Sanitary conditions are to be approved by the Dearborn County Board of Health if necessary;
7. Permits from the appropriate highway departments for access into and out of parking areas if necessary;
8. Letter of credit or bond as needed to repair any damage that may be created as a result of the event to public roadways as determined by the Dearborn County Highway Department if necessary;
9. Provide the names and addresses of the adjoining property owner for notification of the event;
10. Submit the application at least 30 days prior to the event;
11. The event shall not create a nuisance or hazard to the public health, safety, or welfare and the event will not create objectionable dust, noise, light or odors to adjoining properties. The Planning Director or designee shall have discretion to limit the permitted times or scope of the event;
12. The applicant shall be responsible for all clean up to remove and properly dispose of all debris and to restore the site.

SECTION 2562 - Residential Townhouse and Multi-Family Design Standards

The purpose of this section is to provide requirements for the density, height, lot size, setbacks, and infrastructure requirements governing the development of townhouses and multi-family dwellings permitted in this order. In addition to the following standards, all townhouse and multi-family developments shall be designed in accordance with sound engineering principles particularly with regard to vehicular access, interior site circulation, and surface drainage. In addition, the development of townhouse and multi-family dwellings must comply with Article 23, Site Plan Review. The following are the minimum requirements.

1. All townhouses and multi-family developments must be served by public sanitary sewer and water;
2. No townhouse or multi-family dwelling shall exceed 5 stories or 55 feet in height. (See limitations below);
3. No building may be constructed within thirty (30) feet of a public right-of-way. All townhouse and accessory structures must maintain a minimum thirty (30) feet setback from all property lines of adjacent property not included as part of the development and must comply with all bufferyard requirements found in Article 22. Exceptions to the setbacks above and bufferyard requirement can be made for uses located within established towns where existing setbacks may be closer. Setbacks in these instances will be reviewed at Site Plan Review to conform to the existing setbacks if less;
4. Density and height requirements shall be determined by the parcel size of the property as indicated below.
 - a. Two (2) acres or less, eight (8) dwelling units per acre and 35 feet in height;
 - b. Ten (10) or less acres, 16 units per acre and 45 feet in height;
 - c. Greater than ten (10) acres 24 units per acre and 55 feet in height;
 - d. In situations where townhouses or multi-family dwellings are located within 100 feet of an existing single-family residence, the height of the building shall not exceed 35 feet.

SECTION 2564 - Manufactured and Mobile Homes

Pursuant to 42 U.S.C. 5403(d), manufactured homes (formerly "mobile homes") shall be permitted in any area zoned for single family or duplex homes if the home was designed and built in a factory and was built in compliance with 24 C.F.R. Part 3280, Subparts A through J which may be amended from time to time. Pursuant to 24 C.F.R. Part 3280, Subpart A, said manufactured home must include a Data Plate (§ 3280.5), Serial Number (§ 3280.6), and Certification Label (§ 3280.11). In addition, the following limitations shall apply:

1. The manufactured home must be constructed after January 1, 1981 and be a minimum of 950 square feet of occupied space;
2. Manufactured homes not meeting the terms above shall be permitted only after receiving a Conditional Use Permit and / or Variance by the Board of Zoning Appeals.
 - a. A mobile home, which exists at a particular location at the time of the passage of this Ordinance, shall be allowed to remain at such location. The mobile home may be replaced at the same location with a newer mobile home of equal or better condition and of equal or greater size. Normal permitting procedures shall apply.

SECTION 2566 - Manufactured Home Park

Manufactured home parks, which will not have individual lots of record for each housing unit, will required a Conditional Use Permit from the Board of Zoning Appeals and shall meet the requirements listed below as well as the requirements of a Conditional Use. Manufactured home parks, which have individual lots of record, will not require a conditional use and shall be handled the same as a conventional subdivision.

