JACKSON COUNTY, INDIANA
ZONING ORDINANCE

ADOPTED: November 21st, 2017

ORDINANCE# 2017 BILL 37A

List of Amendments

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Chapter 1

The Zoning Ordinance of Jackson County

Section 1-1 Preamble & Enacting Clause

An Ordinance establishing Comprehensive Zoning Regulations for Unincorporated Jackson County, Indiana, providing for the Administration, Regulation, and Violation thereof, and the repeal of all prior conflicting ordinances.

This Ordinance is hereby adopted as the Comprehensive Zoning Ordinance of the County of Jackson, Indiana. The zoning ordinance of the county adopted January 20, 1969, and incorporated into the Jackson County Code as Ord. #1983-1 on February 7, 1983, together with amendments thereto, is hereby amended and repealed.

Section 1-2 Title & Purpose

This Ordinance shall be cited as the “Jackson County Zoning Ordinance" or the “Zoning Ordinance of Unincorporated Jackson County” and is in accordance to the Jackson County Comprehensive Plan. This Ordinance is hereby enacted by Jackson County to promote the health, safety, comfort, and morals, as well as conserve and protect property and property values within unincorporated Jackson County.

This ordinance is made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values and the overall quality of life throughout the territory under the jurisdiction of the Plan Commission of Jackson County, Indiana.

Section 1-3 General Provisions

A- No structure shall be constructed, renovated, or altered hereafter the passage of this ordinance, except in the conformity with the provisions of this Ordinance.

B- No new use shall be maintained of any building or land except in the conformity with the provisions of this Ordinance.

C- No change in plans, construction, or use of any land or building shall be required due to the adoption of this ordinance, given it was permitted prior to date of implementation. The construction must be completed within eighteen (18) months from the date of permit.

D- The provisions of this ordinance shall apply to all structures and uses in any zoning district within the jurisdiction of unincorporated Jackson County, unless otherwise noted.

E- The regulations set forth in this ordinance shall be deemed the minimum requirements and shall apply to each class of structure, land, & use.

Adopted by the Board of Commissioners this 5th day of December, 2017.

Matt Reedy, President

Bob Gillaspy, Commissioner

Drew Markel, Commissioner

ATTEST:

Kathy Hohenstreiter, Auditor

Chapter 2

Jackson County Zoning Districts

Section 2-1

Jackson County Zoning Districts

Symbol	Zoning District	Reference
A	Agricultural	Chapter 3
FR	Forest & Recreational	Chapter 4
R-1	Residential	Chapter 5
R-2	Residential	Chapter 5
LR	Lake Residence	Chapter 5
GB	General Business	Chapter 6
I	Industrial	Chapter 7

Section 2-2 Official Zoning map

An updated official Zoning Map is adopted as a part of this Ordinance. The Zoning map shows the designated zoning district in reference to each parcel of land within the jurisdiction of unincorporated Jackson County.

Section 2-3 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of various parcels and the zoning thereof, the following rules apply:

A- Boundaries shall be interpreted as following the centerline of all streets, highways, & alleys.
B- Boundaries shall be interpreted as approximately following platted lot lines.
C- Boundaries following the FEMA Flood Plain shall be interpreted to follow the flood plain line.
D- Boundaries shall be interpreted as following the midway between all railroad tracks and railroad right-of-way.
E- Boundaries following shorelines shall be construed to follow the shoreline of said body of water.
F- When the right-of-way is vacated of any alley, street, or other public way the districts adjoining each side are respectively extended to the center of said vacated area.

Chapter 3

Agricultural Districts

Section 3-1 Intent

Agricultural District: The Agricultural District (A) is established to include areas that are substantially tillable or used for a variety of agricultural operations. This district is located where little or no urbanization has occurred or is likely to occur in the near future, in accordance with the Jackson County Comprehensive Plan.

Section 3-2 Uses

Use and development of land and structures shall only be for the following specified uses, unless Special Exception approval is granted. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or structures in the district referenced at the top of the table may be used for the purposes donated by the following abbreviations:

P: Permitted- Land and/or structures in this district may be used for the purposes listed on the given chart.

S: Special Exception- Land and/or structures in this district may be used for the purposes listed on the given chart with Special Exception approval. All applicable standards cited in Chapter 14 Special Exception Review Requirements and procedures and Specific Requirements in Chapter 8 must be met unless a Variance is granted.

Table		
Schedule of Permitted Uses		
Agricultral		
Use	***P/S***	***Requirements***
Residential		**8-1**
Single-family dwellings	P	
Two-family dwellings	P	
Mobile homes & Manufactured dwellings on individual lots	P	**8-1 (1)**
Temporary Occupations	P	**8-1 (2)**
Accessory dwellings	P	**8-1 (3)**
Low impact home occupations	P	**8-1 (4)**
Agricultural, Forestry, Fishing & Hunting		**8-2**
Bait Sales	P	
Commercial Greenhouse, Nursery, & Floriculture production	P	**8-2 (1)**
Farm sales & services	P	
Farms (general)	P	
Farms Confined Feeding	S	**8-2 (2)**
Keeping of Livestock & other animals (Non CAFO)	P	
Kennels	S	
Liquid Fertilizer storage	P	**8-2 (3)**
Riding Stables	P	**8-2 (4)**
Roadside produce sales	P	
Sales barn for livestock resale	S	**8-2 (5)**
Saw Mill & Lumber Yards	S	**8-2 (6)**
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	P	
Slaughter House, Locker, Cold Storage (Commercial)	S	**8-2 (7)**
Grain Storage (Commercial)	P	
Wineries, Breweries, Taverns	S	**8-2 (8)**
Wholesale produce terminal	S	
Business (Sales & Services)		**8-3**
Bakery	S	
Barber/Beauty Salon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	**8-3 (1)**
Pet Shops (Retail, Grooming, Supplies)	S	
Photographic Studio	P	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Businesses	S	**8-3 (2)**
Similar Uses	S	
Auto Dealers, Service, Parts		**8-4**
Motorized Vehicle sales/service/parts	S	**8-4 (1)**
Lodging Accommodation		**8-5**
Boarding	S	
Bed & Breakfast	S	
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Planned Residential Development	S	
Recreational Camps & Public Camp Grounds	S	**8-5 (1)**
Technical Services/Towers		**8-6**
Cellular Towers	S	**8-6 (1)**
Radio Towers	S	**8-6 (1)**
Wireless Communication Facilities, Tower, and Services	S	**8-6 (1)**
Health Care & Social Assistance		
Child care facilities	S	
Veterinary clinics	S	
Recreational Entertainment		
Country Clubs	S	
Golf Courses	S	
Artificial Lake (Under 3 Acres)	P	
Race Tracks	S	
Shooting Ranges (Indoor)	S	
Shooting Ranges (Outdoor)	S	

Stadiums/Coliseum/Athletic Fields	S	
Swimming Pools (Commercial)	S	**10-3**
Swimming Pools (Residential)	P	**10-3**
Theater (Indoor/Outdoor)	S	
Religious, Civic, Social Organizations		**8-7**
Assembly Halls	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	**8-7 (1)**
Cemetery & Crematory	S	**8-7 (2)**
Educational Services		**8-8**
School Buildings (public, private, & parochial)	S	**8-8 (1)**
Libraries & Museums	S	
Vocational & Trade Schools	S	
University & College Buildings	S	
Public Administration		
Executive, Legislative, & Other General Gov. Buildings	S	
Public Safety Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Transportation		
Airports/Heliports	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial composting facilities	S	
Sanitary landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Construction		
Asphalt, Concrete, and Gravel Plants & Storage	S	
Construction Offices, Showrooms, & Storage Yards	S	
Industrial		
Industry (General)	S	
Industrial Park	S	
Junk Yard	S	
Truck Freight Terminal	S	
Signs		**12**
Advertising Sign or Billboard (over 36.00' sq. ft.)	S	**12-1**
Signs under 36.00' sq. ft.	P	**12-2**

Section 3-3 Lot Requirements

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a means that does not comply with the following requirements as referenced below.

Lot Area & Width Requirements		
District	**Min. Lot Area**	**Min. Lot Width (Home Site)**
Agricultural	1 Acre (43,560 sq. ft.)	150.00 ft.

* Note: All lots shall also require approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

A- **Non-Conforming Lots of Record:** New residential or commercial structures to be erected prior to the passage of the original Jackson County Zoning Ordinance, on lots of record which are smaller in area than the prescribed minimums of the table above, may be issued a building permit, contingent on proof of the dated record deed and the approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

B- **Subdivision of Land:** All divisions to land shall be subject to the requirements set forth in the Jackson County Subdivision Control Ordinance.

C- **Access:** 50.00' deeded access required on all residential building lots.

Section 3-4 Height Requirements

Any structure over the maximum height requirements referenced below must receive Variance approval.

Maximum Height Requirements	
Residential & Lake Residential Districts	35’
Agricultural & Forest & Rec. Districts	35’
Business Districts	45’
Industrial Districts	75’

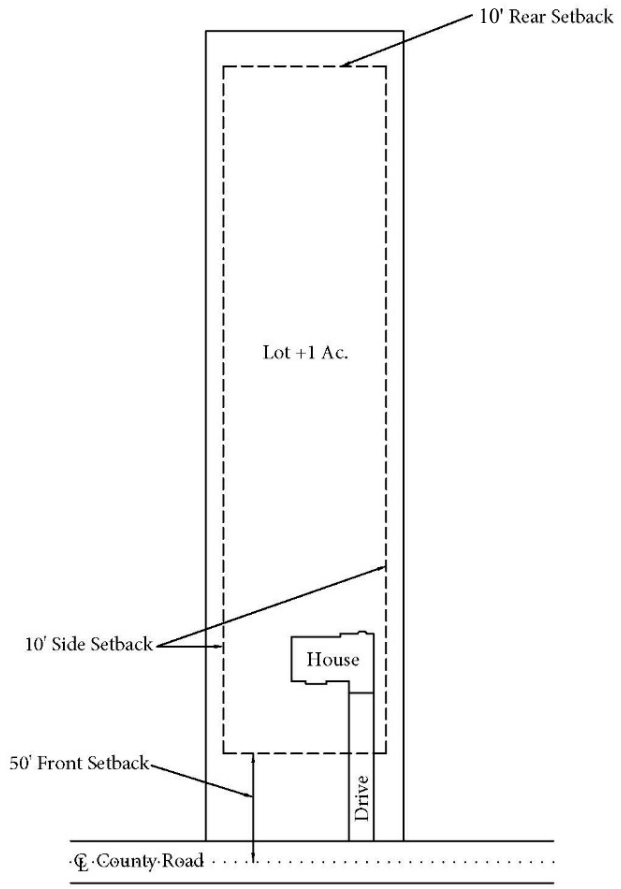
* An agricultural structure may be erected or changed to any height necessary for its operation, no greater than seventy-five (75') feet.

Section 3-5 Building Setback Requirements

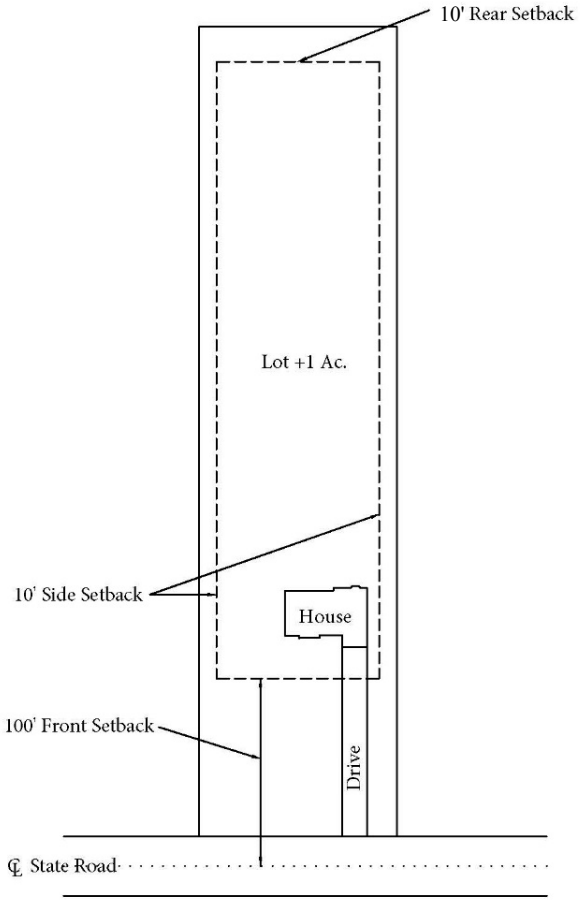
All structures shall be subject to the dimensional regulations set forth by this ordinance and referenced in the following table & charts.

Building Dimension Requirements						
Districts	**Front SB County Rd. (C/L)**	**Front SB State Rd. (C/L)**	**Side SB**	**Rear SB**	**One Story Dwelling (sq. ft.)**	**Two or more Story Dwelling (sq. ft.)**
Agriculture	60.00’	100.00’	10’	10’	720’	720’

A District (County Road)



A District (State Road)



A- **Accessory Structure**: See Chapter 10 for setbacks and restrictions applicable to Accessory Structures.

B- **Projections into Yards**: Accessory Structures & Architectural features may project into the required setbacks as provided in Section 9-4.

C- **County Regulated Drains:** A minimum Setback of 75.00' (top of bank) shall be maintained from the top of adjacent bank of a county regulated drain.

D- **Corner Lots**- Corner lots shall meet the minimum setback requirements from both road frontages.

E- **Road Setbacks**: The road or front yard setback shall be measured from the Centerline of County & State Roads.

F- **Alley Setbacks**: A minimum of ten (10') feet shall be maintained from all alley right of way.

G- **Grandfathered Exemptions:** A grandfather clause is applicable to homes built prior to the adoption of the original Jackson County Zoning Ordinance (1968), but are subject to the requirements referenced in Section 9-5.

Notice: Agricultural Clause

All applicants, developers, or landowners who develop any use in this district shall be required as part of the building permit process to sign the following agricultural clause and record it as a deed restriction to bind successive owners:

"Grantee and their successors in title are on notice and understand that this residence is being built in a predominately agricultural area and that farming operations will be practiced in the area of this residence. With this understanding, the grantee and successors in title forego their right to bring claim against any farmer or agricultural operations in the area whom has not been negligent.

Chapter 4

Forest & Recreational

Section 4-1 Intent

Forest & Recreational District: The Forest & Recreational District (FR) is established to include areas that are substantially rough wooded terrain and there is extensive public ownership where little or no urbanization has occurred, or is likely to occur in the near future, in accordance with the Jackson County Comprehensive Plan.

Section 4-2 Uses

Use and development of land and structures shall only be for the following specified uses, unless Special Exception approval is granted. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or structures in the district referenced at the top of the table may be used for the purposes donated by the following abbreviations:

P: Permitted- Land and/or structures in this district may be used for the purposes listed on the given chart.

S: Special Exception- Land and/or structures in this district may be used for the purposes listed on the given chart with Special Exception approval. All applicable standards cited in Chapter 14 Special Exception Review Requirements and procedures and Specific Requirements in Chapter 8 must be met unless a Variance is granted.

Table		
Schedule of Permitted Uses		
Forestry & Recreational		
Use	***P/S***	***Requirements***
Residential		**8-1**
Single-family dwellings	P	
Two-family dwellings	P	
Mobile homes & Manufactured dwellings on individual lots	P	**8-1 (1)**
Temporary Occupations	P	**8-1 (2)**
Accessory dwellings	P	**8-1 (3)**
Low impact home occupations	P	**8-1 (4)**
Agricultural, Forestry, Fishing & Hunting		**8-2**
Bait Sales	P	
Commercial Greenhouse, Nursery, & Floriculture production	P	**8-2 (1)**
Farm sales & services	P	
Farms (general)	P	
Farms Confined Feeding	S	**8-2 (2)**
Keeping of Livestock & other animals (Non CAFO)	P	
Kennels	S	
Liquid Fertilizer storage	P	**8-2 (3)**
Riding Stables	P	**8-2 (4)**
Roadside produce sales	P	
Sales barn for livestock resale	S	**8-2 (5)**
Saw Mill & Lumber Yards	P	**8-2 (6)**
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	P	
Slaughter House, Locker, Cold Storage (Commercial)	S	**8-2 (7)**
Grain Storage (Commercial)	P	
Wineries, Breweries, Taverns	S	**8-2 (8)**
Wholesale produce terminal	S	
Business (Sales & Services)		**8-3**
Bakery	S	
Barber/Beauty Salon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	**8-3 (1)**
Pet Shops (Retail, Grooming, Supplies)	S	
Photographic Studio	P	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Businesses	S	**8-3 (2)**
Similar Uses	S	
Auto Dealers, Service, Parts		**8-4**
Motorized Vehicle sales/service/parts	S	**8-4 (1)**
Lodging Accommodation		**8-5**
Boarding	S	
Bed & Breakfast	S	
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Planned Residential Development	S	
Recreational Camps & Public Camp Grounds	P	**8-5 (1)**
Technical Services/Towers		**8-6**
Cellular Towers	S	**8-6 (1)**
Radio Towers	S	**8-6 (1)**
Wireless Communication Facilities, Tower, and Services	S	**8-6 (1)**
Health Care & Social Assistance		
Child care facilities	S	
Veterinary clinics	S	
Recreational Entertainment		
Country Clubs	S	
Golf Courses	S	
Artificial Lake (Under 3 Acres)	P	
Race Tracks	S	
Shooting Ranges (Indoor)	S	
Shooting Ranges (Outdoor)	S	

Stadiums/Coliseum/Athletic Fields	S	
Swimming Pools (Commercial)	S	**10-3**
Swimming Pools (Residential)	P	**10-3**
Theater (Indoor/Outdoor)	S	
Religious, Civic, Social Organizations		**8-7**
Assembly Halls	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	**8-7 (1)**
Cemetery & Crematory	S	**8-7 (2)**
Educational Services		**8-8**
School Buildings (public, private, & parochial)	S	**8-8 (1)**
Libraries & Museums	S	
Vocational & Trade Schools	S	
University & College Buildings	S	
Public Administration		
Executive, Legislative, & Other General Gov. Buildings	S	
Public Safety Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Transportation		
Airports/Heliports	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial composting facilities	S	
Sanitary landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Construction		
Asphalt, Concrete, and Gravel Plants & Storage	S	
Construction Offices, Showrooms, & Storage Yards	S	
Industrial		
Industry (General)	S	
Industrial Park	S	
Junk Yard	S	
Truck Freight Terminal	S	
Signs		**12**
Advertising Sign or Billboard (over 36.00' sq. ft.)	S	**12-1**
Signs under 36.00' sq. ft.	P	**12-2**

Section 4-3 Lot Requirements

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a means that does not comply with the following requirements as referenced below.

