

## 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**

Zoning District	Maximum Density	Minimum Size of District	Minimum Lot Size*	Minimum Frontage	Max Building Height, Primary Use	Max Building Height, Accessory Use ^^All heights measured to eaves	Minimum Yard Setbacks**		
							Front ***	Rear	Side
A^	1 d.u. per acre	30 acres	1 acres	150 feet	45 feet	36 feet for Non-Ag Uses <b>60' for Ag Uses+</b>	100 feet	30 feet	30 feet
R^	4 d.u. per/acre	5 acres	Single-family 9,000 sq. ft	65 feet	45 feet	25 feet	<b>55 feet</b>	30 feet	10 feet
			Duplex 18,000 sq. ft	75 feet					
See Section 2562 for Multi-Family Requirements									
<b>^All single-family homes / types, built onsite or built or assembled in part or whole offsite, shall be a minimum of 950 sq. ft. in size (living space, not including a garage). All duplex residential units shall be a minimum of 1500 sq. ft. in size (living space, not including a garage).</b>									
B-1	8,000 - 10,000 sq. ft per/acres	N.A.	N.A.	50 feet	50 feet	<b>30 feet</b>	50 feet	20 feet (50 feet)	5 feet (50 feet)
B-2	10,000 – 15,000 sq. ft per/acre	3 acres	5,000 sq. ft	50 feet	50 feet	30 feet	55 feet	20 feet (50)	10 feet (50)
I-1	25,000 sq. ft per/acres	5 Acres	.75 Acres	150 feet	50 feet	30 feet	65 feet (75 feet)	30 feet (100 feet)	10 feet (75 feet)
I-2	25,000 sq. ft per/acre	10 Acres	2 Acres	250 feet	100 feet	50 feet	75 feet (100 feet)	40 feet (125 feet)	30 feet (100 feet)
I-3	N. A.	50 Acres	5 Acres	250 feet	100 feet	50 feet	100 feet (125 feet)	50 feet (150 feet)	50 feet (150 feet)
<b>Manufactured Home Park</b>	7 d.u per/acre	N.A	5 acres	50 feet	45 feet	45 feet	55 feet	25 feet	5 feet min. 15 feet total

**ABBREVIATIONS:** d. u. = Dwelling Unit      N. A. = Not Applicable      sq. ft. = 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).

**+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**

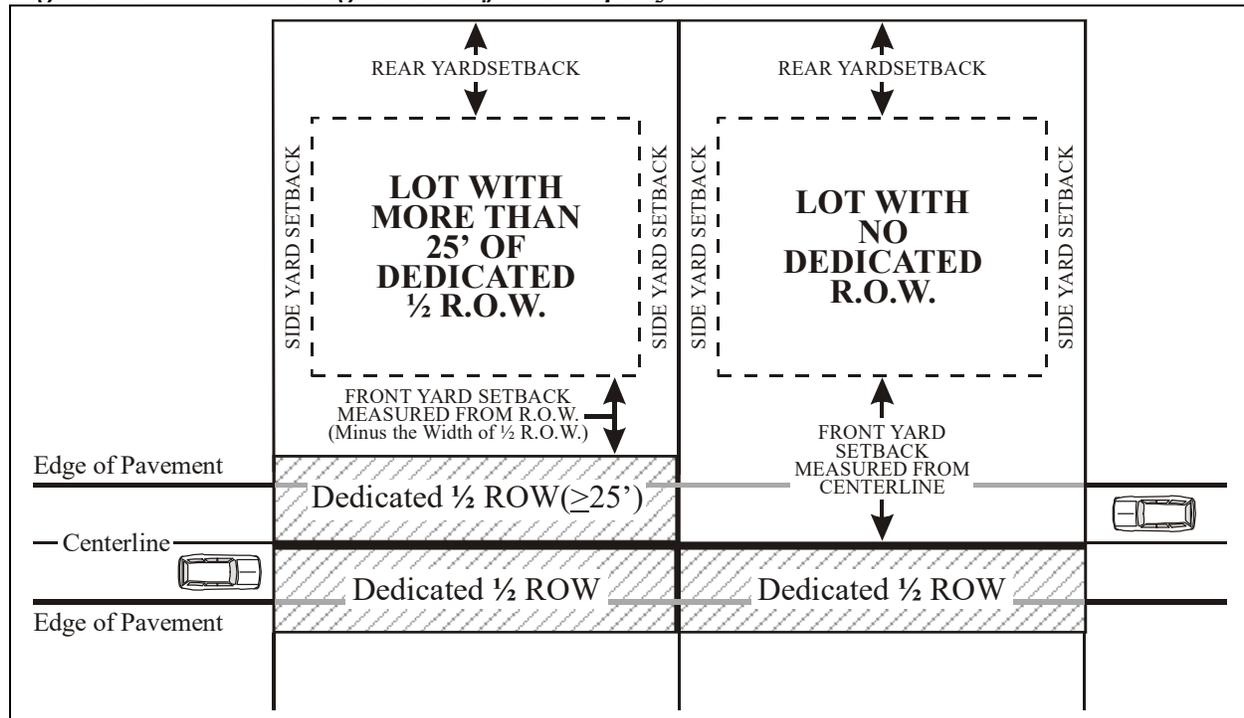
Homes, buildings, or accessory structures are permitted to be constructed on more than one lot of record as long as the lots are under common ownership. The setbacks and location requirements for the home, building or accessory structure shall be the same as if the lot were combined as one lot of record. 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.