1. The minimum area of a manufactured home park shall be five (5) acres;
2. The park shall be required to follow Site Plan Review;
3. Landscaping guidelines shall be created which establish landscaping requirements for each unit, the entrance/s to the park and any common area. Additional perimeter buffering may be required;
4. Each park shall provide an active recreational area or areas equal in size to at least eight percent (8%) of the area of the park. Streets, parking areas and drainage facilities shall not be included in the required recreational area. At a minimum, the recreational area should include playground equipment, outdoor fields, basketball/tennis courts or the like, and similar recreation uses. Parks designed for retirees can substitute passive recreation uses for active uses;
5. Laundry facilities shall be provided for the park if not provided within each residential unit;
6. Commercial convenience establishments are permitted provided they are accessory to the park and draw their primary trade area from the park and not the surrounding area;

7. Storage for individual residential units shall be handled with written guidelines established for the entire park;
8. Home sites shall be a minimum of five thousand (5000) square feet in area and shall be indicated as lease lots on the appropriate Site Plan. In no case shall the density exceed seven (7) units per acre;
9. Setbacks and lot frontage shall be as established in Table 25.1 for each individual lease lot within the park. Setbacks around the perimeter of the development shall be a minimum of thirty (30) feet;
10. Foundation skirting shall be required around each mobile home completely enclosing the undercarriage;
11. Each residential unit shall be provided with two (2) parking spaces on the lease lot. Additional parking shall be provided as needed or required by this Ordinance;
12. Sidewalks shall be required as identified within the Dearborn County Subdivision Ordinance;
13. Street construction shall be as identified within Dearborn County Subdivision Ordinance.

SECTION 2568 – Hillside Development Guidelines

The purpose of these environmental standards is to provide information for the development of hillside sites so that development is compatible with the environment and to protect those characteristics of the environment that have significant public value and which are vulnerable to damage by development. The guidelines listed below can be used as requirements for reviewing Zoning Map Amendments as defined in Article 5 if applicable but are informational guidelines only for property being developed under the permitted zoning.

Hillsides where these standards apply have the following characteristics:

1. Slopes of 20% or greater; and,
2. Soil types identified in the Dearborn County Comprehensive Plan or Soil Survey of Dearborn and Ohio Counties as having development limitations; or,

These hillsides may also have the following characteristics:

1. Existence of geologic formations which limit development;
2. Prominent hillsides which are readily viewable from a public thoroughfare, from a significant historical site, or from an established nature preserve or park;
3. Hillsides which provide views of a major stream or valley;
4. Hillsides which function as community separators or boundaries by their location or vegetation;
5. Hillsides which support a substantial natural wooded cover.

The Dearborn County Plan Commission and prospective developers should utilize the following development guidelines for the construction of any type of structure on hillsides. The Plan Commission should use these guidelines as general parameters for reviewing applicable development proposals subject to major subdivision, site plan, and zoning map amendment, or concept development plan reviews. The information listed below is not intended to be used as requirements for developing hillsides within the County.

1. Use irregular architectural edges to inter-lock buildings with hillside vegetation. Emphasize attachment with plantings which overlaps building edges, especially at the foundation;
2. Cluster new development, retaining surrounding tree cover and minimizing changes in topography;
3. Match scale of buildings to scale of terrain;
4. Retain the natural slope lines as seen in profile. Restore the vegetation lines which convey the slope lines;
5. Plan buildings to fit into hillside rather than altering the hillside to fit the buildings;
6. Maintain a clear sense of the hillside brow by siting buildings back from it;
7. Maintain the natural appearance of the brow by retaining existing trees, planting new indigenous trees, and other landscape measures;
8. Stagger or step building units according to the topography;
9. Use narrow lanes, one-way streets and split-level roads to avoid excessive earth moving and locate roadway stream crossings where grading is minimized;
10. Site buildings not only to provide views, but also to provide a variety of community and private viewing places;
11. Plan buildings, drives and parking areas to acknowledge the natural contour line of the site;
12. Meet large parking requirements with multiple small parking areas, and screen with planting, berms, and terraces;
13. Respect the site's conditions of steepness, soil, bedrock, and hydrology so as to insure hillside stability both during and after development. Utilize erosion control measures during and after grading activity;
14. Replant all cuts, fills and any other earth modification;
15. Respect and retain natural site features such as streams, slopes, ridge lines, wildlife habitat, plant communities, and trees,
16. Employ sufficient, and in some cases, additional stormwater runoff systems that control the amount and rate of flow of stormwater leaving the post-development site that could affect adjacent steep slopes. Use natural drainage courses wherever possible;
17. Designate disturbed limits clearly on the plan and in the field before site work begins.