Lot Area & Width Requirements		
District	**Min. Lot Area**	**Min. Lot Width (Home Site)**
Forest & Recreational	1 Acre (43,560 sq. ft.)	150.00 ft.

* Note: All lots shall also require approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

A- **Non-conforming Lots of Record:** New residential or commercial structures to be erected prior to the passage of the original Jackson County Zoning Ordinance, on lots of record which are smaller in area than the prescribed minimums of the table above, may be issued a building permit, contingent on the approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

B- **Subdivision of Land:** All divisions to land shall be subject to the requirements set forth in the Jackson County Subdivision Control Ordinance.

C- **Access:** 50.00' deeded access required on all residential building lots.

Section 4-4 Height Requirements

Any structure over the maximum height requirements referenced below must receive Variance approval.

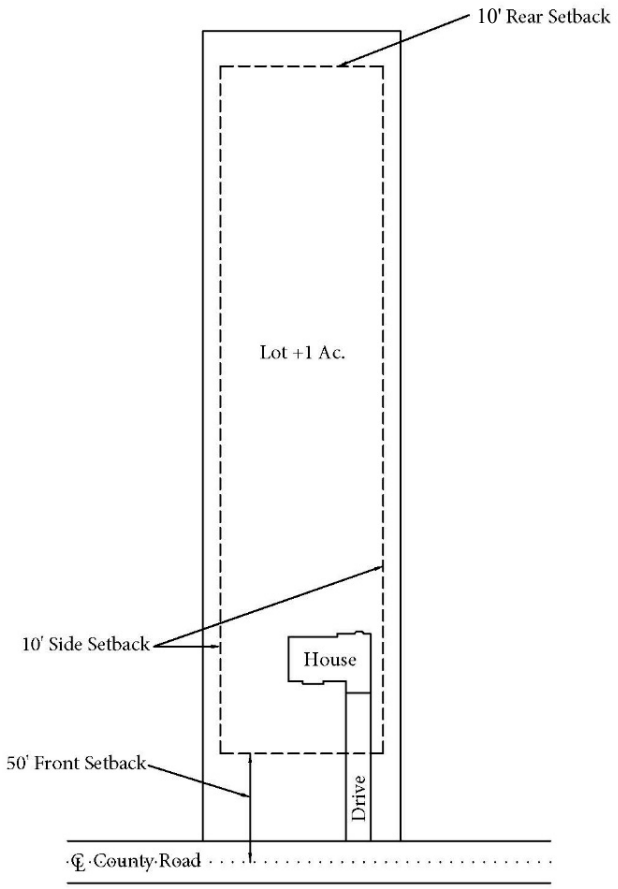
Maximum Height Requirements	
Residential & Lake Residential Districts	35’
Agricultural & Forest & Rec. Districts	35’
Business Districts	45’
Industrial Districts	75’

Section 4-5 Building Setback Requirements

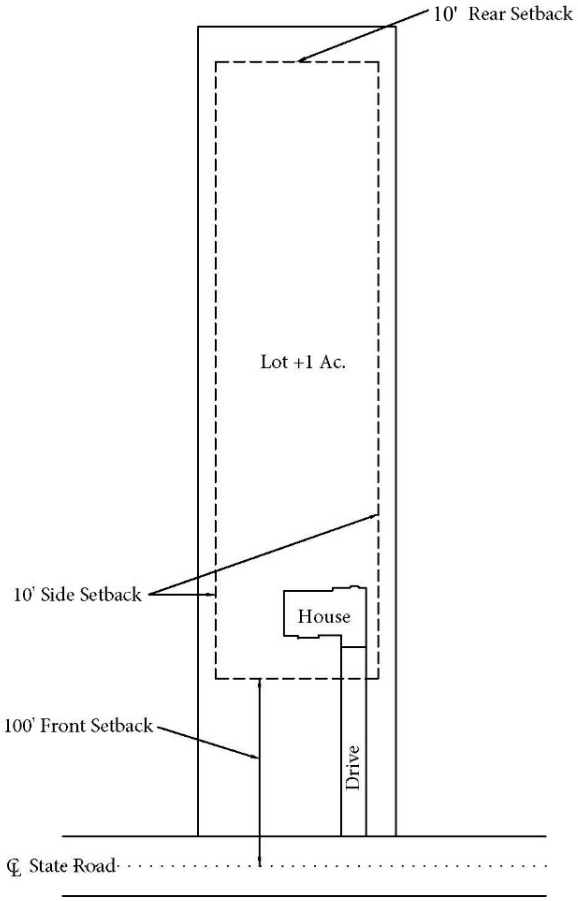
All structures shall be subject to the dimensional regulations set forth by this ordinance and referenced in the following table & charts.

Building Dimension Requirements						
Districts	**Front SB County Rd.**	**Front SB State Rd.**	**Side SB**	**Rear SB**	**One Story Dwelling (sq. ft.)**	**Two or more Story Dwelling (sq. ft.)**
Forest & Recreational	60.00’	100.00’	10’	10’	720’	720’

FR District (County Road)



FR District (State Road)



A- **Accessory Structure**: See Chapter 10 for setbacks and restrictions applicable to Accessory Structures.

B- **Projections into Yards**: Accessory Structures & Architectural features may project into the required setbacks as provided in Section 9-4.

C- **County Regulated Drains:** A minimum Setback of 75.00' (top of bank) shall be maintained from the top of adjacent bank of a county regulated drain.

D- **Corner Lots-** Corner lots shall meet the minimum setback requirements from both road frontages.

E- **Road Setbacks**: The road or front yard setback shall be measured from the Centerline of County & State Roads.

F- **Alley Setbacks**: A minimum of ten (10') feet shall be maintained from all alley right of way.

G- **Grandfathered Exemptions:** A grandfather clause is applicable to homes built prior to the adoption of the original Jackson County Zoning Ordinance (1968), but are subject to the requirements referenced in Section 9-5.

Chapter 5

Residential Districts

Section 5-1 Intent

R-1 Residential District: The Residential 1 (R1) District is established to include areas of low density, single family residences and rural subdivisions. The intent of this district is to create aesthetically pleasing residential environments outside municipal services.

R-2 Residential District: The Residential 2 (R2) District is established to include areas of relatively moderate density, with single, and multiple family residences in locations where the infrastructure is capable of supporting higher density development or higher density development has previously occurred. The intent of this district is to allow for a more compact form of development near and in established communities.

Lake Residence District: The Lake Residence District, is established to include residential neighborhoods and subdivisions in the proximity of bodies of water. These areas are characterized by environmental sensitivity and are subject to heavy recreational use. Some Lake Residential communities may have their own required setbacks and building requirements.

Section 5-2 Uses

Use and development of land and structures shall only be for the following specified uses, unless Special Exception approval is granted. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or structures in the district referenced at the top of the table may be used for the purposes designated by the following abbreviations:

P: Permitted- Land and/or structures in this district may be used for the purposes listed on the given chart.

S: Special Exception- Land and/or structures in this district may be used for the purposes listed on the given chart with Special Exception approval. All applicable standards cited in Chapter 14 Special Exception Review Requirements and procedures and Specific Requirements in Chapter 8 must be met unless a Variance is granted.

Table		
Schedule of Permitted Uses		
Residential 1&2		
Use	***P/S***	***Requirements***
Residential		**8-1**
Single-family dwellings	P	
Two-family dwellings	P	
Mobile homes & Manufactured dwellings on individual lots	P	**8-1 (1)**
Temporary Occupations	P	**8-1 (2)**
Accessory dwellings	P	**8-1 (3)**
Low impact home occupations	P	**8-1 (4)**
Agricultural, Forestry, Fishing & Hunting		**8-2**
Bait Sales	S	
Commercial Greenhouse, Nursery, & Floriculture production	S	**8-2 (1)**
Farm sales & services	S	
Farms (general)	P	
Farms Confined Feeding	S	**8-2 (2)**
Keeping of Livestock & other animals (Non CAFO)	S	
Kennels	S	
Liquid Fertilizer storage	S	**8-2 (3)**
Riding Stables	S	**8-2 (4)**
Roadside produce sales	S	
Sales barn for livestock resale	S	**8-2 (5)**
Saw Mill & Lumber Yards	S	**8-2 (6)**
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	S	
Slaughter House, Locker, Cold Storage (Commercial)	S	**8-2 (7)**
Grain Storage (Commercial)	S	
Wineries, Breweries, Taverns	S	**8-2 (8)**
Wholesale produce terminal	S	
Business (Sales & Services)		**8-3**
Bakery	S	
Barber/Beauty Salon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	**8-3 (1)**
Pet Shops (Retail, Grooming, Supplies)	S	
Photographic Studio	S	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Businesses	S	**8-3 (2)**
Similar Uses	S	
Auto Dealers, Service, Parts		**8-4**
Motorized Vehicle sales/service/parts	S	**8-4 (1)**
Lodging Accommodation		**8-5**
Boarding	S	
Bed & Breakfast	S	
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Planned Residential Development	S	
Recreational Camps & Public Camp Grounds	S	**8-5 (1)**
Technical Services/Towers		**8-6**
Cellular Towers	S	**8-6 (1)**
Radio Towers	S	**8-6 (1)**
Wireless Communication Facilities, Tower, and Services	S	**8-6 (1)**
Health Care & Social Assistance		
Child care facilities	S	
Veterinary clinics	S	
Recreational Entertainment		
Country Clubs	S	
Golf Courses	S	
Artificial Lake (Under 3 Acres)	S	
Race Tracks	S	
Shooting Ranges (Indoor)	S	
Shooting Ranges (Outdoor)	S	

Stadiums/Coliseum/Athletic Fields	S	
Swimming Pools (Commercial)	S	**10-3**
Swimming Pools (Residential)	S	**10-3**
Theater (Indoor/Outdoor)	S	
Religious, Civic, Social Organizations		**8-7**
Assembly Halls	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	**8-7 (1)**
Cemetery & Crematory	S	**8-7 (2)**
Educational Services		**8-8**
School Buildings (public, private, & parochial)	S	**8-8 (1)**
Libraries & Museums	S	
Vocational & Trade Schools	S	
University & College Buildings	S	
Public Administration		
Executive, Legislative, & Other General Gov. Buildings	S	
Public Safety Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Transportation		
Airports/Heliports	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial composting facilities	S	
Sanitary landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Construction		
Asphalt, Concrete, and Gravel Plants & Storage	S	
Construction Offices, Showrooms, & Storage Yards	S	
Industrial		
Industry (General)	S	
Industrial Park	S	
Junk Yard	S	
Truck Freight Terminal	S	
Signs		**12**
Advertising Sign or Billboard (over 36.00' sq. ft.)	S	**12-1**
Signs under 36.00' sq. ft.	P	**12-2**

Table		
Schedule of Permitted Uses		
Lake Residence		
Use	***P/S***	***Requirements***
Residential		**8-1**
Single-family dwellings	P	
Two-family dwellings	S	
Mobile homes & Manufactured dwellings on individual lots	S	**8-1 (1)**
Temporary Occupations	P	**8-1 (2)**
Accessory dwellings	P	**8-1 (3)**
Low impact home occupations	S	**8-1 (4)**
Agricultural, Forestry, Fishing & Hunting		**8-2**
Bait Sales	S	
Commercial Greenhouse, Nursery, & Floriculture production	S	**8-2 (1)**
Farm sales & services	S	
Farms (general)	S	
Farms Confined Feeding	S	**8-2 (2)**
Keeping of Livestock & other animals (Non CAFO)	S	
Kennels	S	
Liquid Fertilizer storage	S	**8-2 (3)**
Riding Stables	S	**8-2 (4)**
Roadside produce sales	S	
Sales barn for livestock resale	S	**8-2 (5)**
Saw Mill & Lumber Yards	S	**8-2 (6)**
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	S	
Slaughter House, Locker, Cold Storage (Commercial)	S	**8-2 (7)**
Grain Storage (Commercial)	S	
Wineries, Breweries, Taverns	S	**8-2 (8)**
Wholesale produce terminal	S	
Business (Sales & Services)		**8-3**
Bakery	S	
Barber/Beauty Salon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	**8-3 (1)**
Pet Shops (Retail, Grooming, Supplies)	S	
Photographic Studio	S	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Businesses	S	**8-3 (2)**
Similar Uses	S	
Auto Dealers, Service, Parts		**8-4**
Motorized Vehicle sales/service/parts	S	**8-4 (1)**
Lodging Accommodation		**8-5**
Boarding	S	
Bed & Breakfast	S	
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Planned Residential Development	S	
Recreational Camps & Public Camp Grounds	S	**8-5 (1)**
Technical Services/Towers		**8-6**
Cellular Towers	S	**8-6 (1)**
Radio Towers	S	**8-6 (1)**
Wireless Communication Facilities, Tower, and Services	S	**8-6 (1)**
Health Care & Social Assistance		
Child care facilities	S	
Veterinary clinics	S	
Recreational Entertainment		
Country Clubs	S	
Golf Courses	S	
Artificial Lake (Under 3 Acres)	S	
Race Tracks	S	
Shooting Ranges (Indoor)	S	
Shooting Ranges (Outdoor)	S	

Stadiums/Coliseum/Athletic Fields	S	
Swimming Pools (Commercial)	S	**10-3**
Swimming Pools (Residential)	P	**10-3**
Theater (Indoor/Outdoor)	S	
Religious, Civic, Social Organizations		**8-7**
Assembly Halls	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	**8-7 (1)**
Cemetery & Crematory	S	**8-7 (2)**
Educational Services		**8-8**
School Buildings (public, private, & parochial)	S	**8-8 (1)**
Libraries & Museums	S	
Vocational & Trade Schools	S	
University & College Buildings	S	
Public Administration		
Executive, Legislative, & Other General Gov. Buildings	S	
Public Safety Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Transportation		
Airports/Heliports	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial composting facilities	S	
Sanitary landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Construction		
Asphalt, Concrete, and Gravel Plants & Storage	S	
Construction Offices, Showrooms, & Storage Yards	S	
Industrial		
Industry (General)	S	
Industrial Park	S	
Junk Yard	S	
Truck Freight Terminal	S	
Signs		**12**
Advertising Sign or Billboard (over 36.00' sq. ft.)	S	**12-1**
Signs under 36.00' sq. ft.	S	**12-2**

Section 5-3 Lot Requirements

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a means that does not comply with the following requirements as referenced below.

Lot Area & Width Requirements		
District	**Min. Lot Area**	**Min. Lot Width (Home Site)**
R-1 **On-site Septic System** **Community Sewage System**	 1 Acre (43,560 sq. ft.) 10,000 Sq. Ft.	 150.00' 70.00'
R-2 **On-site Septic System** **Community Sewage System**	 1/2 Acre (21,780 sq. ft.) 10,000 Sq. Ft.	 75.00' 70.00'
LR **On-site septic system** **Community Sewage System**	 1 Acre (43,560 sq. ft.) 10,000 Sq. Ft.	 150.00' 70.00'

* Note: All lots shall also require approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

A- **Nonconforming Lots of Record:** New residential or commercial structures to be erected prior to the passage of the original Jackson County Zoning Ordinance, on lots of record which are smaller in area than the prescribed minimums of the table above, may be issued a building permit, contingent on the approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

B- **Sewage Systems:** Community Sewage System refers to a cluster or municipal sewage system.

C- **Subdivision of Land:** All divisions to land shall be subject to the requirements set forth in the Jackson County Subdivision Control Ordinance.

D- **Access:** 50.00' deeded access required on all residential building lots.

Section 5-4 Height Requirements

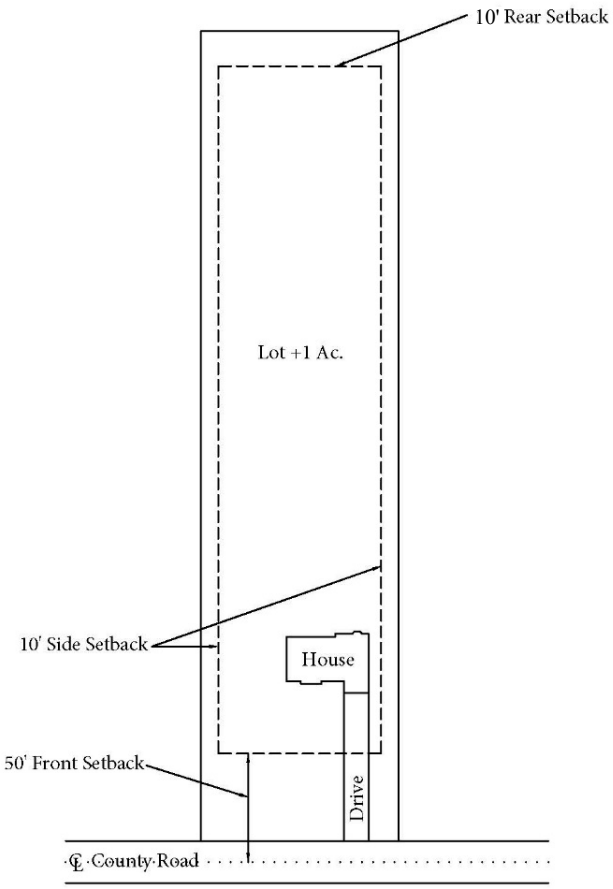
Any structure over the maximum height requirements referenced below must receive Variance approval.

