

## ARTICLE 3

### GENERAL STANDARDS

#### **SECTION 300 – Intent**

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

#### **SECTION 302 – Dimensional Table for all Zoning Districts**

*Table 3.1* lists the required dimensional standards, which are applicable to all zoning districts within this Ordinance.

#### **SECTION 306 – Lot Frontage Requirements**

All parcels of land to be created or altered must comply within the road frontage requirements identified in *Table 3.1* or as outlined in the Decatur County Subdivision Regulations. Each lot is required to have a minimum lot frontage, which is measured along the roadway. For lots that have irregular geometric shapes the minimum lot frontage shall be measured at the building line.

#### **SECTION 308 - Setback Requirements for Corner Lots**

On a corner lot, the front yard shall be determined by the orientation of the front of the principal building as located on the site. The side yard setback measured from the side yard right-of-way shall be required to have the same setback as the front yard. This side yard setback requirement regulates the location of the principal building and any associated accessory structures. (See *Figure 3.1*).

**Table 3.1 - Dimensional Standards**

District	Minimum Area	Width	Front	Side	Rear	Height
A-1			70'*/40'***	30'***/15'****	30'***/15'****	30'***/15'****
A-2	1.5 acres	150'	70'*/40'***	30'***/15'****	30'***/15'****	30'***/15'****
B-1			30'	10'	20'	20'
B-2			30'	10'	20'	40'
B-3			30'	10'	20'	50'
I-1	50,000 sq. ft.	200'	60'	60'	60'	60'
I-2	2 acres	200'	100'	100'	100'	60'
I-3	5 acres	250'	100'	100'	100'	60'
R-1	12,000 sq. ft.	100'	30'	10'	20'	35'
R-2	7,500 sq. ft.	75'	20'	8'	15'	35'
R-3	6,000 sq. ft.	60'	20'	6'	10'	35'
R-4	As per ISDH	60'	20'	6'	10'	35'

**\* FROM CENTER LINE OF ROAD**

**\*\* FROM THE STATE HIGHWAY RIGHT-OF-WAY**

**ALL OTHER FROM EDGE OF RIGHT-OF-WAY**

**Distance is from the center line of County Roads. (All other roads measure from the edge of the right-of-way)**

**\*\*\* DWELLING**

**\*\*\*\* ACCESSORY**

### **SECTION 312 – Dedicated Right-of-Way**

When any parcel of residential, commercial, or industrial land is being developed, rezoned, subdivided, or surveyed, and said parcel of land adjoins a County roadway, then said parcel of land shall dedicate a thirty foot (30) right-of-way easement to Decatur County for use for utility and other necessary services. Said thirty (30) foot dedicated right-of-way easement shall be measured from the centerline of the pavement or gravel, if the roadway is not paved. A Dedication Certificate shall be included on the survey for each thirty (30) foot dedicated right-of-way easement. Any land zoned as Agricultural (A-1 or A-2) is exempt from dedicating a right-of-way easement.

### **SECTION 316 – Septic System Requirements**

All lots that will utilize a septic system shall obtain a letter from the Decatur County Health Department setting forth the suitability of the placement of a septic system on the property. Each site shall be able to accommodate the structures that will be located on the property and shall be inspected by a licensed professional according to the specification established by the Decatur County Health Department. All reviews of and permits for each septic site and system shall still be under the authority of the Decatur County Health Department. All newly created lots that use a septic system shall be required to provide a dedicated and reserved primary site for the location of the septic system on the plat for each lot to be recorded.

No septic systems or perimeter drains shall be constructed across or within the building setback lines of adjoining lots or parcels owned by the same individual or entity. A survey shall be prepared by an Indiana Registered Land Surveyor and recorded in the Decatur County Recorder's Office to combine the adjoining lots or parcels prior to construction of the septic system or perimeter drain.