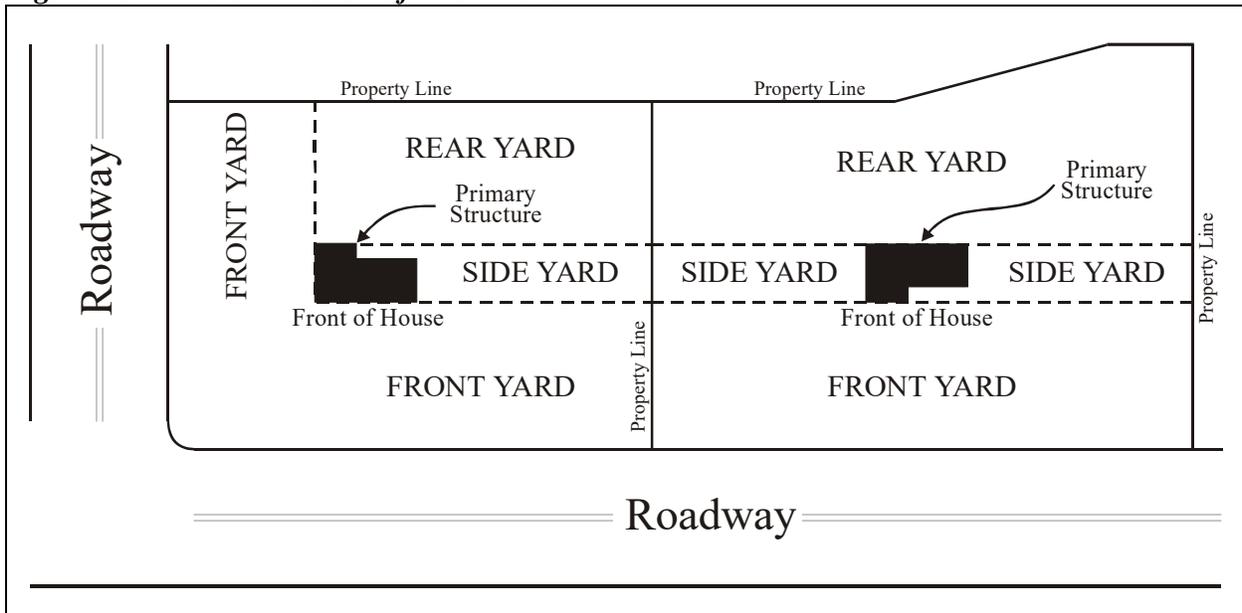
Within Residential (R) zoning districts the front yard setback shall be 70 feet for single-family homes or duplexes that are not part of a subdivision or that are located within a subdivision in which public roads are not developed.

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**

<b>FREQUENCY</b> <i>(Cycles per Second)</i>	<b>VIBRATION DISPLACEMENT IN INCHES</b>	
	<b>Steady-state Vibrations</b>	<b>Impact Vibrations</b>
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**

<b>OCTAVE BAND FREQUENCY (Cycles per Second)</b>	<b>MAXIMUM PERMITTED SOUND LEVELS IN DECIBELS</b>	
	<b>Along Residential District Boundaries</b>	<b>Along Business District Boundaries</b>
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 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.