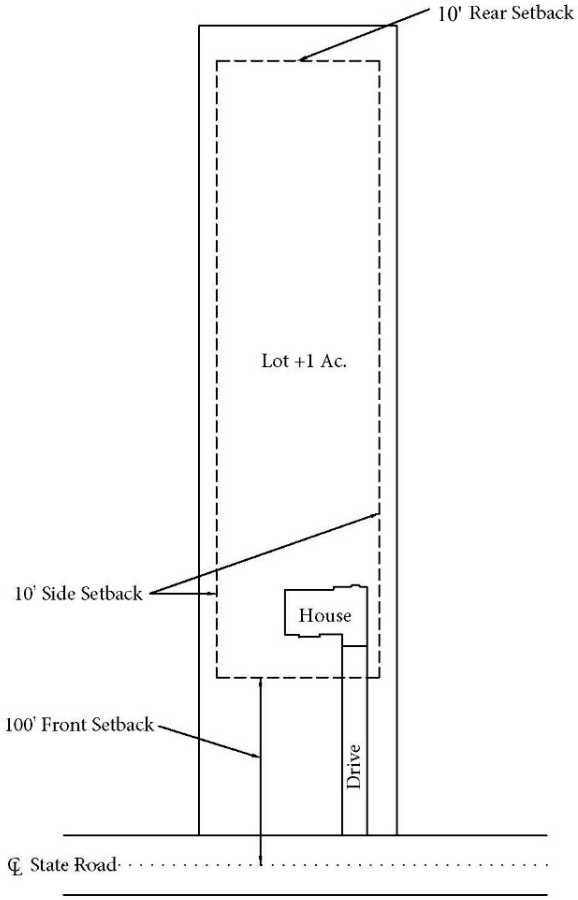
Maximum Height Requirements	
Residential & Lake Residential Districts	35’
Agricultural & Forrest & Rec. Districts	35’
Business Districts	45’
Industrial Districts	75’

Section 5-5 Building Setback Requirements

All structures shall be subject to the dimensional regulations set forth by this ordinance and referenced in the following table & charts.

Building Dimensional Requirements						
Districts	**Front SB County Rd.**	**Front SB State Rd.**	**Side SB**	**Rear SB**	**One Story Dwelling (sq. ft.)**	**Two or more Story Dwelling (sq. ft.)**
R1	60’	90’	10’	10’	720’	720’
R2	60’	90’	10’	10’	720’	720’
LR	60’	-	10’	10’	960’	720’





A- **Accessory Structure**: See Chapter 10 for setbacks and restrictions applicable to Accessory Structures.

B- **Projections into Yards**: Accessory Structures & Architectural features may project into the required setbacks as provided in Section 9-4.

C- **County Regulated Drains:** A minimum Setback of 75.00' (top of bank) shall be maintained from the top of adjacent bank of a county regulated drain.

D- **Corner Lots-** Corner lots shall meet the minimum setback requirements from both road frontages. Corner residential lots shall only have one drive access from one road.

E- **Road Setbacks**: The road or front yard setback shall be measured from the Centerline of County & State Roads.

F- **Alley Setbacks**: A minimum of ten (10') feet shall be maintained from all alley right of way.

H- **Grandfathered Exemptions:** A grandfather clause is applicable to homes built prior to the adoption of the original Jackson County Zoning Ordinance (1968), but are subject to the requirements referenced in Section 9-5.

Chapter 6

Business Districts

Section 6-1 Intent

General Business District: The General Business (GB) District is established to include areas that are appropriate for a full range of businesses and services, and should be located near highways, interstate systems, and within small municipalities.

Section 6-2 Uses

Use and development of land and structures shall only be for the following specified uses, unless Special Exception approval is granted. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or structures in the district referenced at the top of the table may be used for the purposes donated by the following abbreviations:

P: Permitted- Land and/or structures in this district may be used for the purposes listed on the given chart.

S: Special Exception- Land and/or structures in this district may be used for the purposes listed on the given chart with Special Exception approval. All applicable standards cited in Chapter 14 Special Exception Review Requirements and procedures and Specific Requirements in Chapter 8 must be met unless a Variance is granted.

Table		
Schedule of Permitted Uses		
Business		
Use	***P/S***	***Requirements***
Residential		**8-1**
Single-family dwellings	P	
Two-family dwellings	P	
Mobile homes & Manufactured dwellings on individual lots	P	**8-1 (1)**
Temporary Occupations	P	**8-1 (2)**
Accessory dwellings	P	**8-1 (3)**
Low impact home occupations	P	**8-1 (4)**
Agricultural, Forestry, Fishing & Hunting		**8-2**
Bait Sales	P	
Commercial Greenhouse, Nursery, & Floriculture production	P	**8-2 (1)**
Farm sales & services	P	
Farms (general)	P	
Farms Confined Feeding	S	**8-2 (2)**
Keeping of Livestock & other animals (Non CAFO)	P	
Kennels	S	
Liquid Fertilizer storage	P	**8-2 (3)**
Riding Stables	P	**8-2 (4)**
Roadside produce sales	P	
Sales barn for livestock resale	S	**8-2 (5)**
Saw Mill & Lumber Yards	S	**8-2 (6)**
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	P	
Slaughter House, Locker, Cold Storage (Commercial)	S	**8-2 (7)**
Grain Storage (Commercial)	P	
Wineries, Breweries, Taverns	S	**8-2 (8)**
Wholesale produce terminal	S	
Business (Sales & Services)		**8-3**
Bakery	P	
Barber/Beauty Salon	P	
Business or Professional Office	P	
Clothing Services	P	
Electric Appliance Service & Sales	P	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	P	**8-3 (1)**
Pet Shops (Retail, Grooming, Supplies)	P	
Photographic Studio	P	
Retail Sales	P	
Wholesale Business	P	
Sexually Oriented Businesses	S	**8-3 (2)**
Similar Uses	S	
Auto Dealers, Service, Parts		**8-4**
Motorized Vehicle sales/service/parts	P	**8-4 (1)**
Lodging Accommodation		**8-5**
Boarding	S	
Bed & Breakfast	S	
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Planned Residential Development	S	
Recreational Camps & Public Camp Grounds	S	**8-5 (1)**
Technical Services/Towers		**8-6**
Cellular Towers	S	**8-6 (1)**
Radio Towers	S	**8-6 (1)**
Wireless Communication Facilities, Tower, and Services	S	**8-6 (1)**
Health Care & Social Assistance		
Child care facilities	S	
Veterinary clinics	S	
Recreational Entertainment		
Country Clubs	S	
Golf Courses	S	
Artificial Lake (Under 3 Acres)	P	
Race Tracks	S	
Shooting Ranges (Indoor)	S	
Shooting Ranges (Outdoor)	S	

Stadiums/Coliseum/Athletic Fields	S	
Swimming Pools (Commercial)	S	**10-3**
Swimming Pools (Residential)	P	**10-3**
Theater (Indoor/Outdoor)	S	
Religious, Civic, Social Organizations		**8-7**
Assembly Halls	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	**8-7 (1)**
Cemetery & Crematory	S	**8-7 (2)**
Educational Services		**8-8**
School Buildings (public, private, & parochial)	S	**8-8 (1)**
Libraries & Museums	S	
Vocational & Trade Schools	S	
University & College Buildings	S	
Public Administration		
Executive, Legislative, & Other General Gov. Buildings	S	
Public Safety Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Transportation		
Airports/Heliports	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial composting facilities	S	
Sanitary landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Construction		
Asphalt, Concrete, and Gravel Plants & Storage	S	
Construction Offices, Showrooms, & Storage Yards	S	
Industrial		
Industry (General)	S	
Industrial Park	S	
Junk Yard	S	
Truck Freight Terminal	S	
Signs		**12**
Advertising Sign or Billboard (over 36.00' sq. ft.)	S	**12-1**
Signs under 36.00' sq. ft.	P	**12-2**

Section 6-3 Lot Requirements

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a means that does not comply with the following requirements as referenced below.

Lot Area & Width Requirements		
District	**Min. Lot Area**	**Min. Lot Width**
General Business	1/4 Acre (10,890 sq. ft.)	50.00’

* Note: All lots shall also require approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

A- **Non-Conforming Lots of Record:** New residential or commercial structures to be erected prior to the passage of the original Jackson County Zoning Ordinance, on lots of record which are smaller in area than the prescribed minimums of the table above, may be issued a building permit, contingent on the approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

B- **Subdivision of Land:** All divisions to land shall be subject to the requirements set forth in the Jackson County Subdivision Control Ordinance.

C- **Access:** 50.00' deeded access required on all residential building lots.

Section 6-4 Height Requirements

Any structure over the maximum height requirements referenced below must receive Variance approval.

Maximum Height Requirements	
Residential & Lake Residential Districts	35’
Agricultural & Forest & Rec. Districts	35’
Business Districts	45’
Industrial Districts	75’

Section 6-5 Building Setback Requirements

All structures shall be subject to the dimension regulations set forth by this ordinance and referenced in the following table & charts.

Building Dimension Requirements						
Districts	**Front SB County Rd.**	**Front SB State Rd.**	**Side SB**	**Rear SB**	**One Story Dwelling (sq. ft.)**	**Two or more Story Dwelling (sq. ft.)**
General Business	60.00’	100.00’	10’	10’	720’	720’

A- **Accessory Structure**: See Chapter 10 for setbacks applicable to Accessory Structures.

B- **Projections into Yards**: Accessory Structures & Architectural features may project into the required setbacks as provided for Section 9-4.

C- **County Regulated Drains:** A minimum Setback of 75.00' (top of bank) shall be maintained from the top of adjacent bank of a county regulated drain.

D- **Corner Lots-** Corner lots shall meet the minimum setback requirements from both road frontages.

E- **Road Setbacks**: The road or front yard setback shall be measured from the Centerline of County & State Roads.

F- **Alley Setbacks**: A minimum of ten (10’) feet shall be maintained from all alley right of ways.

G- **Grandfathered Exemptions:** A grandfather clause is applicable to homes built and lots split prior to the adoption of the original Jackson County Zoning Ordinance (1968), but are subject to the requirements referenced in Section 9-5.

Chapter 7

Industrial Districts

Section 7-1 Intent

Industrial District: The Industrial (I) District is established to include existing facilities and areas that are best suited for future industrial use due to accessibility and location.

Section 7-2 Uses

Use and development of land and structures shall only be for the following specified uses, unless Special Exception approval is granted. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or structures in the district referenced at the top of the table may be used for the purposes donated by the following abbreviations:

P: Permitted- Land and/or structures in this district may be used for the purposes listed on the given chart.

S: Special Exception- Land and/or structures in this district may be used for the purposes listed on the given chart with Special Exception approval. All applicable standards cited in Chapter 14 Special Exception Review Requirements and procedures and Specific Requirements in Chapter 8 must be met unless a Variance is granted.

Table		
Schedule of Permitted Uses		
Industrial		
Use	***P/S***	***Requirements***
Residential		**8-1**
Single-family dwellings	P	
Two-family dwellings	S	
Mobile homes & Manufactured dwellings on individual lots	P	**8-1 (1)**
Temporary Occupations	S	**8-1 (2)**
Accessory dwellings	P	**8-1 (3)**
Low impact home occupations	P	**8-1 (4)**
Agricultural, Forestry, Fishing & Hunting		**8-2**
Bait Sales	S	
Commercial Greenhouse, Nursery, & Floriculture production	S	**8-2 (1)**
Farm sales & services	S	
Farms (general)	S	
Farms Confined Feeding	S	**8-2 (2)**
Keeping of Livestock & other animals (Non CAFO)	S	
Kennels	S	
Liquid Fertilizer storage	S	**8-2 (3)**
Riding Stables	S	**8-2 (4)**
Roadside produce sales	S	
Sales barn for livestock resale	S	**8-2 (5)**
Saw Mill & Lumber Yards	S	**8-2 (6)**
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	S	
Slaughter House, Locker, Cold Storage (Commercial)	S	**8-2 (7)**
Grain Storage (Commercial)	S	
Wineries, Breweries, Taverns	S	**8-2 (8)**
Wholesale produce terminal	S	
Business (Sales & Services)		**8-3**
Bakery	S	
Barber/Beauty Salon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	**8-3 (1)**
Pet Shops (Retail, Grooming, Supplies)	S	
Photographic Studio	S	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Businesses	S	**8-3 (2)**
Similar Uses	S	
Auto Dealers, Service, Parts		**8-4**
Motorized Vehicle sales/service/parts	S	**8-4 (1)**
Lodging Accommodation		**8-5**
Boarding	S	
Bed & Breakfast	S	
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Planned Residential Development	S	
Recreational Camps & Public Camp Grounds	S	**8-5 (1)**
Technical Services/Towers		**8-6**
Cellular Towers	S	**8-6 (1)**
Radio Towers	S	**8-6 (1)**
Wireless Communication Facilities, Tower, and Services	S	**8-6 (1)**
Health Care & Social Assistance		
Child care facilities	S	
Veterinary clinics	S	
Recreational Entertainment		
Country Clubs	S	
Golf Courses	S	
Artificial Lake (Under 3 Acres)	S	
Race Tracks	S	
Shooting Ranges (Indoor)	S	
Shooting Ranges (Outdoor)	S	

Stadiums/Coliseum/Athletic Fields	S	
Swimming Pools (Commercial)	S	**10-3**
Swimming Pools (Residential)	P	**10-3**
Theater (Indoor/Outdoor)	S	
Religious, Civic, Social Organizations		**8-7**
Assembly Halls	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	**8-7 (1)**
Cemetery & Crematory	S	**8-7 (2)**
Educational Services		**8-8**
School Buildings (public, private, & parochial)	S	**8-8 (1)**
Libraries & Museums	S	
Vocational & Trade Schools	S	
University & College Buildings	S	
Public Administration		
Executive, Legislative, & Other General Gov. Buildings	S	
Public Safety Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Transportation		
Airports/Heliports	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial composting facilities	S	
Sanitary landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Construction		
Asphalt, Concrete, and Gravel Plants & Storage	S	
Construction Offices, Showrooms, & Storage Yards	S	
Industrial		
Industry (General)	S	
Industrial Park	S	
Junk Yard	S	
Truck Freight Terminal	S	
Signs		**12**
Advertising Sign or Billboard (over 36.00' sq. ft.)	S	**12-1**
Signs under 36.00' sq. ft.	P	**12-2**

Section 7-3 Lot Requirements

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a means that does not comply with the following requirements as referenced below.

Lot Area & Width Requirements		
District	**Min. Lot Area**	**Min. Lot Width**
Industrial	2 Acres (87,120 sq. ft.)	200.00’

* Note: All lots shall also require approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

A- **Non-Conforming Lots of Record:** New residential or commercial structures to be erected prior to the passage of the original Jackson County Zoning Ordinance, on lots of record which are smaller in area than the prescribed minimums of the table above, may be issued a building permit, contingent on the approval of two (2) approved septic sites or one (1) repairable system by the Jackson County Health Department.

B- **Subdivision of Land:** All divisions to land shall be subject to the requirements set forth in the Jackson County Subdivision Control Ordinance.

C- **Access:** 50.00' deeded access required on all residential building lots.

Section 7-4 Height Requirements

Any structure over the maximum height requirements referenced below must receive variance approval.

Maximum Height Requirements	
Residential & Lake Residential Districts	35’
Agricultural & Forest & Rec. Districts	35’
Business Districts	45’
Industrial Districts	75’

Section 7-5 Building Setback Requirements

All structures shall be subject to the dimensional regulations set forth by this ordinance and referenced in the following table & charts.

Building Dimensional Requirements						
Districts	**Front SB County Rd.**	**Front SB State Rd.**	**Side SB**	**Rear SB**	**One Story Dwelling (sq. ft.)**	**Two or more Story Dwelling (sq. ft.)**
Industrial	100.00’	200.00’	50’	50’	-	-

A- **Accessory Structure**: See Chapter 10 for setbacks and restrictions applicable to Accessory Structures.

B- **County Regulated Drains:** A minimum Setback of 75.00' (top of bank) shall be maintained from the top of adjacent bank of a county regulated drain.

C- **Corner Lots-** Corner lots shall meet the minimum setback requirements from both road frontages.

D- **Road Setbacks**: The road or front yard setback shall be measured from the Centerline of County & State Roads.

E- **Height Requirements:** Any structure greater than 300.00’ requires a Variance through the Board of Zoning Appeals, as well as any required documentation Federal Aviation Authority.

Chapter 8

Use Regulations

Section 8-1 Residential

All Specified uses shall comply with the following referenced requirements, unless granted variance approval by the Jackson County Board of Zoning Appeals.

All Improvement Location Permit Requirements Referenced in Chapter 13, Section 4 must be met prior to application approval.

(1) Mobile Homes

A) The placement of all mobile homes, including the sites within mobile home parks, shall require the issuance of an Improvement Location Permit.
B) No Building Permit shall be issued for any mobile home manufactured 15 years or older prior to application date.
C) All Mobile homes shall be equipped with attached skirting surrounding the entirety of structure. Skirting is to remain intact and in good condition.
D) All mobile homes shall be oriented toward the public right-of-way such that the facade that faces the street is designed as a front facade containing a door, windows, and other architectural features customary to the front facade of the residence.
E) Prior to being issued a building permit, the applicant must obtain:
   1. A Mobile Home Transfer Permit (State Form 7878) from the Jackson County Treasurer's Office.
   2. An On-Site Sewage Permit from the Jackson County Health Department.
   3. All other Building Permit Requirement Materials as referenced in Chapter 13, Section 4.

(2) Temporary Occupancy (NEW/Hardship)

A) The Plan Director may grant a permit for temporary occupancy of a mobile home for a period of not more than one (1) year provided all the following are met:

1. The mobile home is to be located on the same property with an existing residence; or is to be located on property on which a permanent residence is to be constructed within one (1) year.
2. The mobile home is served by the same water supply and sewage facilities serving the existing residence: or is served by the same water supply and sewage facilities that are intended to serve the permanent residence to be constructed.
3. The mobile home shall not be placed on a permanent foundation.
4. All applicable setbacks are observed.

5. Occupancy of the mobile home is restricted to immediate relatives or restricted to the property owner who intends to construct or have constructed a permanent residence on the site.
6. In the circumstance of a hardship or unforeseen delay in construction, an applicant may file for an extension of temporary occupancy with the office of the Jackson County Plan Commission. The temporary occupancy extension application will be presented to the Jackson County Plan Commission for approval at their monthly meeting.

In compliance with Jackson County Ordinance 23, Chapter 19, if the owner of an uninhabitable/abandoned mobile home does not dispose of the home within thirty (30) days after receipt of a Notice to Abate, the Jackson County Building Commissioner can contract to have it removed. The cost of removal, disposal and an administrative fee equal to twenty five percent (25%) of the cost of removal and disposal, shall be charged to the owner of the real estate where the mobile home is located. The owner of the real estate shall be the title holder of the real estate as listed in the records of the Jackson County Auditor's Office.