Additional guidelines may be considered at the discretion of the developer and are considered to be advisory. These additional guidelines are listed in Development Guidelines for Greater Cincinnati Hillsides.

SECTION 2570 – Cemeteries

If a cemetery exists on a parcel of land and the exact location of gravesites is not known or determined, a developer or property owner is advised to contact the appropriate State agencies for assistance and requirements. **Waivers of this Section of this order may be reviewed by the Technical Review Committee; however, no State or Federal standards shall be lessened or adjusted by an agent or agency of Dearborn County.**

1. No new structure or building addition shall be built within 100 feet of an existing cemetery regardless of adjoining property lines or land ownership—unless a development plan is submitted to, and approved by, the Indiana Department of Natural Resources—Division of Historic Preservation and Archeology. This one hundred (100) foot building limitation is required regardless of whether the cemetery is part of a building lot or is being conveyed as a separate lot. This one hundred (100) foot building limitation shall be preserved by exclusive cemetery easement. (Please refer to IC 14-21-1)
2. Cemetery boundaries shall be determined by a registered archaeologist arranged by the applicant. The Technical Review Committee shall review the work and information of the registered archaeologist. The professional archaeologist shall be responsible for determining the approximate boundaries of the cemetery and to providing information with respect to the history of the cemetery;
3. Existing cemetery fences and walls shall be maintained and repaired for security purposes;
4. If a cemetery exists and a property owner or developer wishes to build on the lot where the cemetery is located, or if proposed to be a separate lot, the property owner or developer is required to erect a new fence (if one does not exist) surrounding the cemetery. The new fence shall be made of a material which is compatible and fits in with the character of the existing cemetery and surrounding residences or buildings. If a portion of an original fence or wall remains and cannot be replaced or repaired with the same material a compatible material shall be used. If the existing fence is an inappropriate material (barbed wire fence or the like), it should be replaced with a new fence made of an appropriate material;
5. Weeds shall be removed from a cemetery and the grass shall be kept mowed;
6. All ironwork and stonework shall be inspected for damage and repairs shall be made by the owner of the property;
7. Other planting or foliage shall be pruned and be generally left in its natural state and all other debris or trash shall be removed from the cemetery;
8. A statement by the property owner, applicant or developer shall be made on the site plan or subdivision plan regarding cemetery ownership and maintenance;
9. A Certificate of Land Use Restriction and a deed restriction shall be recorded in the Dearborn County Recorder's Office acknowledging the location, size, ownership and maintenance of the cemetery. The bottom of the owner's deed must specifically acknowledge that the site contains a burial ground by referencing 'CEMETERY' in bold, capital letters on the bottom of the deed document. (Please refer to IC 14-21-3). This information shall also be recorded on a Final Plat for a subdivision that has not yet been recorded;

10. A minimum of ten (10) feet of public access shall be provided and recorded to the existing cemetery for ingress/egress. Public and private streets shall be designed or located to provide access to an existing cemetery;
11. With cemetery relocation or the relocation of graves, the Plan Commission and County Cemetery Commission shall be notified in writing by the property owner or developer by supplying to the Board and its staff copies of all necessary permits from the appropriate agencies for the relocation procedure.

SECTION 2572 - Environmental Provisions

No use, building, structure, alteration, or improvement of land shall cause hazard or degradation, or otherwise abuse the environment of its own land or adjacent land or the value of benefit of the environment to the public at large. The following provisions are detailed in the Dearborn County Subdivision Regulations and will be used to determine the capability, suitability, or general compliance of a proposed use, building, structure, alteration, or improvement of land with the environmental objectives of this order.

1. Storm Water Management, Drainage and Lot Grading;
2. Basic Design Criteria for a Storm Drainage System;
3. Basic Design Criteria for Storm Water Drainage Channels, Water Courses, and Erosion Control;
4. Basic Design Criteria for Stormwater Runoff Control Facilities;
5. Detention Basins Standards and Specifications;
6. Residential Lot Grading and Drainage;
7. Steep Slopes and Erosion Hazards