### **SECTION 318 – Underground Gas Line Requirements**

The following are the requirements for underground lines transporting, containing, or storing gas, oil, petroleum by-products, and other liquids:

- a. When a four inch (4") up to a six inch (6") underground line is being installed, the installed line is required to maintain a fifty foot (50') setback from any structure that is not receiving service from the line.
- b. When a six inch (6") or larger underground line is being installed, the installed line is required to maintain a five hundred foot (500') setback from any structure that is not receiving service from the line.
- c. The four inch (4") or larger underground line is required to be buried so that the line is located five feet (5') deep measured from the soil surface to the top of the underground line.
- d. When a compressor or pumping station is installed, the compressor or pumping station is required to maintain a two thousand foot (2000') setback from any structure.

e. It is required that the underground line installer adhere to the guidelines established by the Indiana Best Management Practice (Indiana B.M.P.), which are in effect at the time of installation of the underground line, and with the Pipeline Construction Guidelines pursuant to Indiana Code Section 8-1-22.6 et. seq. as adopted by the Indiana Regulatory Commission under General Administrative Order 2007-1.

### **SECTION 320 – Smoke**

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

### **SECTION 322 - Home Owner Association**

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

### **SECTION 324 - Required Trash Areas**

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

### **SECTION 326 - Public Right-of-Way**

Nothing in this Ordinance shall permit the placement of any structure or use in any public right-of-way except publicly owned uses or structures and mailboxes.

### **SECTION 328 - Temporary Buildings**

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

building may display the builder's and/or developer's name/s.

### **SECTION 330 – Pond and Lake Requirements**

The construction of ponds, lakes, or dams within Decatur County are permitted in the following Districts: A-1, A-2, R-1, R-2, R-3, R-4, B-1, B-2, and B-3. The property owner shall acquire a Location Improvement Permit from the Decatur County Planning and Zoning Office prior to the construction of a pond, lake or dam. The construction of ponds, lakes or dams within Decatur County, Indiana shall comply with the requirements set forth below, as well as any additional requirements needed to preserve the surrounding land use for agricultural purposes and to protect adjoining property owners. Retention and detention ponds installed to comply with the storm water requirements of this Ordinance, Decatur County Storm Water Drainage Control Ordinance, and the Decatur County Subdivision Ordinance shall not be considered a pond, lake or dam. The following requirements are not intended to supersede or contradict any State or Federal regulations pertaining to construction of a pond, lake, dam or watercourse. In the event of a contradiction, the more restrictive requirements shall be followed. All State and Federal permits shall be properly obtained.

#### **Requirements for construction of a pond, lake or dam:**

1. No part of the pond or lake shall be constructed closer than 150 feet from any public right-of-way, or public/private easement. If the width of an easement containing a public roadway cannot be determined, 30 feet shall be added to the 150 foot setback, and shall be measured from the centerline of the roadway;
2. Ponds or lakes shall not be constructed closer than 30 feet from a property line, but at no time shall be closer than 150 feet to an existing residence on an adjoining parcel (said measurements to be measured from maximum fill line);
3. The pond or lake shall have a spillway constructed, which allows the overflow to follow the natural drainage course, and it shall be constructed so as to prevent soil erosion at the outflow of the dam;
4. Ponds or lakes, which have more than a one square mile area of drainage from upstream or contain more than 30 acres of water, shall be required to follow Site Plan Review as detailed in this ordinance. The plan must be prepared and stamped by a registered Indiana Engineer or Surveyor;
5. Ponds or lakes which have a depth greater than twenty (20) feet measured from crest of emergency spillway to flow line of original ground shall be required to follow Site Plan Review and have the plan prepared and stamped by a registered Indiana Engineer or Surveyor;
6. Any pond or lake constructed closer than 150 feet to a public or private roadway and the enclosure/water impounding area of the pond or lake is located below, or at the same grade, as the roadway, a guardrail shall be required to prevent vehicle entry from the road. A guardrail may not be necessary if vegetation exists between the pond or lake and the roadway, which would reasonably prevent vehicle entry from the road. If the pond or lake is located closer than 150 feet to the roadway, and is at a grade above the roadway, a

guardrail may be required if vehicle entry from the roadway is possible. The Decatur County Engineer, or Highway Department, shall determine if a guardrail is required, and the guardrail shall be constructed according to the requirements and specifications of the Decatur County Subdivision Ordinance. All ponds or lakes constructed closer than 150 feet to any public roadway shall require a permit from the Decatur County Highway Department.