B) Recreational vehicles used for residential purposes may only be located on a lot outside of a recreational vehicle park for a maximum of thirty (30) days, and septic must be discharged into approved tank.

(3) Accessory Structures (Reference Chapter 10)

A) All applicable setbacks shall be observed, unless the existing principle structure is within the required setbacks. If the principle structure does not meet the specified setback requirements the applicant may construct within the setbacks, however the accessory structures façade must not encroach the façade of the principle structure.
B) All Health Department requirements for septic approval must be met if applicable.
C) Accessory structures must maintain a ten (10) foot setback from any other structure constructed on subject parcel.

Structure	Front SB County Road	Front SB State Road	Side SB	Rear SB	SB from Principle Structure
Accessory	60'	100'	5'	10'	10'

(4) Low Impact Home Occupations

All Home Occupations shall comply with the following standards:

A) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to it's use for residential purposes.
B) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign, not exceeding three (3) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

c) No traffic shall be generated in an evident greater volumes than would normally be expected in a residential neighborhood, and any need for parking for a home occupation shall be met off the street and outside of the required front yard.
d) No more than thirty (30%) percent of the total floor area shall be used for business operations.
e) There shall be no more than 3 total employees who are not residing on the property.

Section 8-2 Agricultural, Forestry, fishing, & Hunting

All Specified uses shall comply with the following referenced requirements, unless granted Variance approval by the Jackson County Board of Zoning Appeals.

(1) Commercial Greenhouse

A minimum buffer/setback of fifty (50) feet shall be provided between the parking lot, and loading area and any adjacent residential district.

All Commercial Greenhouse facilities must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residents	Lot Area
100’	40’	40’	N/A	25,000 sq. ft.

(2) Confined Feeding Operations
Ordinance No. 13, Commissioners Bill No. 7

A) Minimum lot size requirements

The Minimum Lot Area for Farm, Confinement Feeding shall be twenty (20) acres. All other parts of said subsection shall remain in full force.

B) Setback Requirements

The setback prescribed for Farm, Confinement Feeding shall be the following:

Required Setbacks	
Front SB	200’
Side SB’s	200’
Rear SB	200’
Public Water Supply (Well Or Intake)	1500’
Well	300’

(Other than to service CAFO)	

C) Buffering: Minimum Distances from Residential District or Use

1. A mineral extraction area, borrow pit, or topsoil removal area (including storage area), penal or correctional institution, public or commercial sewage disposal plant, sales barn for livestock resale, slaughterhouse, truck freight terminal, or wholesale produce terminal may not be located closer to an Rl, R2, R3 or LR District than 300 feet. A junk yard may not be located closer to such a district than 1320 feet. A sawmill shall be located no closer than 600 feet to any existing residence other than the owner or owners of the saw mill.
2. A "farm, confinement feeding" may not be located closer than Five Hundred (500.00') feet to an existing residence or platted lot, other than the owner(s) of the "farm, confinement feeding," as measured from nearest point of structure to nearest point of structure. An outbuilding not attached as a permanent improvement to a residence is not considered the structure for measurement. Additionally, residences owned, but not occupied, by the owner(s) of the "farm, confinement feeding" may be exempted by the written consent of the tenant. After construction of any "farm, confinement feeding," any lease of residence shall include a clause notifying the tenant of such "farm, confinement feeding" and the odors and particulates associated therewith.
3. A "farm, confinement feeding" may not be located closer than 1,000 feet to a public use area, private use area available to the public, educational institution or religious institution as measured from nearest point of structure to nearest point of structure.
4. A "farm, confinement feeding" may not be located closer than one-half mile from an Rl, R2, R3 or LR District as measured from nearest point of zoning district line.

C1) Buffering: Screen Planting

Buffering; screen planting abutting residential use. Tight screen planting of the dimensions given five years after installation, effective at all time to block the view from abutting existing residential uses as defines in 153.04 (A) above shall provide for the following uses in accordance with the following table

Use	Screen
Heliport	6 feet high; 3 feet wide
Artificial lake of 3 or more acres	6 feet high; 3 feet wide
Cemetery or crematory	6 feet high; 3 feet wide
Clinic	6 feet high; 3 feet wide
Commercial facility for raising	

and breeding non-farm fowl & animals	6 feet high; 3 feet wide
Country club or golf course	6 feet high;3 feet wide
General industry	6 feet high; 3 feet wide
Hospital	6 feet high; 3 feet wide
Industrial park	15 feet high
Kindergarten or day nursery	6 feet high; 3 feet wide
Light industry	6 feet high; 3 feet wide
Mineral extraction, borrow pit, topsoil removal and their storage areas	6 feet high; 3 feet wide
Mobile home park or travel trailer park	6 feet high; 3 feet wide
Outdoor commercial recreational enterprise	6 feet high; 3 feet wide
Private recreational development	8 feet high, 3 feet wide
Public camp	8 feet high, 3 feet wide
Public or commercial sewage disposal plant	6 feet high; 3 feet wide
Shopping center	6 feet high;3 feet wide
Slaughterhouse (along abutting street)	6 feet high; 3 feet wide
Stadium or coliseum	6 feet high; 3 feet wide
Telephone exchange or public utility substation	Adequate for purpose (along abutting street)
Truck freight terminal	6 feet high; 3 feet wide
Warehouse (grain elevator)	6 feet high; 3 feet wide
Wholesale produce terminal	6 feet high; 3 feet wide

Buffering; screen planting for "farm, confinement feeding." Screen planting and shelterbelt of trees, shrubs and earthen berm must reach a minimum cumulative height of approximately six (6) feet within five (5) years of startup of operation of "farm, confinement feeding." Planting must be complete at startup of operation. A minimum of one row of deciduous trees and one row of evergreen trees is required. Plantings shall be site specific vegetation that is appropriate for soil type. Distance from any structure shall be adequate to allow ingress and egress, and to most effectively control particulate matter and odor.

E) Buffering: Minimum Distances from Corporate Limits or Unincorporated City or Town

A "farm, confinement feeding" may not be located closer than one mile from the corporate limits of a city or town, or one-half mile from an unincorporated city or town, as shown on Exhibit A.

F) Odor Control

1. All new or expanded swine finisher CFO's or CAFO's shall include a vertical biofiltration system, or other technologies or designs as approved by the Plan Commission, which will protect or enhance the use or value of area properties to an equal or higher standard than a vertical biofiltration system otherwise required as part of a CFO's or CAFO's new or expanded housing practices.
2. Vertical biofiltration systems, or other technologies as approved above, shall be installed on all pit exhaust fans or any fan which moves air across liquid manure.

G) Site Plan

A person who applies for an improvement location permit under §153.07(A) above must furnish the Building Commissioner with a plan drawn to scale showing:

1. The location of the land concerned;
2. The location and size of all buildings or structures already on the land and those to be erected;
3. The size of all entrances to and exits from the land; and
4. All adjacent streets and highways.

A person who applies for an improvement location permit under §153.07(A) above for a "farm, confined feeding" must furnish the Building Commissioner with the following:

1. Plan Profile Sheet of the proposed building drawn by a licensed architect or engineer;
2. The location of the land concerned;
3. The location and size of all buildings or structures already on the land and those to be erected;
4. Separation map showing distances from nearest residence, educational institution, religious institution, public use area, zoning lines and property lines, which map shall be prepared by a licensed surveyor;
5. Schematics of the proposed biofilter and location on the site;
6. Landscape design plan;
7. Grading plan with finish floor elevation;
8. The size of all entrances to and exits from the land; and
9. All adjacent streets and highways.

Plans so furnished shall be kept by the Building Commissioner as permanent records.

1. For an airport, a heliport, an industrial park, a mobile home park or travel trailer park, a penal or correctional institution, a private recreational development, a public utility

substation or exchange, or a shopping center, the plan furnished under division (C)(l) above must also include a plan of landscape development.

2. As a condition of issuing a permit, the Building Commissioner may require the relocation of any structure or of any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interests of the public welfare or to an appropriate balancing of the interests of persons in the district and vicinity concerned.

H- Board of Zoning Appeals: Hearings

(1) Upon application for a special exception or variance, and upon appeal from a decision of the Building Commissioner, the Board shall hold a public hearing.
(2) Public notice setting forth the time and place shall be given at least twenty (20) days before the date of the hearing in a newspaper of general circulation in the county.
(3) Application for a special exception must be filed with the Building Commissioner at least thirty (30) days before the date of the hearing on the special exception.
(4) Interested parties shall be notified as provided by the Board.
(5) The cost of the notices shall be borne by the person applying or appealing.

F- Prerequisites to filing application

(1) All "farm, confined feeding" applications must have approval of the Indiana Department of Environmental Management prior to the filing of application with the Building Commissioner for approval of a special exception.
(2) All "farm, confined feeding" applications proposed in a Special Flood Hazard Area must have approval of the Indiana Department of Natural Resources prior to the filing of application with the Building Commissioner for approval of a special exception.

(3) Liquid Fertilizer Storage & Distribution (Commercial)

A) All Commercial Liquid Fertilizer facilities must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
300’	300’	300’	100’	3 Acres

(4) Riding Stable

B) All Riding Stable facilities must meet the minimum Front, Side, & Rear Setbacks

as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
150’	150’	150’	N/A	3 Acres

(5) Sales Barn for Livestock Resale

All Sale Barns for Livestock Resale must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
150’	150’	150’	50’	5 Acres

(6) Saw Mill & Lumber Yards

All Sawmills and/or Lumber Yards must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
300’	150’	150’	100’	5 Acres

A) All Sawmill Storage of Sawdust & Lumber Stacks must meet the minimum requirements of fifty (50) feet from all property lines.

B) Temporary Sawmills may apply for a temporary permit for six (6) months with a three (3) month extension if requested.

(7) Slaughter House, Locker, Cold Storage (Commercial)

All Slaughter House, Locker, and Cold Storage facilities (Commercial) must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
150’	150’	150’	150’	5 Acres

(8) Wineries, breweries, taverns

- **A)** Wineries may include a retail component, restaurant, and/or tourist bed & breakfast inn contingent they meet the requirements referenced in Section 8-3 (1).
- **B)** All wineries, breweries, and taverns must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks		
Front	Side	Rear
100’	40’	40’

Section 8-3 Business (Sales & Service)

All Specified uses shall comply with the following referenced requirements, unless granted variance approval by the Jackson County Board of Zoning Appeals.

(1) Food Sales & Services

- **A)** All state and local permits & supporting documents must be on file with the Jackson county planning & Zoning office prior to permit approval.

(2) Sexually Oriented businesses

- **A)** No person shall cause or permit the establishment of any sexually oriented business in the unincorporated areas of the county, within 1,000 feet of another sexually oriented business or within 1,000 feet of any religious institution, school, boys’ club, girls’ club, public park, or within 1,000 feet of any residence or property zoned for residential use.
- **B)** In addition to other location restrictions of this section, a sexually oriented business is a permitted use only in General Business Districts (GB) or Industrial Districts (I) or Agriculture Districts, designated “A2”.

Section 8-4 Auto Dealers, Service, and Parts

- **A)** Minimum Lot size requirements are one (1) acres for Auto Dealerships and one (1) acre for service and part facilities.
- **B)** The site shall include a building of at least 500 square feet of gross floor area for office use in conjunction with the use.
- **C)** All repair work shall be conducted within an enclosed structure.
- **D)** There shall be no outdoor storage of wrecked, dismantled, or other inoperable vehicles unless screened in by an 8 foot high screen wall or fence.

Section 8-5 Lodging Accommodation

A) Public Camp Grounds (Other Similar)

All Public Camp Grounds must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
100’	40’	40’	N/A	5 Acres

Section 8-6 Cellular Wireless Communication Facilities

A) Purpose and intent

1) It is the County’s intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the County.

2) Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the County that all users should co-locate attached wireless communication facilities and wireless communication towers, where practicable. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.

3) In recognition of the County’s concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal, Under subsection (G).

B) Application Requirements

1) Contact information (name, address, and phone number) for whomever is responsible for maintenance purposes, as well as owner/operator. Information shall be continuously updated at all times throughout business operations.

2) Legal Description of the subject tract or leased area.

3) Elevation drawings and construction details of all existing and proposed wireless communication facilities including all accessory structures.

4) Description of the purpose for the WCT with specific reference to the provider’s coverage range, capacity, goals, and objectives

5) Inventory of all existing towers, antennas, or sites approved for towers that are within two (2) miles of the proposed site.

6) A list of all other cellular sites owned and operated by the applicant in the jurisdictional area of unincorporated Jackson County.

7) A description of compliance with this section and all applicable federal, state, and local laws.

8) A notarized description of performance guarantee to be posted upon issuance of a building permit to ensure removal of the facility if it is abandoned or no longer in use for 6 continuous months.

9) In effort to promote collocations on existing towers, a written agreement must be presented to allow facility collocation.

10) For any proposed tower construction within the established five (5) mile radius A Certified letter must be sent to the Seymour Airport Authority in addition to all adjoin land owners (As referenced in the Board of Zoning Appeals rules of procedure).

C) Collocations & Antennas

1) Collocations and addition of antennas must be permitted through the Jackson County Planning & Zoning Office.

2) Wireless communication antennas placed on the rooftops of buildings or utility structures may be approved by the Building Commissioner, if the principal use is a conforming use and the building is a conforming structure. The antenna shall not exceed the height of its supporting structure by more than twelve (12) feet.

D) Required Setbacks

1) Wireless Communication Towers shall have setbacks from any residential structure, accessory structure (not a part of the wireless communication facility), road, or street no less than the height of the tower plus one hundred (100) feet. Towers shall also meet minimum setback requirements of the structure height from all adjoining property lines.

2) Accessory structures must satisfy the minimum zoning requirements for the proposed district.

E) Height Requirements

Any structure over the maximum height requirements referenced below must receive variance approval.

Maximum Height Requirements	
Residential & Lake Residential Districts	35’
Agricultural & Forest & Rec. Districts	35’
Business Districts	45’

Industrial Districts	75’

F) Access

All parcels occupying proposed tower locations must have adequate access as required by the Jackson county Subdivision control ordinance.

G) Removal

Wireless communication facilities shall be removed by the owner if the facility is no longer in use. The facilities must be removed within a year of the end of use. A performance guarantee shall be provided to the County at the time of receiving an improvement location permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the County for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the County’s administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner.

H) Lighting & Appearance

All Towers shall meet the minimum FAA (Federal Aviation Authority) requirements pertaining to lighting & appearance (paint, striping, etc.), regardless of structure height.

Section 8-7 Churches, Temples and Similar Places of Worship

(1) Lodges & Private Clubs

A) Off-street parking spaces and circulation aisles shall not be located within twenty (20) feet of the front lot line.

B) Appropriate licenses shall be required should alcoholic beverages be served.

(2) Cemetery & Crematory

All Cemeteries & Crematorys must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
50’	15’	15’	N/A	5 Acres

Section 8-8 Educational Services (School Buildings)

A) Off-street parking spaces and circulation aisles shall not be located within twenty (20) feet of the front lot line.

B) An emergency plan approved by the Emergency Management Director must be kept on file in the Emergency management office.

C) All Educational Services must meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
40’	40’	40’	N/A	5 Acres

Section 8-9 Airports & Heliports

A) Runway clear zones shall be located entirely on the airport property.

B) The airport terminal, hangar area, runway, and taxiway meet the minimum Front, Side, & Rear Setbacks as referenced in the table below.

Required Setbacks & Lot Area				
Front	Side	Rear	From Residence	Lot Area
100’	100’	100’	N/A	80 Acres

- All proposed Airports & Heliports must comply with all FAA (Federal Aviation Authority) requirements in addition to local requirements.

Chapter 9

General Provisions

Section 9-1 Lot Usage

A) No parcel shall contain more than one residential structure, unless granted a temporary occupancy permit (per section 8-1(2)).

Section 9-2 Lot Area Allocation

No lot, nor lots adjacent in common ownership shall be created, divided, or reduced in dimensions or area below the minimum requirements of this ordinance & the County Subdivision Control Ordinance.

Section 9-3 Height Restrictions

The maximum height requirements of this ordinance shall not apply to chimneys, grain elevators, fire towers, silos, stacks, public monuments, church spires, cupolas, or roof structures housing necessary mechanical appurtenances up to 20' feet above the maximum height requirements.

Section 9-4 Projections into Required Yard Setbacks

A) Accessory building structures, including but not limited to, awnings and canopies, cornices, ramps, bay windows, window wells, eaves, gutters, air conditioning units, unenclosed porches, unenclosed decks, and terraces shall encroach in the required setback dimensions no more than three (3) feet on side and rear property lines, and no more than five (5) feet on the front.

B) Gutters shall be required on any roof overhang encroaching the required setback.

C) An uncovered residential handicapped ramp shall be permitted to encroach into a required yard setback when it is determined there are no other reasonable alternatives.

Section 9-5 Grandfather Clause

A grandfather clause is applicable to homes built prior to the adoption of the original Jackson County Zoning Ordinance (1968), but are subject to the requirements referenced in this Section.

A) Any proposed Accessory structure on a parcel where the home was constructed prior to the adoption of the original Jackson County Zoning Ordinance (July 1968) does not have to meet the front minimum setback requirements, however the building must be no closer to the county or state road than the façade of the primary residential structure.

Section 9-6 Airspace

In compliance with I.C. 8-21-10-3, a person shall not erect a residential building or other building designed for noise sensitive uses within an area lying one thousand five hundred (1500) feet on either side of the extended centerline of a runway for a distance of one (1) nautical mile from the boundaries of any public-use airport, unless a permit has been granted for said structure by the Indiana Department of Transportation.

Section 9-7 Water pollution

No authorization of a use under this Ordinance includes the authority to discharge liquid or solid waste into public waters. Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Indiana Department of Environmental Management.

Chapter 10

Additions, Accessory Buildings, Structures, & Uses

Section 10-1 Accessory Uses

The following accessory uses are permitted in any yard of all districts: bird baths & houses, dog houses, curbs, driveways, flagpoles, lamp posts, mail boxes, name plates, play equipment sidewalks & boardwalks, trees, shrubs, public utilities, plants, & flowers, rain barrels, solar energy collectors, residential TV tower & satellite dish, and utility installations for local service (such as poles, lines, hydrants, and pump enclosures.)