SECTION 2574 - Maintenance of Retention/Detention Areas

Storm sewer systems are designed to collect and convey stormwater runoff from street inlets, runoff control structures, and other locations where the accumulation of stormwater is undesirable. The objective is to remove runoff from an area fast enough to avoid unacceptable amounts of ponding damage and inconvenience. No storm sewer shall be permitted to run into a sanitary sewer system. In general, the amount of stormwater runoff should be equal, in terms of pre-development and post-development, given the design of the stormwater system. Stormwater runoff from a site or subdivision shall not adversely impact natural drainage from an uphill drainage basin or to a downhill drainage basin or adjacent properties. The property owner shall be responsible for stormwater drainage facilities located on private property where runoff will be principally collected within that property and be minimally discharged over a larger area before the stormwater naturally drains on adjacent properties, unless a large drainage basin exists or is being planned. Stormwater drainage easements shall be required if stormwater is discharging directly from a pipe to an adjoining property and not being dispersed on the subject property.

SECTION 2576 - Water Supply and Sewage Disposal

No new use or structure, which would require water supply and sewage disposal, shall be conducted or constructed without the infrastructure to ensure that there is sufficient water supply and a sewage disposal system, which is capable of meeting the needs of a particular user's site.

Proposed improvements that do not affect existing private individual sewage disposal systems do not need to be inspected by the Dearborn County Health Department. At the time of the *Application for a Zoning Permit*, the property owner must attest that the application form and the accompanying site plan are complete and accurate, and that any and all proposed improvements will not: 1) interfere with an existing sewage disposal system; and 2) be situated within fifty (50) feet of an existing sewage disposal system on the downhill side. Proposed improvements that do not meet these criteria will be subject to an inspection at the discretion of the Dearborn County Health Department.

SECTION 2578 – Outside Storage

Outside storage of materials, vehicles, products, parts or other similar items shall be prohibited unless approved through Site Plan Review (See Article 23) and permitted within the zoning district. In situations where outside storage exists or is proposed, the Planning Director or designee shall have the authority to determine the appropriate screening if necessary or required.

SECTION 2580 – Exempt Uses

The extension of public utilities that are not part of a site plan or subdivision review, such as water and sewer lines, pump stations, and well heads, shall be permitted in all zoning districts within the county and will not require a permit from the Plan Commission for the construction of the facility. However, this section applies to zoning approval only as outlined within this Ordinance and does not eliminate the requirements of any permit that may be necessary from other federal, state or local agencies and departments.

SECTION 2585 – Use Development Standards

1. Agritourism.

- a. **Purpose.** The purpose of regulating agritourism is to allow opportunities for limited non-residential activities that make use of the existing rural character and activities in the town. The agritourism use should be accessory to an active agricultural use. For purposes of these standards, special event facilities, wineries, breweries, and distilleries are not considered an agritourism activity.
- b. **Use and Operational Standards.**
 - i. **Hours of Operation.** Hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation.

- ii. **Types of Uses Permitted.**
 - (a) New uses and their buildings shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site. Poor agricultural soils or lands otherwise not suitable for agricultural purposes are recommended for building locations.
 - iii. **Types of Uses Prohibited.**
 - (a) Motorized off-road vehicle racing or other similar motor vehicle activities, including tractor pulls.
 - (b) Other uses that the Administrator and/or BZA determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, visual clutter, or other nuisances.
- c. **Development Standards.**
- i. **Access.** Access to the facility shall be approved by the Administrator and the applicable Highway Department.
 - ii. **Bufferyards and Fencing.** Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. At a written request of the applicant, the Administrator and/or the BZA may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
 - iii. **Lighting.** Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution. (See Article 21, Section 2140)
 - iv. **Trash Receptacles.** Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall. (See Article 22, Section 2255)
 - v. **Sanitation.** Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Dearborn County Health Department if required. Year-round operations shall have permanent public restroom facilities. Seasonal operations are not required to have permanent public restroom facilities, unless required by the Dearborn County Health Department.
 - vi. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
- d. **Procedures.**
- i. **Site Plan Approval.** An agritourism facility requires development plan approval.
 - (a) **Narrative.** As part of the application for development plan approval, a written narrative shall be submitted describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Administrator and/or the BZA in determining whether the application meets the requirements.
2. **Campground.**
- a. **Use and Operational Standards:** Living arrangements are of transient or seasonal use; no permanent living structures.
3. **Child Care Center, Class I and II.**
- a. **Procedures:** Site Plan review is required.