In the event a proposed pond, lake or dam will not meet any of the requirements set forth in this Section of the Ordinance, then the applicant shall submit a Petition to the Decatur County Board of Zoning Appeals for approval of a Permanent Special Exception for the construction of the pond, lake or dam.

### **SECTION 332 - Parking and Storage of Certain Vehicles**

Refer to Ordinance No. 2004-5 of the Decatur County Commissioners – An Ordinance Declaring Certain Conditions to be Public Nuisances and Requiring Abatement.

### **SECTION 334 - Temporary Uses of Land or Structures**

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

1. A Zoning Permit will be required with a detailed site plan which indicates the location of the activity on the site, the location of parking, location of sanitary facilities, etc., and a written explanation of the event proposed, purpose, the specific hours and dates of the event and when the event will terminate;
2. The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire or other emergency vehicles. All parking for the event will be located on site or at other secured locations within 1000 feet of the event. Parking for the event shall not be permitted along public roadways;
3. Written confirmation is received from the appropriate police and fire department to alert them to the event;
4. Outdoor lighting will be shielded or directed away from adjoining residential property and streets;
5. All signs used to advertise the event shall be removed the following day after the event has ended;
6. Sanitary conditions are to be approved by the Decatur County Board of Health if necessary;
7. Permits from the appropriate highway departments for access into and out of parking areas if necessary;
8. Letter of credit or bond as needed to repair any damage that may be created as a result of the event to public roadways as determined by the Decatur County Highway Department if necessary;

9. Provide the names and addresses of the adjoining property owner for notification of the event;
10. Submit the application at least 30 days prior to the event;
11. The event shall not create a nuisance or hazard to the public health, safety, or welfare and the event will not create objectionable dust, noise, light or odors to adjoining properties. The Planning Director or designee shall have discretion to limit the permitted times or scope of the event;
12. The applicant shall be responsible for all clean up to remove and properly dispose of all debris and to restore the site.

### **SECTION 336 - Water Supply and Sewage Disposal**

No use, building, or structure shall be conducted or constructed without the infrastructure to insure that sufficient water supply and sewage disposal capacity is available to meet the needs of the particular site's users and to protect the environment.

### **SECTION 338 – Outside Storage**

Outside storage of materials, vehicles, products, parts or other similar items shall be prohibited unless approved by the Decatur County Board of Zoning Appeals and permitted within the zoning district. In situations where outside storage exists or is proposed, the Decatur County Board of Zoning Appeals shall have the authority to determine the appropriate screening if necessary or required.

### **SECTION 340 – Exempt Uses**

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

### **SECTION 342 – Survey Completion Requirements**

Upon any approval of a request before the Area Plan Commission that requires a survey be prepared for recording purposes, the Applicant shall have a period of one (1) year to complete the survey, obtain approval of the survey from the Area Plan Director, and have the survey recorded in the County records. In the event the survey is not properly recorded within one (1) year from the date of the approval by the Area Plan Commission, the approval for rezone shall be

rescinded and the Applicant shall be required to submit a new application for rezoning and proceed through the required steps in order to have the parcel of real estate properly rezoned.

**SECTION 346 – All Season Emergency Access to Dwelling Sites**

Each building site for a residential dwelling shall have emergency access during all seasons of the year.

**SECTION 350 – Survey Requirements to Build Across Lot or Parcel Lines**

No dwelling or structure shall be constructed across or within the building setback lines of adjoining lots or parcels owned by the same individual or entity. A survey shall be prepared by an Indiana Registered Land Surveyor and recorded in the Decatur County Recorder's Office to combine the adjoining lots or parcels prior to construction of the dwelling or structure.