Section 10-2 Accessory Buildings

A) Detached Accessory buildings shall not be constructed in a residential district unless there is an existing residence or a residence under construction.

B) There shall be no more than two (2) Accessory structures per parcel on lots less than one (1) acres.

C) Detached Buildings are prohibited in dedicated easement and/or right-of-way.

D) Detached Accessory buildings shall not be located within ten (10) feet from adjacent buildings.

E) Detached Accessory Building shall only be located in the yards, and at the minimum setbacks below:

Accessory Buildings Setbacks	
Locations	**Min. Setback**
Front Yard	Not Permitted
Side Yard	5’
Rear yard	5’

F) Any structure under two hundred (200’) square feet does not require an Improvement location permit, however must meet all minimum requirements.

G) A grandfather clause is applicable to accessory building when accompanying homes built prior to the adoption of the original Jackson County Zoning Ordinance (1968), but are subject to the requirements referenced in Section 9-5.

Section 10-3 Additions

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

A) Additions shall match the facade and construction materials of the existing structure.
B) Additions shall meet the minimum required setbacks consistent with a residential structure in the proposed zoning district.

C) Any proposed Addition to a home that was constructed prior to the adoption of the original Jackson County Zoning Ordinance (July 1968) does not have to meet the front minimum setback requirements, however the addition must not encroach the county or state road any further than the façade of the current residential structure.

Section 10-4 Swimming Pools & Hot Tubs

A) Location

1. Swimming pools, spas, and hot tubs shall only be located in the back yard of a property and meet the minimum setback requirements of five (5) feet from all property lines.

B) Residential swimming pools shall meet 675 IAC 14-4.3-296 of the Indiana Register referenced below:

"Access to residential pools be restricted by either fencing that completely surrounds the pool area, is at least 4 feet high, and has lockable, self-closing and latching gates or a mechanically operated pool cover that prohibits access to the pool via a continuous connection between the cover and the deck, cannot be opened or shut without a key or digital touch pad, and has a tag indicating that the cover meets ASTM standards."

Pool owners should consult the Indiana Register for additional fencing requirements for pools with water slides or other water attractions.

Section 10-5 Reception Antennas

Television and radio antennas are permitted in all zoning districts as an accessory use, however they will require a variance if they do not meet the minimum height requirements of this ordinance.

Section 10-6 Man Made Lakes & Ponds

A) Lakes and ponds over three (3) acres must be approved by the Jackson County Plan Commission.

B) The Top of bank must be forty (40) feet or more from all adjoin property lines.

C) All proposed lakes and ponds must meet any state and federal requirements and have all required documentation prior to construction.

ORDINANCE NO. 41

COMMISSIONERS BILL NO. 23

(2014)

"An Ordinance for Flood Hazard Areas for

Jackson County."

NOW, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF JACKSON, INDIANA:

§151.01. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

(A) Statutory Authorization.

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

(B) Findings of Fact.

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

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

(C) Statement of Purpose.

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

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(6) Make federal flood insurance available for structures and their contents in the County by fulfilling the requirements of the National Flood Insurance Program.

(D) Objectives.

The objectives of this chapter are:

(1) To protect human life and health.

(2) To minimize expenditure of public money for costly flood control projects.

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) To minimize prolonged business interruptions.

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

§151.02. Definitions.

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

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

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

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

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

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

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

Accessory structure (appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

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

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

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

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

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

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

Boundary River means the part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary River Floodway means the floodway of a boundary river.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

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

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

D Zone means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

Development means any man-made change to improved or unimproved real estate including but not limited to:

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

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

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

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

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

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

(7) storage of materials; or

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

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

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

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

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

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

Fringe is those portions of the floodplain lying outside the floodway.

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

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

Historic structures means any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

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

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

> **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
>
> **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
>
> **Letter of Map Revision Based on Fill (LOMR-F)** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

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

Lowest floor means the lowest elevation described among the following:

(1) The top of the lowest level of the structure.

(2) The top of the basement floor.

(3) The top of the garage floor, if the garage is the lowest level of the structure.

(4) The top of the first floor of a structure elevated on pilings or pillars.

(5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;

b) the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,

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

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

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

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

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

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

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

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

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

Non-boundary river floodway means the floodway of any river or stream other than a boundary river.

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

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

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

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

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

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

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

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in §151.03(B) of this chapter. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

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

Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of the Jackson County subject to inundation by the regulatory flood. The SFHAs of Jackson County are generally identified as such on the

Jackson, Indiana and Incorporated Areas Flood Insurance Rate Map dated November 19, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

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

Variance is a grant of relief from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

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

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

Zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

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

§151.03. General Provisions.

(A) Lands to Which This Chapter Applies.

This chapter shall apply to all SFHAs and known flood prone areas within the jurisdiction of Jackson County.

(B) Basis for Establishing Regulatory Flood Data.

This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Jackson County shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Jackson County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated November 19, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(2) The regulatory flood elevation for each SFHA within the jurisdiction of Jackson County delineated as an "AO Zone" (in fringe) shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of Jackson County, Indiana and Incorporated Areas dated November 19, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(3) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Jackson County, delineated as an "A Zone" on the Jackson County, Indiana and Incorporated Areas Flood Insurance Rate Map dated November 19, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

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

(5) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

(C) Establishment of Floodplain Development Permit.

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

(D) Compliance.

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

(E) Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) Discrepancy between Mapped Floodplain and Actual Ground Elevations.

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

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

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

(G) Interpretation.

In the interpretation and application of this chapter all provisions shall be:

(1) Considered as minimum requirements.

(2) Liberally construed in favor of the governing body.

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(H) Warning and Disclaimer of Liability.

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

(I) Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Jackson County. All violations shall be punishable by a fine not exceeding Two Thousand Five Hundred and 00/100ths Dollars ($2,500.00).

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

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

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

§151.04. Administration.

(A) Designation of Administrator.

The Board of Commissioners of Jackson County hereby appoints the Jackson County Building Commissioner to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

(B) Permit Procedures.

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

(1) Application Stage.

a) A description of the proposed development.

b) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.

c) A legal description of the property site.

d) A site development plan showing existing and proposed development locations and existing and proposed land grades.

e) Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.

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

g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See §151.04(C)(6) for additional information.)

(2) Construction Stage.

Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

(3) Finished Construction.

Upon completion of construction, an elevation certification which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification is required to be submitted by the applicant to the Floodplain Administrator.

(C) Duties and Responsibilities of the Floodplain Administrator.

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

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

(1) Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied.

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

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to §151.05(E) and (G)(1) of this chapter, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

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

(5) Maintain and track permit records involving additions and improvements to residences located in the floodway.

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

(7) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this chapter.

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

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

(10) Review certified plans and specifications for compliance.

(11) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with §151.04(B).

(12) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with §151.04(B).

(13) Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure's footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized County officials shall have the right to enter and inspect properties located in the SFHA.

(14) Stop Work Orders

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

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

(15) Revocation of Permits

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

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

§151.05. Provisions for Flood Hazard Reduction.

(A) General Standards.

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

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

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

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

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

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

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

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

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

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

(B) Specific Standards.

In all SFHAs, the following provisions are required:

(1) In addition to the requirements of §151.05(A), all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(a) Construction or placement of any structure having a floor area greater than 400 square feet.

(b) Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).

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

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

(e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

(f) Reconstruction or repairs made to a repetitive loss structure.

(g) Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.

(2) **Residential Structures.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §151.05(B)(4).

(3) **Non-Residential Structures.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §151.05(B)(4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

(a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in §151.04(C)(12).

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

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

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

entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

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

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

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

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

(e) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(f) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

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

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

(b) The fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.

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

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

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

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

(a) These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

(i) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of

floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in §151.05(B)(4).

(iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(b) These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

(i) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in §151.05(B)(4).

(iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(c) Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days;

(ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(iii) meet the requirements for "manufactured homes" as stated earlier in this section.

(7) **Accessory Structures.** Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

(a) Shall not be used for human habitation.

(b) Shall be constructed of flood resistant materials.

(c) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

(d) Shall be firmly anchored to prevent flotation.

(e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.

(f) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in §151.05(B)(4).

(8) **Above Ground Gas or Liquid Storage Tanks.** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

(C) Standards for Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

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

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.

(5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

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

(D) Critical Facility.

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

(E) Standards for Identified Floodways.

Located within SFHAs, established in §151.03(B), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in § 151.05 of this chapter have been met. The Floodplain

Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(F) Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in §151.05 of this chapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

(G) Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.

(1) Drainage area upstream of the site is greater than one square mile:

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

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in §151.05 of this chapter have been met.

(2) Drainage area upstream of the site is less than one square mile:

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

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in §151.05 of this chapter have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages.

(H) Standards for Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per §151.05.

(I) Standards for AO Zones.

Located within the SFHAs established in §151.03(B), are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1-3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore the following provisions shall apply:

(1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated two feet (2') greater than the flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade.

(2) Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(3) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor, including basement, elevated two feet (2') greater than the flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade; or,

(b) Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per §151.05(B)(3).

§151.06. <u>Variance Procedures.</u>

(A) Designation of Variance and Appeals Board.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this chapter.

(B) Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the board may appeal such decision to the Jackson County Circuit Court.

(C) Variance Procedures.

In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;

(1) The danger of life and property due to flooding or erosion damage.

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(3) The importance of the services provided by the proposed facility to the community.

(4) The necessity of the facility to a waterfront location, where applicable.

(5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(6) The compatibility of the proposed use with existing and anticipated development,

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

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

(D) Conditions for Variances.

(1) Variances shall only be issued when there is:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway subject to §151.05(E) or (G)(1) of this chapter may be granted.

(3) Any variance granted in a floodway subject to §151.05(E) or (G)(1) of this chapter will require a permit from the Indiana Department of Natural Resources.

(4) Variances to the Provisions for Flood Hazard Reduction of §151.05(B), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See §151.06(E)).

(8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See §151.06(E)).

(E) Variance Notification.

Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

(2) Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.

(F) Historic Structure.

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

(G) Special Conditions.

Upon the consideration of the factors listed in §151.06, and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

§151.07. Severability.

If any section, clause, sentence, or phrase of the Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.

§151.08. Effective Date.

This chapter shall be in full force and effect on November 19, 2014.

Chapter 12

Signs

Section 12-1 Signs

This section of the Zoning Ordinance for Jackson County is intended to regulate signs and to minimize outdoor advertising within the County to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the County. The requirements contained herein are intended to be content neutral. The following objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the County in order to:

A) Protect the public right to receive messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.

B) Maintain and improve the image of the County by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

C) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.

D) Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.

E) Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.

F) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

G) Prevent placement of signs which will conceal or obscure signs of adjacent uses.

H) Prevent off-premise signs from conflicting with other land uses.

I) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.

J) Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

12-2 Requirements

A) No sign shall be permitted after the passage of this ordinance without the proper Sign Location Permit, unless provided by this section.
B) No signs shall encroach upon public Right-of-way.
C) An outdoor advertising sign and its supporting structure may not contain more than two signs per facing and, when night-lighted, shall be so constructed as not to shine directly on the street or highway.
D) No outdoor advertising sign or billboard and its supportive structure may be located any closer than 1,320 feet from an existing outdoor advertising sign or billboard.

12-3 Permitted Sign Usage

The following sign types are permitted in the jurisdictional area without a sign permit, subject to the requirements of this chapter:

A) Flags- providing the flag poles comply with the maximum height requirements of this ordinance.
B) Historical Signs- Signs designating a building, premises, or land mark as a historical structure.
C) Identification Signs- Signs designating assigned house numbers, owner name, or building name.
D) Nonconforming signs- Legal nonconforming signs existing prior to the effective date of this ordinance.
E) Public Signs- Authorized signs of government body, public utility, traffic signs, legal notices, warnings or hazards, and similar signs
F) Temporary Signs- Temporary signs shall meet the minimum setback requirements of five (5) feet from public right-of-way or any adjoining lot line.

12-4 Sign Location Permits

Signs under thirty-six (36') sq. ft. and not included in section 12-3 are permitted through the Jackson County Planning & Zoning Office per a sign location permit.

12- 5 Fees & Costs

A) Fees- Any application for a sign permit or other request for other action pursuant to the regulations set forth in this Chapter shall be subject to and accompanied by a fee as established by the County. Such fees shall be collected in advance of any application review, inspection, or issuance of any permit or approval. Upon notification of deficient payment of fees, the County Planner shall cause any permits to be suspended and reject applications for new permits directly associated with the request.

B) County Costs- All costs incurred by the County in removing signs not in accordance with this Chapter shall become a lien on the property on which said sign is erected and may be collected at law from those responsible for said sign or equity by foreclosure and sale of the land upon which the sign was erected or may be assessed to the property and collected as a property tax.

Chapter 13

Improvement Location Permits, Site Plans, & Certificates of occupancy

13-1 General Provisions

No construction of any structure shall take place without the issuance of an Improvement Location Permit, as required by this ordinance. No Improvement Location Report shall be issued unless the proposed project is in conformity with the provisions of this ordinance, the subdivision control ordinance, and other regulations of Jackson County, as applicable. The issuance of the Improvement Location Permit shall be subject to the applicable procedures established by the Building Commissioner.

13-2 Improvement Location Permits

An Improvement Location Permit shall be obtained for any of the following actions. Certain activities are exempt from the requirement of obtaining an Improvement Location permit, but must still be in compliance with the use, setback and other requirements of this ordinance. Major activities such as commercial or industrial uses require a full engineered site plan. Minor activities such as single family residential dwellings may provide a less detailed sketch plan, provided the level of detail is sufficient to demonstrate compliance with this ordinance.

Use	Requirement
Residential Structures	Site Plan
Accessory Structures Within Approximately (10) ft. From Property Line	Site Plan
Accessory Structure Distinctly Over (10) ft. From Property Line	Sketch Plan
Commercial/Industrial Structure	Site Plan
Wireless Communication Facility	Site Plan
Structures Under 200 sq. ft.	Exempt
Swimming Pools	Sketch Plan
Mobile Homes Distinctly (20') from prop. line	Sketch Plan
Agricultural Structures	Sketch Plan
Additions Distinctly (10') from prop. line	Sketch Plan

NOTE: Applicants may be exempt from the site plan process if they can provide a survey of the subject parcel, with property corners, and building corners staked on the property. A “sketch plan” will still be required when applying for permit approval.

13-3 Site Plan & Sketch Plan Requirements

The Application for an Improvement Location Permit shall be accompanied by the following:

Required Information	Sketch Plan	Site Plan
Name, Address, & Seal of Professional Engineer, Land Surveyor, or Architect.		X
Parcel Information (Address, Section-Township-Range, Township, Acreage)	X	X
Proposed & Existing Structures	X	X
Property Boundaries Including Dimensions	X	X
Floodplain Information shown in relationship to parcel	X	X
Adjoining, Easements, Alleys, Streets, Roads, & Right of Way,		X
Drawing Scale & North Arrow		X
Distance from all Existing structures		X
Site Zoning		X
Required Setbacks on plat (S.R. 100', C.R. 50', Residential 10', Acc. 5')		X
Location of proposed or existing septic system		X
Location of Existing Driveway	X	X
Fences		X

13-4 Improvement Location Permit Requirements

A) **Application-** Available on our website or in the Jackson County Planning & Zoning Office, application forms are to be filled out to their entirety and to the best of the applicant's knowledge. Missing or Inaccurate Information could delay the reviewing process. For any questions pertaining to the application please contact our office via Phone or Email.

B) **Septic Permit-** A copy of all Permits issued regarding septic/sewer is required from the Jackson County Health Department.

C) **Driveway Permit-** A copy of the driveway permit issued by the Jackson County Highway Department or Indiana State Highway Department is required before you are issued a building permit. You must also have a permit when changing an existing culvert. There is no charge for this permit.

D) **Record Deed (Copy) -** Legal Description must be current and carry the stamp of the Jackson County Recorder. Copies of all Legal Descriptions are available in the Jackson County Recorder's Office located in the Jackson County Courthouse.

E) Site Plan- An exact location of the structure or improvement as it is to be constructed on the property is required in compliance with the rules & regulations of this Section.

F) Copy of Recorded Survey- If available please provide a copy of the split survey of the parent tract being divided . A copy of any recorded survey can be found in the Jackson County Recorder's or Surveyor's Office.

G) Mobile Home Tax Release- Mobile Home Tax Releases can be acquired from the Jackson County Treasurer's Office, if so applicable.

H) Legal Drain Approval- A letter of approval from the Jackson County Surveyor relative to setbacks from county legal drains, if applicable.

13-5 Records

A record of each Improvement Location Permit shall be kept by the Jackson County Building Commissioner. Upon request, a copy shall be furnished to any person having interest in the premises concerned

Chapter 14

Special Exceptions

14-1 Special Exception Approval

Any use requiring a special exception in it's designated zoning district may only be established or expanded with the approval of the Board of Zoning Appeals (BZA) following the procedures and requirements of this chapter.

14-2 Application

Applicants seeking Special Exception approval shall submit the application accompanied by the required filing fee and all supporting documents to the Jackson County Building Commissioner including, but not limited to, the following:

- **A) Site Plan-** In accordance with Section 13.
- **B) Written Commitments-** Documentation of any written commitments being made as a part of the application.
- **C) Drainage Letter-** A letter from the Jackson County Surveyor's office in regards to water runoff into existing Legal Drains & Ditches.

14-3 Notification

- **A)** Notice to be in any Jackson County Newspaper (The Tribune, The Banner, or the Crothersville Times) one (1) time at least ten (10) days prior to hearing date, not including the day it comes out.
- **B)** All adjoining property owners are to be sent a certified receipt requested letter. Public notice letter is furnished by the County Building Commissioner.
- **C)** Proof of Publication from the paper as well as all returned certified receipt of letters must be in our office prior to the meeting date.
- **D)** Any Wireless Communication Tower within a 5 mile radius of the Freeman Field Airport are also required to send a certified receipt requested letter to the Aviation Board. Public notice letter is furnished by the County Building Commissioner.

14-4 Initial Hearing

The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the special exception use application and required supporting information, thereafter passing said application on to the BZA with favorable or unfavorable recommendation.

14-5 Public Hearing

The BZA will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the special exception use application and required supporting information.

A) Procedures: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules of Procedure of the Board.