4. Child Care Home.

a. **Use and Operational Standards:** IC 36-7-4-1107 and IC 36-7-4-1108 apply.

5. Clubhouse, Community Center, and Similar Facilities.

a. **Use and Operational Standards:** Facility must be an integral part of a residential development and the membership is limited to residents of a common development or neighborhood.

6. Confined Feeding Operation.

a. **Purpose.** The purpose of these confinement operation standards is to ensure that both the operation and the existing land uses surrounding the operation are protected from the negative impacts that each may cause the other.

b. Lot Standards.

i. **Area.** Minimum lot area for a confinement operation shall be forty (40) acres.

ii. **Road Frontage.** Minimum road frontage shall be fifty (50) feet as a conforming panhandle, and 200 feet otherwise.

iii. Setbacks and Use Separations.

(a) **General Setbacks.** A confinement operation shall have a general setback of one hundred (100) feet from the property line (in an Agricultural District). This setback requirement includes any structure or improvement utilized in carrying on of a confinement operation, including any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage building or structure, and deep pit manure storage area.

(b) **Separation from Municipal Boundaries.** No confinement operation is allowed to be sited within one (1) mile of an existing incorporated area within the jurisdiction.

(c) **Separation from Residential Uses.** If adjacent to a residential zoning district, primary and accessory structures associated with the operation shall be set back at least two hundred and fifty (250) feet from the adjacent property line.

(d) **Separation from Schools.** A confinement operation with a lagoon, open manure storage, deep pit manure storage and/or any silage storage that is not within an enclosed structure shall have a minimum setback requirement for such lagoon, open manure storage, deep pit manure storage and/or any silage storage that is not within an enclosed structure of two thousand six hundred forty (2,640) feet from any school. For purposes of this standard, a school shall mean the structure(s) which is the improvement situated upon school property and is the primary structure utilized for classroom academic pursuits.

(e) **Separation from a Public Gathering Place.** Confinement operations with deep pit manure storage and/or any silage storage that is not within an enclosed structure shall have a setback requirement that such deep pit manure storage, together with any improvement or structure, not fully enclosed, in any way utilized in conjunction with, or to house, said manure pit or silage structure(s) shall be a minimum setback of one thousand three hundred twenty (1,320) feet from the property line upon which such pit or silage is situated and the property line of the property upon which a public gathering place or a protected use is situated.

(f) Satellite Manure Storage Structures.

(i) No satellite manure storage structure which is under one million (1,000,000) gallon capacity, or five thousand (5,000) cubic yards, is permitted to be sited within one thousand (1,000) feet of an existing residence or Residential Districts R1, R2, or R3.

(ii) No satellite manure storage structure with a capacity in excess of one million (1,000,000) gallons or five thousand (5,000) cubic yards is permitted to be sited

within one thousand five hundred (1,500) feet of an existing residence or Residential Districts R1, R2, or R3.

c. Use and Operational Standards.

- i. **Manure Application.** Manure applied on the soil in accordance with the conditions of the Confinement Operation operator's permit shall be incorporated into the soil within twenty-four (24) hours of application.

d. Development Standards.

i. **Access.**

- (a) **Corner Lots.** Where a confinement operation is situated on property with frontage on more than one road, the operation shall be designed so that the primary access is onto the road with the higher classification as defined in the Thoroughfare Plan.
- (b) **Truck Access.** A confinement operation shall be designed to allow trucks to leave the premises without backing onto any public way of any description whatsoever. Any proposed turn-around which contemplates T-turns or has a turn-around with a diameter of less than one hundred twenty (120) feet shall be shown by the applicant to be adequate to comply with the requirements of this UDO. Driveway, truck turn-arounds, and truck parking must have a dust-free, all-weather surface. The applicant shall take all reasonable steps to prevent mud, manure, gravel, and other foreign substances from trucks and other equipment being deposited on any public right-of-way. The burden shall be on the applicant to demonstrate that the proposed turn-around and egress complies with the requirements herein.

- ii. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

e. Procedures.

i. **Application.**

- (a) Major Site Plan approval is required for all confinement operations and their associated primary and accessory structures.
- (b) **Deed Restriction Required.** A deed restriction shall be recorded in perpetuity that prevents the established parcel from being reduced or further subdivided. A copy of the recorded restriction shall be submitted prior to the issuance of a Site Plan or Improvement Location Permit.