B) Possible Action: The BZA may approve, approve with conditions, deny, or continue the application.

(1) Approval: The application may be approved if findings of fact are made consistent with the requirements of section 17.05.

(2) Approval with Conditions: The application may be approved with conditions if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain written commitments are applied to the application.

(3) Denial: The application shall be denied if findings of fact consistent with the requirements of 17.05 are not made.

(4) Continued: The application may be continued by the Board based on a request by the Plan Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.

14-6 Decision Criteria

The Board may grant a special exception use approval for any use listed as "special exception" in the applicable zoning district of this Ordinance if, after a public hearing, it makes findings of fact in writing that each of the following is true:

A) General Welfare: The proposal will not be injurious to the public health, safety, and general welfare of the community. The development will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.

B) Development Requirements: The development of the property will be consistent with the intent of the development requirements established by this Ordinance for similar uses. The development will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity.

C) Ordinance Intent: Granting the special exception use will not be contrary to the general purposes served by this Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

D) Comprehensive Plan: The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

14-7 Special Exception Use Expansion

A use authorized as a special exception use may not be expanded, extended, enlarged or moved to a new location unless reauthorized by the Board under the procedures set forth in this Chapter for granting a special exception use approval.

14-8 Timely Order

Upon Approval the applicant has 12 months to obtain a location improvement permit. However, in the scenario where the Boards decision is appealed to the commissioners or the courts the 12 month period does not begin until the appeal process is completed in its entirety.

Chapter 15

Variances

15-1 Variance Approval

Any use varying from the guidelines & restrictions of this ordinance in its designated zoning district may only be established or expanded with the approval of the Board of Zoning Appeals (BZA) following the procedures and requirements of this chapter.

15-2 Application

Applicants seeking Variance approval shall submit the application accompanied by the required filing fee and all supporting documents to the Jackson County Building Commissioner including, but not limited to, the following:

A) **Site Plan-** In accordance with Section 13.
B) **Written Commitments-** Documentation of any written commitments being made as a part of the application.

15-3 Notification

A) Notice to be in any Jackson County Newspaper (The Tribune, The Banner, or the Crothersville Times) one (1) time at least ten (10) days prior to hearing date, not including the day it comes out.
B) All adjoining property owners are to be sent a certified receipt requested letter. Public notice letter is furnished by the County Building Commissioner.
C) Proof of Publication from the paper as well as all returned certified receipt of letters must be in our office prior to the meeting date.
D) Any Wireless Communication Tower within a 5 mile radius of the Freeman Field Airport are also required to send a certified receipt requested letter to the Aviation Board. Public notice letter is furnished by the County Building Commissioner.

15-4 Initial Hearing

The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the special exception use application and required supporting information. In conclusion the Jackson County Plan Commission will pass the exception on for public hearing with favorable or unfavorable recommendation.

15-5 Public Hearing

The BZA will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the special exception use application and required supporting information.

A) Procedures: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules of Procedure of the Board.

B) Possible Action: The BZA may approve, approve with conditions, deny, or continue the application.

(1) Approval: The application may be approved if findings of fact are made consistent with the requirements of section 17.05.

(2) Approval with Conditions: The application may be approved with conditions if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain written commitments are applied to the application.

(3) Denial: The application shall be denied if findings of fact requirements are not made.

(4) Continued: The application may be continued by the Board based on a request by the Plan Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.

15-6 Decision Criteria

The Board may grant variance use approval for any use listed in the applicable zoning district of this Ordinance if, after a public hearing, it makes findings of fact in writing that each of the following is true:

A) General Welfare: The proposal will not be injurious to the public health, safety, and general welfare of the community. The development will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.

B) Development Requirements: The development of the property will be consistent with the intent of the development requirements established by this Ordinance for similar uses. The development will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity.

C) Ordinance Intent: Granting the special exception use will not be contrary to the general purposes served by this Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

D) Comprehensive Plan: The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

Chapter 16

Administration & Enforcement

16-1 County Building Commissioner

(1) The duties of the Jackson County Planning & Zoning Office shall be administered by the Building Commissioner and shall include, but are not limited to, the following:

- **A)** Administer and enforce the Jackson County Zoning Ordinance, the Subdivision Control Ordinance, the Property Maintenance Ordinance, the Flood Plain Ordinance, and any other ordinances deemed necessary.
- **B)** Review all development and subdivision proposals to insure compliance with the aforementioned Ordinances.
- **C)** Maintain efficient office functions and support services.
- **D)** Establish and maintain an effective method for administering and enforcing Improvement Location Permits, and property maintenance violations.
- **E)** Establish and maintain an effective method for administering the Physical Address Numbering System.
- **F)** Be available to lend advice and instructions to the general public on the proper procedures for subdivision approval, rezoning requests, variance petitions, special exception petitions, improvement location procedures, flood plain hazard area procedures and interpretation, and other related issues under the jurisdiction of this Office.
- **G)** Revise and update the Zoning Maps of Jackson County.
- **H)** Respond to the needs of the Board of Commissioners, the Plan Commission and the Board of Zoning Appeals.
- **I)** Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment, Letters of Map Revision, copies of DNR permits and advisory letters, FPG elevations per IDNR letters of recommendation, federal permit documents, "as built" elevation certifications, and information on flood proofing construction techniques.
- **J)** Ensure that all development activities within the SFHAs of the jurisdiction of Jackson County meet the requirements of this ordinance.
- **K)** Maintain a record of the "as built" elevation of all new and/or substantially improved buildings constructed in the Special Flood Hazard Areas.
- **L)** Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- **M)** Perform on-site inspections of all potential Improvement Location Permits which might require Developmental Standard Variances or fall within a designated flood plain.

N) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

16-2 Board of Zoning Appeals

(1) Establishment and Organization

A) Board of Zoning Appeals is established, with membership as provided by state law.
B) At the first meeting in each calendar year, the Board shall elect from among its members a Chairperson and a Vice-Chairperson. Consistent with state law, it may appoint and fix the compensation of a secretary and employees as it considers necessary to discharging its duties.
C) The Board shall prescribe regulations as it considers necessary to carry out this chapter.
D) Meetings of the Board shall be open to the public.
E) The Board shall keep minutes of its meetings, keep records of all examinations and other official actions, make all findings in writing, and record the vote of each member on each question. Minutes and records shall be filed in the office of the Board and made available to the public.

(2) Hearings

A) Upon application for a special exception or variance, and upon appeal from a decision of the Building Commissioner, the Board shall hold a public hearing.
B) Public notice setting forth the time and place shall be given at least ten days before the date of the hearing in a newspaper of general circulation in the county.
C) Interested parties shall be notified as provided by the Board.
D) The cost of the notices shall be borne by the person applying or appealing.

(3) Enforcement

A) Any person may, by suit in the Circuit Court of the county, enjoin the violation of this chapter.
B) The Commission or the Board may, by mandatory injunction in the Circuit Court of the county, require the removal of a structure erected in violation of this chapter.
C) A use that violates this chapter shall be treated as if it were a common nuisance, and it may be abated in the same manner as such a nuisance.

(4) Appeals

A) A decision of the Building Commissioner enforcing this chapter may be appealed to the Board by any person who is adversely affected by the decision. The filing fee is $75, payable to the Building Commissioner for deposit in the General Fund of the county.
B) On an appeal under division 15-4-A above, the Board may make any decision that the Building Commissioner might have made. A decision of the Board is subject to review by certiorari.

16-3 Buildings Damaged by Fire

Buildings destroyed or damaged by fire or an act of God must be repaired or removed from the property within one hundred eight (180) Days from the date of the damage or application made to the plan commission for an extension of time.

16-4 Fees

A) Fees for all applications under this ordinance shall be set by resolution of the County Council. Fees shall be established to cover the County's cost for items such as administration, staff review, public notice, Plan Commission and Board of Zoning Appeals cost and site inspections. The Plan Director shall collect all required fees prior to accepting any application under this ordinance.

B) All applicants for the Platting of subdivisions, Special Exceptions, Variances, Appeals, Zone Changes, Vacation of Public Ways, and any other petition requiring a public hearing shall pay all legal advertisement costs and all certified mailing costs to the appropriate "interested persons," as so designated by the Office of the Plan Commission.

C) In the event an applicant or petitioner is in violation of any provision of this Ordinance at the time an application or petition is filed, the fee for the application or petition shall double in amount, and a fine of no greater than $10,000.00 shall be enforced.

Chapter 17

Rezones Vacates

Chapter 18

Building Code

RESERVED

Chapter 19

Property Maintenance Code

section 1. introduction.

1.01. TITLE

This ordinance may be referred to as the “Property Maintenance Code" and is herein referred to as "this Code".

1.02. PURPOSE

The purpose of this Code is to protect the public health, safety, and welfare, esthetics and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.

1.03 INTERPRETATION

The provisions of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal of any other power granted by the Indiana Code. Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, nor to grant powers to the County that are otherwise reserved by and for Federal and State government.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply, the higher standard shall prevail.

1.05 SEVERABILITY

If a section, provision, or part of this Code is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Code as a whole or any section, provision, or part hereof not adjudged invalid or unconstitutional.

1.06. DEFINITIONS

Words used in this Code shall have the same meaning as that defined by the Zoning Ordinance, unless otherwise defined by this Code.

A. Abandoned Building. Any building or portion of a building under construction, which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or has Housing Code or Building Code violations.

B. Board of Appeals. The Board of Commissioners is established and appointed by the County to hear appeals, referred to herein as "the Board".

C. Deterioration. A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.

D. Enforcement Officer – The County Building Commissioner, or his designee, is designated as the enforcement office.

E. Exposed to Public View. Any premises or any part thereof, which may be lawfully viewed by the public or from adjoining premises.

F. Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.

G. Extermination. The control and elimination of insects, rodents, and vermin.

H. Farm. A tract of land having an area of three or more acres devoted to raising of crops or domestic livestock.

I. Infestation. The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.

J. Junk. Any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal.

K. Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

L. Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

M. Premises. A lot, plot, or parcel of land together with the structures thereon.

N. Public Authority. Any officer of any department or branch of the County or State charged with regulating health, fire, zoning or building regulations, or other activities concerning property in the County.

O. Refuse. Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including but not limited to junk; paper or cardboard; plastic; metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food; crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

P. Responsible party. Any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.

Q. Vehicle. Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.

R. Vehicle, Inoperable. Any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics: cannot legally travel on a public street due to broken, damaged, or missing windshield or other glass customary to the vehicle, fender, door, bumper, hood, wheel, steering wheel, or exhaust system; lacking an engine or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or any other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition.

SECTION 2. MAINTENANCE STANDARDS.

2.01 GENERAL

The exterior of every premises and structure shall be maintained in good repair, to the end that the premises and each structure thereon will be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.

2.02. MAINTENANCE OF PREMISES

Each and every premises shall be kept free of all nuisances, health, safety, and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:

A. Weeds or grasses allowed to grow to a height greater than twelve (12) inches on the average, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property which is within the jurisdiction of the Enforcement Officer. This provision shall not apply to prairies, wetlands, or similar areas of naturalized perennial vegetation which are certified by an Enforcement Officer to not constitute a nuisance.

B. Accumulation of refuse to the prejudice of others.

C. Any structure which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; any structure defined as a dangerous building by the most-current edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials; or any building that is defined as abandoned or a public nuisance by Indiana Code.

D. Any inoperable vehicle which is exposed to public view, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.

E. Mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon public property in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal regulations.

F. Failure to establish a permanent cover of perennial grasses or ornamental ground cover on any non-farm property as soon as practical after any construction, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gullying, or by wind or water. Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control.

G. Any nuisance as defined herein or described as such by the Indiana Code.

H. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.

I. Conditions which are conducive to the harborage or breeding of vermin.

J. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the Jackson County Department of Health regulations, as applicable. Septic tanks, cisterns, and cesspools which are no longer in use shall be removed, or emptied and filled with clean dirt or sand.

K. Vehicles parked on the lawn or other unpaved surface in a yard exposed to public view.

L. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.

M. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety or buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 15 feet above the traveled portion of any public street, or less than seven feet vertically, or which protrudes into any public sidewalk.

N. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.

2.03. BUILDING MAINTENANCE. Every building shall be maintained to be weather and water tight, and free from excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish which admit rain, cold air, dampness, rodents, insects, or vermin. Basements, cellars, and crawl spaces shall be free of standing water and hazards. All wood, including floorboards, subfloors, joists, bridging, roof rafters and sheathing, and all other wood in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of cracks affecting structural integrity, termite damage, infestation, or rot. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar, or crawl space, such infestation shall be remedied in accordance with industry standards.

2.04. REFUSE and INOPERABLE VEHICLES. Inoperable vehicles shall be stored within a fully enclosed building or other location not exposed to public view, or shall be removed from the premises. All refuse shall be contained in suitable collection containers; kept free from infestation; and shall be removed weekly.

2.05 RESIDING AND RECONSTRUCTION. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of other properties in the vicinity of the premises. Their appearance, as judged under prevailing appraisal practices and standards, shall not depreciate the value of adjoining premises or the neighborhood.

SECTION 3. VIOLATIONS

3.01 ENFORCEMENT

The creation or maintenance of a violation of this ordinance is prohibited and shall constitute a misdemeanor. Each day that a violation is permitted to continue constitutes a separate offense. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding of hearings. The Enforcement Officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premises upon which a violation is being maintained, or upon the person or persons causing or maintaining the violation. If a violation is found to exist on an owner-occupied premises and the owners demonstrate that the cost of remedying such violation would exceed the household's annual disposable income and thereby cause a financial hardship, enforcement shall be held in temporary abeyance until a means of financing or assistance can be identified. The objective of this Code being the abatement of violations, persons violating this Code shall be allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for a violation is undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors. Violations which are not voluntarily remedied may be abated by an administrative abatement process; the municipal infraction process; by court proceedings; or by County abatement and assessment of costs therefore against the responsible party, at the discretion of the County. It is further provided by this Code that if the County judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the County may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a civil citation for a repeat offense involving the same property and occurring within one year of a prior violation and notice to abate.

3.02 NOTICE

When service of a notice to abate is required, the following methods of service shall be deemed adequate:

A. By personal service upon the owner or other responsible party of the property upon which the nuisance exists, or upon the person or persons causing or maintaining the violation.

B. If, after reasonable effort, personal service cannot be made, any two of the following methods of service shall be considered adequate: (1) sending the notice by certified mail, return receipt requested to the last known address; (2) publishing

the notice once a week for two consecutive weeks in a newspaper of general circulation in the County of Jackson, Indiana; or (3) by posting the notice in a conspicuous place on the property or building deemed as nuisance.

3.03 APPEAL

Any person affected by any notice to abate a violation of this Code may request a hearing on the matter before the Board of Commissioners, provided that a written appeal shall be filed with the Enforcement Officer within ten days after the notice to abate was served. The appeal shall be filed on a form provided by the County for that purpose, and shall state the particular section of the ordinance or interpretation thereof being appealed, and a brief statement of the grounds upon which such appeal is taken. Failure to file a timely appeal as prescribed herein shall constitute a waiver of the right to a hearing, and the notice shall become final. The Board's determination and order shall be appealable to a court of general jurisdiction in the County of Jackson, Indiana. Such appeal shall be filed within thirty (30) days from the date of the Board's decision. The Board's order shall not be carried out until the time for filing the appeal has expired.

3.04 ABATEMENT REMEDIES AND PENALTIES

In the event that the violation is not abated as ordered and within the time specified, the County may abate such violation by any of the following means:

1. By undertaking such abatement and assessing the costs therefore against the property.

2. By issuance of a civil citation charging the owner or responsible party with a municipal infraction. Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Abatement costs may be assessed against the premises in the same manner as a property tax. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage, and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax. Before the assessment of any charges for work done or caused to be done by the County, the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the County Commissioners. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing. The Commissioners may order any one or more of the following:

A. Place a judgment against the person and/or property of defendant for the costs of abatement.

B. Levy a civil penalty (fine) against the defendant of up to one hundred dollars ($100.00) for the first offense and up to two hundred dollars ($200.00) for repeat offenses.

C. Order abatement of the violation in any manner.

D. Assess costs of abatement against the premises.

3.05 EMERGENCY ABATEMENT PROCEDURE

If an Enforcement Officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the enforcement officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the County shall give a property owner notice and the opportunity for a hearing before the County Commissioners in accordance with Section 3.04. An appeal shall not stay the effect of a notice or order under the emergency provisions of this article unless so ordered by the Commissioners.

SECTION 4. APPEALS

4.01. AUTHORITY

The Board of Commissioners is hereby empowered to hold hearings on appeals from the regulations of this Code.

4.02. PROCEDURE

Upon receipt of a timely-filed appeal, the Enforcement Officer shall set a time and place for the Board to hear such appeal and shall publish notice thereof. The hearing shall be open to the public and shall be recorded either electronically or manually. All parties shall be afforded an opportunity to respond and present evidence and argument. If the appellant fails to appear at such hearing, the Board may proceed with the hearing and make a decision in the absence of the appellant. The Board's finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, even if such evidence would be inadmissible in a court of law. The Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. The presiding officer of the Board shall conduct the hearing.

4.03. DECISION OF THE BOARD

No hearing shall be valid unless a majority of the Board is present, and no appeal shall be granted unless reached by a majority of all members of the Board. The Board shall render a decision based upon the record, at the conclusion of the hearing or within a reasonable time thereafter. The Board may affirm, modify or reverse any action, interpretation, notice or order which has been issued in connection with the enforcement of this Code. Following the decision of the Board, all parties shall be notified of the decision personally or by general mail service delivered to the address provided by the party. Any party to the hearing, including the County, may seek judicial review by filing a petition in a court of general jurisdiction in the county within thirty (30) days after the issuance of the decision by the Board.

Chapter 20

Amendments & Rezonings

CHAPTER 21

DEFINITIONS

21-1 CONSTRUCTION OF LANGUAGE

(A) INTERPRETATIONS

(1) If the meaning of this Ordinance is unclear in a particular circumstance, then the individual or body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of the Ordinance or law.

(2) All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.

(3) The definitions contained in this Chapter are for the purposes of this Ordinance.

(B) TERMS

(1) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(2) The terms “Ordinance” and “Act” shall be understood to include the term “as amended” where the context is appropriate.

(3) The particular shall control the general. For terms used in this Ordinance, the use of a general term shall not be taken to be the same as the use of any other specific term.

(4) Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates otherwise.

(5) A "building" or "structure" includes any part thereof.

(6) The word “build” includes to “erect” or “construct.”

(7) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.

(8) Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.

- A. "And" indicates that all connected items, conditions, provisions, or events shall apply.
- B. "Or," indicates that the connected items, conditions, provisions or events may apply separately or in combination.
- C. "Either...or" indicates that the connected items, conditions, provisions or events shall apply separately, not in combination.

(C) Computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the County or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
(D) All measurements shall be to the nearest integer and in the horizontal plane, unless otherwise specified.
(E) The phrase "used for" includes "arranged for," "intended for," "occupied for," and "maintained for."
(F) Unless the context clearly indicates to the contrary, where an illustration accompanies any item in this Ordinance, the written text shall have precedence over the illustration.
(G) The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public road right-of-way.

21-2 DEFINITIONS

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

ABANDONED MOTOR VEHICLE. Basically defined for this Ordinance, as all forms of transportation that require registration and/or licensing by the State of Indiana, that are mechanically inoperable and/or unlicensed. Note § 150.05 of Jackson County Ordinance No. 2009-23 for more specific definitions.

ACCESSORY STRUCTURE. (Appurtenant structure) A structure that is located on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

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

AGRICULTURE. The use of a tract of land for agricultural purposes, including, but not limited to: farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, the necessary accessory uses of tenant housing, packing, treating, or storing of produce; provided, however, the operation of any such accessory use shall be secondary to the

normal agricultural activities. Said definition does not include fur bearing animals or confinemed feeding operations.

AGRICULTURAL BUILDING. A structure utilized for the conduct of farming operations, but does not include a dwelling or an attached garage to the dwelling.

AIR CONTAMINANT. Dust, fumes, gas, mist, smoke, vapor, or any combination thereof.

AIR CONTAMINANT SOURCE. Any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, heating and power plants and stations; buildings and other structures of all types, including single and multi-family residences, apartments, houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; automobiles, trucks, tractors, buses, and waterborne craft; portable fuel- burning equipment; incinerators of all types, indoor and outdoor refuse dumps and piles; and all stack and other chimney outlets from any of the foregoing.

AIR POLLUTION. Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious and to unreasonably interfere with the comfortable enjoyment of life and property.

APPEAL. A request for a review of the Building Commissioner's, Plan Commission's or Board of Zoning Appeal's interpretation of any provision of this ordinance or a request for a variance.

AVERAGE GRADE. See GRADE.

BAR. See TAVERN.

BASEMENT. The portion of a building which is partially or wholly below the average grade, but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling or so located that the corner located closest the roadway has a vertical distance from the natural grade to the floor that is at least three (3) times greater than the vertical distance from the natural grade to the ceiling on lots that slope downward ten (10) or more feet from the curb level to the lowest adjacent grade. A basement shall be counted as a story.

BED AND BREAKFAST INN. See "TOURIST HOME/BED AND BREAKFAST INN."

BLOCK. An area that abuts a street and lies between two (2) adjoining streets or barriers such as railroad right-of-way, rivers, lakes, and other lines of demarcation.

BOARD. The Board of Zoning Appeals of Jackson County, Indiana.

BOARDING HOUSE. A building in which rooms and meals are regularly provided for compensation, for twelve (12), or fewer, persons.

BOAT ACCESS RAMP. Either a private or a public facility at water's edge to permit the launching of watercraft and the parking of the associated tow vehicle and trailer.

BOAT REPAIRS AND STORAGE. Only privately owned boats, or other aquatic apparatus, may remain outside on any property of owner, longer than sixty (60) days while being repaired, stored, parked, sold, etc., at any one time. (Only properly licensed dealers operating in properly zoned locations are exempt from this requirement.)

BOAT SALES. The use of any building, land area, or other premise for the display, sale, preparation, storage and repair of new or used boats and other watercraft.

BOTTLED GAS STORAGE AND DISTRIBUTION. A business that stores, sells, and delivers to end users substances that are stored in gas cylinders, including compressed air, argon, helium, nitrogen, oxygen, butane, propane, carbon dioxide, nitrous oxide, acetylene, liquid nitrogen, liquid oxygen, and carbon dioxide. For the purpose of this ordinance, an end-user of bottled gas such as a medical facility or industrial manufacturer shall not be considered a bottled gas storage and distribution facility, provided that all gas stored on-site is to be used on-site.

BUFFER ZONE. That area of land between the lot lines (front, side, and rear) and the allowed structure. Also an area of land surrounding a sanitary landfill or refuse dump from property line to point of operation on all sides to be left in a natural state strictly prohibiting any development, structure, buildings, vehicle, or construction of drainage ditches, ponds, or collection systems.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include mobile homes, manufactured housing, sheds, garages, greenhouses, pole barns and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

BUILDING AREA. The horizontal projected area of the building on a lot, excluding open areas, terraces, wetlands and submerged areas.

BUILDING HEIGHT. The vertical distance from the lowest floor to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to a height halfway between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line, private or public.

BUSINESS. A facility or enterprise which: (1) Purchases, sells, exhibits, or exchanges animals, goods, or services; or maintains offices for recreational or amusement enterprises.

CAMPGROUNDS. See: RECREATIONAL VEHICLE PARK/RECREATIONAL CAMP.

CAR LOT. Any property on which vehicles are for sale other than the property owner selling one (1) personal vehicle.

CEMETERY. A place for burying the dead. Also includes a columbarium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tracts as the cemetery.

CLINIC. An establishment in which patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals, but are not lodged overnight. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

COMMERCIAL AMUSEMENT OR RECREATIONAL ENTERPRISE. Any amusement or recreational business, including, but not limited to: amusement park, amusement machine or arcade, animal race track, motorized vehicle race track, competition, or similar event, canoe rentals, dance hall, bingo or gambling establishment.

COMMERCIAL FACILITY. See BUSINESS.

COMMERCIAL GREENHOUSE. A business operating a building having transparent walls and roof for the protection, propagation, and sale of plants.

COMMERCIAL HELIPORT. An airport for helicopters operated as a business.

COMMISSION. The Jackson County Plan Commission.

CONFINED FEEDING. The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where all food is supplied to the animals by means other than grazing.

CONFINED FEED OPERATION. (1) Any confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, and/or thirty thousand (30,000) or more fowl; or (2) Any animal feeding operation utilizing a waste pond (outdoor), waste holding pit (indoor) or other waste holding device or structure.

CONFINED FEEDING OPERATOR. An individual, a corporation, a group of individuals, joint ventures, a partnership, or any other business entity having charge or control of one (1) or more confined feeding installations.

CONSTRUCTION SIGN. A temporary sign identifying the architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.

CONVENIENCE STORE. Food stores, specializing in a limited line of high-volume grocery and beverage items, including the sale of alcoholic beverages as permitted by law, with or without the sale of gasoline and gasoline byproducts, and emphasizing fast service.

COUNTY. Jackson County, Indiana.

COUNTY ENGINEER. A State-licensed engineer designated by the County to furnish engineering assistance in the administration of these Ordinances.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire,

and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the pavement elevation at the street center line similarly measured, or the mean elevation of the finished grade of the surface of the ground or pavement immediately adjacent to a building shall be considered the "curb level."

CUSTOM SLAUGHTERHOUSE. A business that butchers on a customer-by-customer basis.

DECK. A non-enclosed, unroofed, horizontal platform raised above adjacent ground level to a height exceeding eight (8) inches. A deck located below a second story deck above or a trellis shall be considered an unroofed deck.

DETACHED BUILDING. A building that has no structural connection with another building.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including but not limited to:

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

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

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

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

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

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

(g) storage of materials; or

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

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

DRIVE-IN RESTAURANT. A food service establishment where food is consumed on the premises outside of fully enclosed buildings or structures.

DUPLEX. A building containing two (2) separate and independent dwelling units.

DWELLING. A building or part of a building (including mobile homes as defined herein) that is used exclusively as a place of residential occupancy, including single-family, two-family, and

multi-family dwelling, but not including a hotel, motel, lodging house, boarding house, or tourist home.

EASEMENT. A right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another. It is either for the benefit of land, such a right to cross A to get to B, or "in gross," such as a "public utility easement."

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENTERPRISE. See BUSINESS.

EXISTING CONSTRUCTION. Any structure for which the "start of construction" commenced before effective date of the County's first floodplain or zoning ordinance.

FACADE. The entire building front, including the parapet, which faces a public way, private roadway, parking lot, or pedestrian walkway.

FACING. The display surface portion of a sign upon which the advertising is affixed or painted and visible in one direction at one time.

FAMILY. One (1) or more persons each related to the other by blood, marriage, or adoption, or a group of not more than three (3) persons not all so related, together with his or their domestic servant, maintaining a common household in a dwelling unit. A family may include not more than two (2) roomers, boarders, or permanent guests–whether or not gratuitous.

FARM. An area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry except as defined under "Confined Feeding"; or the processing of farm products produced on the farm by the resident owner or tenant, but not to include commercial or custom slaughtering.

FARM SERVICE CENTER. Primarily serves agricultural & allied uses.

FLOOD PLAN RELATED DEFINITIONS. See §151 of the Jackson County Code.

FLOOR AREA OF A BUILDING. The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use, including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FUMES. Minute solid particles generated by the condensation of vapors from solid matter after coagulation from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building, including a carport, which is intended and used for storing the private passenger vehicles, recreational vehicles, or personal items of the family residing on the premises.

GAS. An aeriform fluid having neither independent shape nor volume, but tending to expand indefinitely.

GATED COMMUNITY. A development, whether single-family, multi-family, or accessory uses, that are enclosed within a geographical area by restrictive gates.

GATED ENTRANCE. An entrance to a gated community at which a gate, crossbar, door, or other obstructive device is utilized for the purpose of restricting, controlling, or obstructing entry or exit by motor vehicles or pedestrians to or from a shared driveway or public/private roadway.

GENERAL INDUSTRIAL USE. Manufacturing, processing, extraction, heavy repairing, dismantling or storage, performed in either open or closed areas.

GOVERNMENTAL AND PUBLIC UTILITY USES. Including, but not limited to: electric, natural gas and telephone substations and distribution centers; filtration plant, pumping station and water reservoir; public or package treatment plants; fire stations; telephone exchange; radio and television transmitting stations; antenna towers and other similar governmental and public utility service uses, except line and mains for local distribution.

GRADE. (1) The average level of the finished surface of the ground adjacent to the exterior walls of the structure, measured as the average around all sides of the building. (2) The slope of a street, or other public way, specified in percentage (%) terms.

GROUND FLOOR AREA. The area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, garages, and exterior stairways.

GREENHOUSE. A building having glass walls and roof for the protection or propagation of plants.

HABITABLE ROOM. A room capable of being lived in for any period of time, as defined by the rules of the Indiana Fire and Building Services Commission (675IAC 14).

HEIGHT. See BUILDING HEIGHT.

HELIPORT. An airport for helicopters.

HISTORIC STRUCTURE. Any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.

HOME OCCUPATION. A gainful occupation or profession that is carried on by an occupant of a dwelling unit as a use which is clearly incidental to the use of the unit as a residence.

HOME OCCUPATION, LOW-IMPACT. A gainful occupation or profession limited to home office, catalog business, telecommuting, professional services, internet businesses, or similar, that is conducted by the resident which is significantly incidental to the residential use with no visible evidence of the home occupation.

HOSPITAL. An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed and provided nursing and related services. This definition shall include any related, accessory facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are integral parts of the facility. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities.

INDUSTRIAL PARK. A planned and organized industrial tract of land that is subdivided and developed according to a comprehensive plan for the use of a community and industries. The plan must include a detailed provision for streets, designed to facilitate truck and other traffic, and for all utilities including but not limited to drainage, sewer and water. Said facilities are to be installed before the sites are sold or otherwise assured to prospective occupants.

JUNKYARD. An open area where waste or scrap materials or two (2) or more motor vehicles not in operable condition, or parts thereof, are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, but excluding uses established entirely within enclosed buildings.

KENNEL. Any premises or portions thereof on which more than four (4) dogs, cats, or other household domestic animals over four (4) months of age are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

LIGHT INDUSTRIAL USE. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or waste, in which all operations, other than transportation, are performed entirely within enclosed buildings.

LIQUID FERTILIZER STORAGE AND DISTRIBUTION (COMMERCIAL). A business that stores, sells and delivers liquid fertilizers to end users. For the purpose of this Ordinance, an end-user of fertilizer such as a farm or golf course shall not be considered a commercial liquid fertilizer storage and distribution facility, provided that all fertilizer stored on-site is to be used onsite.

LIVESTOCK. Horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llama, ostriches, chickens, ducks, geese turkeys and swine and other domestic animals normally kept or raised on a farm. Wild or vicious animals shall not be considered livestock.

LODGE/CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

LOT DEFINITIONS:

(a) CORNER LOT. A lot at the junction of and abutting two (2) intersecting or intercepting streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.

(b) FRONTAGE. That side of a lot abutting on a street, or way, and ordinarily regarded as the front of the lot. In the case of corner lots, frontage will be considered to front on both intersection streets.

(c) INTERIOR LOT. A lot other than a corner lot or a through lot.

(d) LOT. A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership with the intent, or possible intent, of making improvements. For the purpose of zoning, a lot may be a single lot or a combination of two or more lots that are under single ownership and developed for a single use or principal building.

(e) LOT AREA. The total area within the boundaries of a lot, measured on a horizontal plain, exclusive of any road right-of-way, private road easement or the submerged area of any lake, stream or canal.

(f) LOT COVERAGE. The percentage of the lot area that is covered by buildings and impermeable surface:

(1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

(2) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, pavement, gravel surfaces, parking, loading and storage areas to the net lot area. Planked decks with spacing between the planks and permeable ground beneath the deck and patios or parking areas constructed of pervious material shall be calculated at a rate of 50% towards the impermeable surface coverage.

(g) LOT GROUND LEVEL. (1) For a building having walls abutting (that is, generally parallel to and not more than five [5] feet from) one (1) street only, means the elevation of the sidewalk at the center of the wall abutting the street. (2) For a building having walls abutting more than one (1) street means the average of the elevations of the sidewalk at the centers of all walls that face the street. (3) For a building having no walls abutting a street, it means the elevation of the lowest exposed portion of the wall facing the front yard.

(h) LOT OF RECORD. A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Recorder; or a parcel of land, the deed to which was recorded in the Office of said Recorder prior to the adoption of the original Zoning Ordinance, dated 1968.

(i) LOT WIDTH. The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback. For “flag lots,” the minimum lot width shall be measured at the point where the narrow access connects to the main section of the parcel.

(i) LOT WATER FRONTAGE. The horizontal distance measured along the shoreline of a lake between side lot lines. The shoreline measurement shall follow the lake legal limit, but shall not include stream frontage within the lot or artificially created shoreline such as canals or boat wells cut into the shore.

(j) REAR LOT LINE. For an interior lot, it means the lot line that is opposite the front lot line and farthest from it. For a lot adjacent to a lake, it means the established high water mark or established shore line. For a corner lot, it means the lot line that is opposite the shorter of the two (2) front lot lines or where one of the streets is a major arterial roadway the rear lot line shall be opposite the front lot line that fronts the local street. For a through lot that fronts a local street on one side and backs-up to an arterial road on the opposite side, it means the lot line that is adjoining the arterial street.

(k) THROUGH LOT. A lot fronting on two (2) parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

LOWEST ADJACENT GRADE. The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR. The lowest of the following:

(a) the top of the lowest level of the structure;

(b) the top of the basement floor;

(c) the top of the garage floor, if the garage is the lowest level of the structure;

(d) the top of the first floor of a structure elevated on pilings or pillars;

(e) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of (f) (1);or

(f) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

(1) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; and,

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

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when

attached to the required utilities. The term "manufactured home" includes “mobile homes” and “modular homes,” but does not include a "recreational vehicle."

MANUFACTURED HOME, PARK, OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARINA. A lakefront lot that is utilized for one or more of the following activities: Provides docking space for more than eight (8) boats or other watercraft. Provides storage for more than eight (8) boats or other watercraft. Provides servicing of boats and/or other watercraft. The sale of petroleum products for use in boats and/or other watercraft. The sale or rental of boats, watercraft, and fishing accessories, which may include the sale of convenience items.

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

MINI /SELF-STORAGE WAREHOUSES. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized or controlled-access stalls, lockers or buildings for the storage of customer's goods, vehicles or wares, including mini-storage buildings and storage garages. These uses include commercial storage facilities where storage space is leased or a group of storage buildings that are owned by individuals through a condominium or similar means.

NERAL EXTRACTION. (1) Mining or quarrying operations (2) removal of earth materials.

MISTS. Minute liquid particles generated by any of the methods listed for Dusts or Fumes or by the spraying of liquids.

MOBILE HOME. A factory-fabricated building built on a chassis and so constructed so as to permit it being towed upon public thoroughfares, with a minimum living area of four hundred eighty (480) square feet, excluding accessory structures, and designed to be used for year-round living when connected to the required utilities. Mobile homes include expandables and double-wides, but not Modular’s and HUD Approved Sectionals.

MOBILE HOME PARK. See MANUFACTURED HOME PARK.

MOBILE HOME SITE. The area of land in a mobile home park for the parking of one (1) mobile home.

MOBILE HOME SUBDIVISION. See MANUFACTURED HOME SUBDIVISION.

MODULAR HOME. A factory-built home of two (2) or more units built other than on the home site. Modular homes will carry the Indiana Building Seal and be constructed to the Indiana 360 Building Code. Modular Homes must be placed on a permanent foundation.

MULTIFAMILY DWELLING. A Building occupied by more than one family. A Building designed as a dwelling for more than two families at the same time.

NATIONAL GEODETIC VERTICAL DATUM. (NGVD) As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION. Any structure for which the "start of construction" commenced after the effective date of the County's first floodplain ordinance.

NIGHT CLUB. An establishment primarily offering a floor show, dancing, or live entertainment, which may be of an adult nature and which occurs exclusively within an enclosed structure, where minors are not allowed on the premises, and where food and drink may be provided for on-site consumption, but does not provide the performances as described in the definition of "Adult Cabaret" in the "Sexually Oriented Businesses" Chapter of the Jackson County, Indiana Code of Ordinances.