- ii. **Permits.** An ILP is required for the construction of all primary and accessory structures.

7. Dwelling, Accessory.

a. Development Standards:

- i. The accessory dwelling unit must conform to all locational requirements of single-family units;

8. Golf Course with Clubhouse/Restaurant.

- a. **Development Standards:** Minimum lot size is 60 acres for each nine-hole course

9. Keeping of Animals.

a. Development Standards

- (a) Minimum setback for accessory buildings housing animals (not including kennels, which have separate standards):
 - (a) Less than 4 animals - 10 feet
 - (b) 5 or more animals – 50 feet
- (b) Animals may be kept on contiguous property provided that:
 - (a) Such animals are not a public nuisance and are not vicious and dangerous, as defined by the Dearborn County Animal Control Ordinance (Chapter 90, Sections 90.02 and 90.16 of the Dearborn County Code of Ordinances);

- (b) The animals do not present unsanitary conditions or a health risk as determined by the Dearborn County Department of Health;
 - (c) The animals and their keeping, including restraint, are compliant with the Dearborn County Animal Ordinance;
 - (d) If there are 5 or more dogs on the premises, a kennel license must be obtained from the Dearborn County Animal Control (Chapter 90, Sections 90.02 and 90.38 of the Dearborn County Code of Ordinances);
- (c) Up to five (5) animals customarily considered domesticated, household pets may be kept on any property in any agricultural or residential districts (A, AH, R1, R2, and R3).
- (d) To keep domesticated, non-household animals on properties located in any agricultural, agricultural homestead or low-density residential (R1) zoned districts that are greater than one (1) acre but are less than five (5) acres, may have a combination of two (2) animal units per acre, 1 animal unit being from the large animals and 1 animal unit being from the small animals per acre, but may not have two (2) animal units from the same large category, but could have two (2) animal units from the same small category) of the following:

Large Animals

- 2 head of cattle = 1 animal unit
- 3 horses = 1 animal unit
- 5 sheep = 1 animal unit
- 5 swine = 1 animal unit
- 5 goats = 1 animal unit
- 5 llamas = 1 animal unit
- 5 alpacas = 1 animal unit

Small Animals

- 50 Rabbits = 1 animal unit
- 32 Chickens = 1 animal unit
- 16 ducks = 1 animal unit
- 8 turkeys = 1 animal unit
- 8 geese = 1 animal unit
- 50 Pigeons/Raising Game Birds = 1 animal unit

- (a) Therefore, for properties having greater than five (5) acres, located in an agriculture, agriculture homestead, low-density residential (R1), or medium-density residential (R2) zoned districts will not have a restriction on the number of keeping of animals deemed domesticated, non-household animals.
 - (b) For properties in any low-density residential (R1) or medium-density residential (R2) zoned districts with less than one (1) acre, 10 rabbits or 10 laying hens, no roosters, may be permitted but no other livestock.
 - (c) There shall be no keeping of domesticated, non-household animals on properties located in any high-density residential (R3) zoned district.
- (e) Wild / Exotic Animals – Must be in compliance with IC 14-22 and all other applicable Federal and State laws, including 312 IAC 9, as well as local County Ordinances (including animal control, health, zoning codes, etc.) and are only permitted on property located in an Agricultural District on more than 10 acres.
- (f) Other Standards
- (a) Nothing in this section shall prohibit the temporary keeping of newborn offspring of permitted animals (less than 4 months old).
 - (b) Fish in aquariums are exempt, provided they are not associated with a commercial animal establishment as defined in the Dearborn County Animal Control Ordinance.

10. Kennel, Commercial.

a. Development Standards

- i. **Minimum lot size:** 10 acres
- ii. **Minimum setback:** 250 feet from any lot line

- iii. **Zoning Districts:** Commercial Kennels are only permitted to be on property located in an Agriculture (A) zoned district as a permitted use.
- iv. **All other standards and licensing requirements in this ordinance or that of the Dearborn County Animal Control Ordinance must be followed**

11. Equestrian Facility/Riding Stables.

a. Development Standards:

- i. **Minimum lot size:** 10 acres
- ii. **Zoning Districts:** Equestrian Facility/Riding Stables are only permitted to be on property located in Agriculture (A) and Agriculture Homestead (AH) zoned districts

12. Short-Term Rental

a. Purpose. The purpose of these short-term rental standards is to comply with the provision of IC 36-1-24 series as well as

- i. Set an appropriate balance between the interests of the county's residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings;
- ii. Ensure issues related to fire safety and life safety are met; and
- iii. Allow homeowners to benefit from added income.

b. Structure Standards.

i. Types of Structures.