NONCONFORMING. A use or structure that existed at the time the first Jackson County Zoning Ordinance (1968), or any subsequent amendment, was passed, but does not comply with the provisions of this Ordinance.

(a) NON-CONFORMING BUILDING OR STRUCTURE. A building or structure portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

(b) NON-CONFORMING LOT. A lot of record, lawfully in existence on the effective date of this Ordinance and any amendments thereto, which no longer meets the dimensional requirements of this Ordinance for the district in which it is located.

(c) NON-CONFORMING SITE. A development on a site which met Ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the Township.

(d) NON-CONFORMING USE. A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

NORMAL HIGH WATER MARK. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

NORTH AMERICAN VERTICAL DATUM OF 1988. (NAVD88) As adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

OIL AND GAS WELLS. Any perforation through the Earth's surface, by drilling or other means, designed to find and release petroleum oil, gas or other hydrocarbons.

PARKING, PUBLIC. A group of five (5) or more parking spaces in a parking area or structure, exclusive of any part of the street or alley, designed to be available to the public, for temporary parking of motor vehicles, with or with- out the payment of a fee.

PATIO. A paved at grade area adjoining a dwelling.

PETROLEUM TANK FARM. An industrial facility for the storage of oil or petrochemical products and from which these products are usually transported to end users or further storage facilities (sometimes called an oil depot, installation or oil terminal). A tank farm or oil depot typically has tanks and gantries for the discharge of products into road tankers or pipelines.

PERFORMANCE STANDARDS. A criterion established to control noise, air contaminants, vibration, and glare or heat generated by, or inherent in uses of land or buildings.

PERSON. Includes a person, corporation, firm, partnership, association, organization or any other group that acts as a unit.

PLANNED UNIT DEVELOPMENT. An area of land in which a variety of residential/commercial/industrial uses are planned and developed as a whole, according to comprehensive and detailed plans with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PLANNED RECREATIONAL DEVELOPMENT. An area planned for recreational purposes; limited to sites sold for the purpose of use by recreational vehicles only.

PLAT. A document indicating the subdivision or resubdivision of land filed, or to be filed, for record.

PORCH. A covered structure forming an entrance to a building, outside, and generally not enclosed.

PRINCIPAL BUILDING. A building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling). Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one (1) or more buildings in cases where ambiguities exist.

PROBATION. A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

PROFESSIONAL OFFICE. An office used by members of a recognized profession such as, but not limited to, an architect, dentist, engineer, lawyer, physician, surgeon, etc.

PUBLIC CAMP. An area of land used, or designated to be used, to accommodate one (1) or more camping parties. Camping includes: cabins, shelters, tents, travel trailers, and other camping outfits. (A public camp also meets the definition of a business and/or enterprise, but not the definition of a travel trailer park.)

PUBLIC GARAGE. A garage, other than a private garage, whose services are available to members of the public or to persons occupying a hotel, club, or similar facility.

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL DEVELOPMENT. Same as Commercial Amusement.

RECREATIONAL VEHICLE. A vehicular unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that has its own mode of power, or is mounted on, or towed by another vehicle. The basic entities are:

(a) BOAT. A watercraft including, but not limited to any vessel, ship, motorboat, sailboat, barge, scow, tugboat or rowboat.

(b) CAMPING TRAILER. A vehicular portable unit, mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(c) FIFTH WHEEL TRAILER. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed 400 square feet in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

(d) MOTOR HOME. A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

(e) PARK TRAILER, also known as a Park Model. A vehicular unit designed to provide temporary living quarters for recreational, camping, or seasonal use, built on a single chassis mounted on wheels, having a gross trailer area not exceeding 400 square feet in the set-up mode, and certified by the manufacturer as complying with ANSI A119.5.

(f) TRAVEL TRAILER. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permits when towed by motorized vehicle, and of gross trailer area less than 320 square feet.

(g) TRUCK CAMPER. A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

RECREATIONAL VEHICLE PARK/RECREATIONAL CAMP, also known as a TRAVEL TRAILER PARK. An area of land on which two (2) or more recreational vehicles are regularly accommodated with or without charge, including any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation. A recreational vehicle park/recreational camp shall be for the overnight or short term parking of recreational vehicles and installation of tents for the establishment of temporary living quarters for a no more than one hundred eighty (180) in any one calendar year and there shall be no permanent foundations.

RENTAL STORAGE BUILDING. See MINI-STORAGE/SELF STORAGE WAREHOUSES.

RESIDENTIAL DEVELOPMENT SIGNS. A sign at a residential development or subdivision with four or more dwelling units that identifies only the name and/or address of the project or subdivision.

RESTAURANT. An establishment existing primarily for the sale of food and drink which is prepared, served, and consumed for the most part within the principal building and where entertainment may be provided, but which does not provide the performances as described in the definition of "Adult Cabaret" in the "Sexually Oriented Businesses" Chapter of the Jackson County, Indiana Code of Ordinances.

ROAD DEFINITIONS:

(a) ALLEY. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street or road. A right-of-way that provides secondary access for the special accommodation of an abutting property.

(b) LOCAL STREET. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath, or beside it, for sewer, water, and storm drainage pipes.

(c) PRIMARY ARTERIAL. A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.

(d) PUBLIC STREET. A street established for and/or dedicated to the public.

(e) PUBLIC WAY. A sidewalk, alley, street or limited access highway.

(f) SECONDARY ARTERIAL. A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational institutions, manufacturing plants, hospitals, major recreational areas, churches and offices and/or those designed to carry traffic from collector streets to the system of primary arterials.

RIDING STABLE – COMMERCIAL AND BOARDING. A stable open to the public that provides boarding of horses or riding lessons for remuneration.

ROADSIDE STAND. A temporary structure used for the selling of produce, such as fruits and vegetables, which are grown on the property from which they are sold.

SALES BARN. A business, typically located in an agricultural area, where agricultural producers can buy, sell or trade agricultural products, livestock, equipment and services.

SELF STORAGE BUILDING. Same as Rental Storage Building.

SEMI-TRAILER. A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

SEMI-TRUCK/TRACTOR TRAILER. A vehicle used to haul goods and materials for commercial purposes with a trailer attached to a tractor with a swivel hitch. See also: TRUCK.

SETBACK. See: YARD/SETBACK.

SHORELINE.

(a) If the water level has been legally established, the line formed on the bank or shore by the water surface at the legally established average normal level; or (b) If the water level has not been legally established, the line formed by the water surface at the average level as determined by:

(1) Existing water level records; or

(2) If water level records are not available, the action of the water that has marked upon the soil of the bed of the lake a character distinct from that of the bank with respect to vegetation as well as the nature of the soil.

SIGN RELATED DEFINITIONS:

(a) ABANDONED SIGN. A sign, which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner of record can be found.

(b) AWNING SIGN. A sign on an awning or other material that covers the sidewalk or is located above the storefront.

(c) BACK-TO-BACK SIGN. A sign consisting of two (2) sign facings oriented in opposite directions.

(d) DIRECTIONAL SIGN. A sign erected for the convenience of the public, which solely designates the location or direction of any area or place, such as for directing traffic movement, parking, or identifying rest rooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.

(e) DIRECTORY SIGN. A sign that provides a listing of uses or tenants within a particular building or complex of buildings.

(f) DOUBLE FACED SIGN. A sign with two (2) adjacent facings oriented in the same direction.

(g) ELECTRONIC MESSAGE SIGN. An electronic message board that displays time and temperature, or provides changing messages, provided that said sign does not blink or flash.

(h) FREESTANDING SIGN. A sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.

(i) GROUND/MONUMENT SIGN. A self-supporting, solid base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

(j) MARQUEE SIGN. A sign designed and/or constructed as an integral part of a marquee (a roof-like structure, often bearing a signboard, projecting over the entrance to a building) or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.

(k) OFFICIAL SIGN. A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

(l) OFF-PREMISE OUTDOOR ADVERTISING SIGN. A sign, including the supporting sign structure, which is visible from a public way and advertises goods or services not usually located on the premises and/or property upon which the sign is located; often called a "billboard." The following shall not be considered off-premise signs for the purpose of this section: (1) Directional or Official Signs authorized by law (2) Real Estate and Other Temporary Signs (3) On-Premise Signs.

(m) ON-PREMISE SIGN. A sign which advertises only the primary goods and services sold or taking place upon the premises on which the sign is located.

(n) PORTABLE SIGN. A freestanding sign, often mounted on wheels which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure, or is only affixed by means of tie down straps or stakes.

(o) PROJECTING SIGN. A sign, other than a wall sign, which is attached to and projects from a structure or building face and does not project above the roof line or cornice wall.

(p) REAL ESTATE SIGN. A sign which advertises the sale or lease of the property upon which the sign is located.

(q) ROOF MOUNTED SIGN. A sign attached with its own substructure to the roof of a building or structure.

(r) SIGN. Any visual device, identification, description, symbol, illustration or structure which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution, or business for advertising, display or publicity purposes.

(s) SIGN BOARD. A specific type of temporary sign, double-sided, self-supporting, not permanently attached to a building, structure or the ground, and intended for a limited period of display.

(t) SIGN, GROSS AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same.

(u) TEMPORARY SIGN. Any sign, banner, pendant, valence or advertising display constructed of cloth, canvas, fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

(v) V-TYPE SIGN. A sign structure which consists of multiple sign facings at angles to each other, oriented in different directions.

(w) WALL MOUNT, WALL SIGN or FACADE SIGN. A sign attached to the wall of a building that projects no more than twelve (12) inches from the wall surface.

(x) WINDOW SIGN. A sign attached either the inside or outside of a window or a sign that is hung within one (1) foot of the interior of the window and is visible from the outside.

SLAUGHTERHOUSE. A place where animals are butchered.

SMOKE. Small gasses and airborne particles consisting essentially of carboniferous material in sufficient number to be observable.

SPECIAL EXCEPTION. The authorization of a use as permitted in the district concerned, if it meets the requirements set out in Article 17, and upon application, is specifically authorized by the Board.

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

STORMWATER DETENTION/RETENTION POND. A system that is designed to capture storm water runoff and retain it on-site or release it over a given period of time through an outlet structure at a controlled rate.

STORY. That part of a building included between the surface of any floor and the surface of the floor, or roof, next above. For residential structures, basements shall be counted as a story.

STREET/PRIVATE DRIVE. A right-of-way that is established by a recorded dedication to provide the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, radio, television and cellular phone towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, manufactured homes, prefabricated buildings, street directional or street name sign and billboards. The term also includes recreational vehicles or portable items similar to a structure located on a site for more than 180 days.

STRUCTURAL CHANGE. A substantial change, or repair, excluding normal and usual repair, in a supporting member of a building, such as a bearing wall or partition, column, beam, girder, foundation, or in an exterior wall or the roof.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “Repetitive Loss” or “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a “historic structure,” provided that the alteration will not preclude the structures continued designation as a “historic structure.”

SUSPENSION. The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

TAVERN. An establishment existing primarily for the sale or dispensing of liquor by the drink for on-site general public consumption, where minors are not allowed on the premises, where food may be available for on-site consumption and where entertainment may be provided on the premises, but does not provide the performances as described in the definition of "Adult Cabaret" in the “Sexually Oriented Businesses” Chapter of the Jackson County, Indiana Code of Ordinances.

TERMINALS, TRUCK FREIGHT. A structure to which goods (except raw or unprocessed agricultural products), natural minerals, equipment or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to

other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

TOURIST HOME/BED AND BREAKFAST INN. A residential dwelling in which no more than five (5) guest rooms are used to provide or offer overnight accommodations to transient guests for compensation, including provision for a morning meal only for the overnight guest only. The tourist home/bed and breakfast inn shall also serve as the dwelling for the owner/operator.

TRADE OR BUSINESS SCHOOL. A secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hair dressing, drafting and for industrial or technical arts.

TRUCK. Any single unit or combined vehicle used to carry people, goods, material or equipment for commercial purposes, such single or combined vehicle having a combined gross vehicle weight rating of twenty-two thousand (22,000) pounds or more.

USE. The purpose or activity, for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. Uses are classified under the following categories:

(a) Residential, which includes single family, two family, multiple family, manufactured homes.

(b) Agriculture, which includes all farming, forestry, fishing, and hunting uses.

(c) Commercial, which includes all retail trade uses, motor vehicle dealers, parts and service, lodging accommodation, food services, other services and arts, entertainment, and recreation.

(d) Office, which includes administrative offices and buildings used for finance, insurance, real estate, professional, scientific, and technical services and health care, and social assistance.

(e) Institutional, which includes all religious, civic, social, and similar organizations, educational services and public uses (other than those uses classified under industrial).

(f) Industrial, which includes all transportation, and warehousing, utilities, and waste disposal, construction, mining/mineral extraction and manufacturing uses.

USED CAR LOT. Same as a car lot. Any property on which vehicles are for sale other than the property owner selling one (1) vehicle.

VAPORS. The gaseous form of substances which are normally in the solid or liquid state and which can be changed to these states by increasing the pressure or decreasing the temperature.

VARIANCE. A modification of the specific requirements of this Ordinance granted by the Board of Zoning Appeals in accordance with the terms of I.C. 36-7-4-918.4 and 918.5, for the purpose

of assuring that no property, because of special circumstances applicable to it, shall be deprived of the rights commonly enjoyed by other properties in the same Districts.

VIOLATION. The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WAREHOUSE CLUB. A retail store selling a variety of merchandise, typically in large, wholesale quantities, in which customers must pay an annual membership fee in order to shop.

WATERCOURSE. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WETLANDS. Those lands having vegetation that grows in lowlands as shown on the National Inventory Maps, or according to the Army Corps of Engineers, the U.S. Department of Fish & Wildlife, in conformance with the IDNR Flood Plain Management Plan.

WHOLESALE BUSINESS. A business involved in the resale of new and used goods to retailers, industrial, commercial, or institutional users, or a business that acts as an agent or broker in buying merchandise for, or selling merchandise to, such persons or companies. Wholesalers frequently physically assemble, sort and grade goods in large lots, break bulk, repack and redistribute in smaller lots.

WHOLESALE PRODUCE TERMINAL. A structure to which agricultural products are delivered for distribution to buyers or transfer to other modes of transportation for delivery to other points.

WIND ENERGY CONVERSION SYSTEM (WECS) DEFINITIONS:

(a) AMBIENT SOUND LEVEL. The L90 A-weighted sound pressure emissions level; the level of sound exceeded 90% of the time.

(b) APPLICANT. The person(s) or entity(ies) which prepares and files the applications and paperwork related to a WECS Overlay Districts, Wind Farms, or WECS.

(c) BOCA. Building Officials and Code Administrators International.

(d) ECONOMIC DEVELOPMENT AGREEMENT. An agreement between the a Wind Farm Applicant, Operator, and/or Owner and Jackson County detailing the applicant, operator, and/or owner's financial commitment to support economic development and/or provide other financial assistance in the Jackson County.

(e) EXPERIMENTAL WECS. A WECS not approved by Underwriters Laboratories, Detnorske Veritas, Germanishcher Lloyd Wind Energy, or similar third party.

(f) LARGE WECS. A WECS with a nameplate capacity greater than one hundred (100) kW or with a total height of two hundred (200) feet or greater.

(g) MET TOWER. A tower used to measure wind. It will generally have anemometers, direction vanes, temperature and pressure sensors, and other measurement devices.

(h) MEDIUM WECS. A WECS with a nameplate capacity greater than ten (10) kW and less than one hundred (100) kW and a total height of less than two hundred (200) feet.

(i) MICRO WECS. A WECS mounted on a building that projects no more than fifteen (15) feet above the highest point of the building or mounted on a tower with a total height less than the permitted building height for the parcel with a nameplate capacity of two (2) kW or less.

(j) NON-PARTICIPATING PROPERTIES. Properties that are not participating in a WECS project.

(k) ON-SITE WIND SYSTEM. A WECS used for generating electricity that will primarily be consumed on-site.

(l) OPERATOR. The person(s) or entity(ies) responsible for the use, operation, and/or maintenance of a WECS or Wind Farm.

(m) OWNER. The person(s) or entity(ies) and their successors or assigns which has any ownership interest in a WECS or Wind Farm. The term “owner” does not apply to any person or entity whose ownership interest in a WECS or Wind Farm is limited to an interest in real property which is used for a WECS or Wind Farm.

(n) PARTICIPATING PROPERTIES. Properties that are participating in a WECS project in some manner.

(o) TOTAL (SYSTEM) HEIGHT. The vertical distance between the ground and the highest point of the swept area.

(p) SMALL WECS. A WECS with a nameplate capacity of ten (10) kW or less and a total height of less than two hundred (200) feet.

(q) SWEPT AREA. The area that is swept by the turbine blade.

(r) UTILITY WIND ENERGY CONVERSION SYSTEM. A WECS used for generating electricity that will primarily be supplied to the utility grid and off-site consumers.

(s) WIND ENERGY CONVERSION SYSTEM. (WECS) A device which converts wind energy into electrical energy.

(t) WIND FARM. A collection of Utility Wind Systems developed jointly as part of a single project.

(u) WIND ENERGY CONVERSION SYSTEM OVERLAY ZONING DISTRICT. An overlay zoning district that is well suited to development of wind farm and is consistent with the goals of the Jackson County Comprehensive Plan.

YARD/SETBACK DEFINITIONS:

(a) YARD. The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

(b) FRONT YARD. A yard, defined herein, encompassing the horizontal space between the nearest foundation of a building to the centerline and that centerline, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the centerline. A lot situated at the intersection of two (2) or more streets shall be deemed to have two (2) front lot lines.

(c) REAR YARD. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. On corner lots, the rear yard, shall be opposite the shorter of the two (2) front lot lines or shall be opposite the front lot line that the principal building faces, as determined by the Plan Director.

(d) SIDE YARD. A yard, between the principal building and the adjacent side lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building.

(e) SETBACK. A line parallel to and equidistant from the relevant lot line (front, back or side) between which no building or structure may be erected as prescribed in this Ordinance.

(f) REQUIRED YARD. The open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirement for the district.

(g) NON-REQUIRED YARD. The open space between the minimum setback line and the main building. The non-required yard is the additional yard area that the building is setback beyond the minimum setback requirement for the district.