- (a) **Permitted.** Short-term rental units shall only be allowed in lawfully-built dwelling units that meet building code requirements. This includes:
 - i. All or portion of the owner's primary residence.
 - ii. An accessory dwelling
- (b) **Prohibited.** Short-term rental units shall not be allowed in:
 - i. A recreational vehicle, travel trailer, or similar structure (outside of a campground);
 - ii. A motor vehicle;
 - iii. Any structure not intended for permanent human occupancy.

ii. Use and Operational Standards

- (a) **Occupancy.** Maximum overnight occupancy shall be two (2) persons per building code-compliant bedroom / sleeping area, not to exceed ten (10) people, regardless of the number of bedrooms / sleeping areas.
- (b) The Dearborn County Health Department must review and permit all short-term uses that do not have legal, permitted access to public sewer to ensure if there is an adequate individual sewage disposal system serving the affected property.

iii. Other Standards.

- (a) A sign shall be prominently posted on site that displays:
 - i. The address of the property;
 - ii. The approved maximum occupancy;
 - iii. That quiet hours are from 10:00pm to 7:00 am every day;
 - iv. A 24-hour telephone number where the owner can be reached.

iv. Development Standards:

- (a) **Parking and Loading.** One (1) on-premise parking space is required for every two (2) sleeping areas. The administrator may allow street parking where applicable with a written letter to the file.
- (b) **Zoning District Standards.** All other development standards of the subject zoning district shall apply. A Short-Term Rental Application must be completed and approved for each short-term use by the Dearborn County Department of Planning & Zoning.

- v. **Enforcement.** Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from inspections and/or citations.
13. **Special Event Facility (Includes uses like weddings, live music, including concerts, festivals, fairs, etc.)**
- a. **Purpose.** The purpose of these special event facility standards is to ensure that the use and establishment of the facility remains accessory to the residential use of the property and does not have a negative impact on the surrounding agricultural or residential areas.
 - b. **Lot Standards.**
 - i. **Area.** Minimum lot size shall be ten (10) acres.
 - ii. **Setbacks.** All setbacks shall be in accordance with the respective zoning district. This includes any temporary structures such as tents, canopies, stages, and dance floors.
 - c. **Use and Operational Standards.**
 - i. **Accessory Use.** The facility is and shall be operated as an accessory use to the owner's primary residence. No facility shall be permitted where no primary residential use exists on the parcel.
 - ii. **Attendance.** Attendance for a single event at the facility shall not exceed five hundred (500) persons or last longer than two (2) days, not including set-up and take-down.
 - iii. **Hours of Operation.** Hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation.
 - d. **Development Standards.**
 - i. **Dust Control.** Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required.
 - ii. **Lighting.** All outdoor lighting associated with the special event shall be turned off by 11:00pm and conform to the lighting standards of this ordinance.
 - iii. **Noise.** (See Title 9, Chapter 93, Sections 93.01 to 93.04 of the Dearborn County Code of Ordinances & Article 25, Section 2532 of the Zoning Ordinance)
 - iv. **Signage.** In addition to the permitted signage, temporary directional signs are allowed during event activities provided they are placed outside of the rights-of-way.
 - v. **Utilities.** The facility shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate the special events to the satisfaction of the applicable Health Department.
 - vi. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
 - e. **Procedures.**
 - i. **Site Plan Required.** All special event facilities require development plan approval shall include a plan for traffic, parking, and circulation plan. In addition, the APC or Administrator shall make specific findings and may establish conditions relative to the consideration of:
 - 1. The physical design and operating characteristics of the facility.
 - 2. The intensity of the proposed use and density of the surrounding area.
 - 3. The distance to surrounding sensitive elements, including residents and livestock.
 - 4. The type of sound potentially generated by the facility and what allowances for amplified sound may take place.
 - 5. The allowed number of events per year and the frequency of events.