

The Zoning Ordinance of

WASHINGTON COUNTY

INDIANA



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CHAPTER 1 THE ZONING ORDINANCE OF WASHINGTON COUNTY

Chapter 1-1 Preamble & Enacting Clause

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

This ordinance is hereby adopted as the Comprehensive Zoning Ordinance of Washington County, Indiana. Any prior ordinances pertaining to land use, with amendments thereto, are hereby amended and repealed.

Chapter 1-2 Title & Purpose

This ordinance shall be cited as the "Washington County Zoning Ordinance" and is in accordance with the Washington County Comprehensive Plan. This ordinance is hereby enacted by Washington County to promote health, safety, comfort, and quality of life, as well as conserve and protect property values within Washington 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 Washington County, Indiana.

Chapter 1-3 Authority

This ordinance is adopted independently by Washington County pursuant to authority under the laws of the State of Indiana, 36-7-4 et seq. When the code referenced in this ordinance refers to Indiana Code that has been amended or superseded, it shall be assumed that the reference includes that code as amended or superseded.

Chapter 1-4 General Provisions

1. No structure shall be constructed, renovated, or altered hereafter the passage of this ordinance unless it is in conformity with the provisions of this ordinance.
2. No new use shall be permitted of any building or land except in conformity with the provisions of this ordinance.
3. No change in plans, construction, or use of any land or building shall be required due to the adoption of this ordinance, given that it was permitted prior to its implementation. All construction must be completed within the expiration date of the subject permit.

4. The provisions of this ordinance shall apply to all structures and uses in any zoning district within the jurisdiction of Washington County unless otherwise noted.
5. The regulations outlined in this ordinance shall be deemed the minimum requirements and shall apply to each class of structure, land, & use.
6. In compliance with I.C. 8-21-10, 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.
7. No authorization of 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 1-5 Jurisdiction

This ordinance applies to all land within Washington County, Indiana, except the incorporated boundaries of the jurisdictions listed in the following table, as well as the legally established extraterritorial planning jurisdiction (two-mile fringe) of the City of Salem, and previously incorporated Town of Fredericksburg.

Jurisdiction	Legislative Body
City of Salem	Mayor of Salem & Salem City Council
Town of Campbellsburg	Town of Campbellsburg Council
Town of Hardinsburg	Town of Hardinsburg Council
Town of Little York	Town of Little York Council
Town of Livonia	Town of Livonia Council
Town of New Pekin	Town of New Pekin Council
Town of Saltillo	Town of Saltillo Council

**CHAPTER 2
ZONING DISTRICTS**

Chapter 2-1 The Zoning Map of Washington County

As part of the passage of this ordinance, an official zoning map is adopted for Washington County. The map designates a unique zoning classification for each parcel within the jurisdiction.

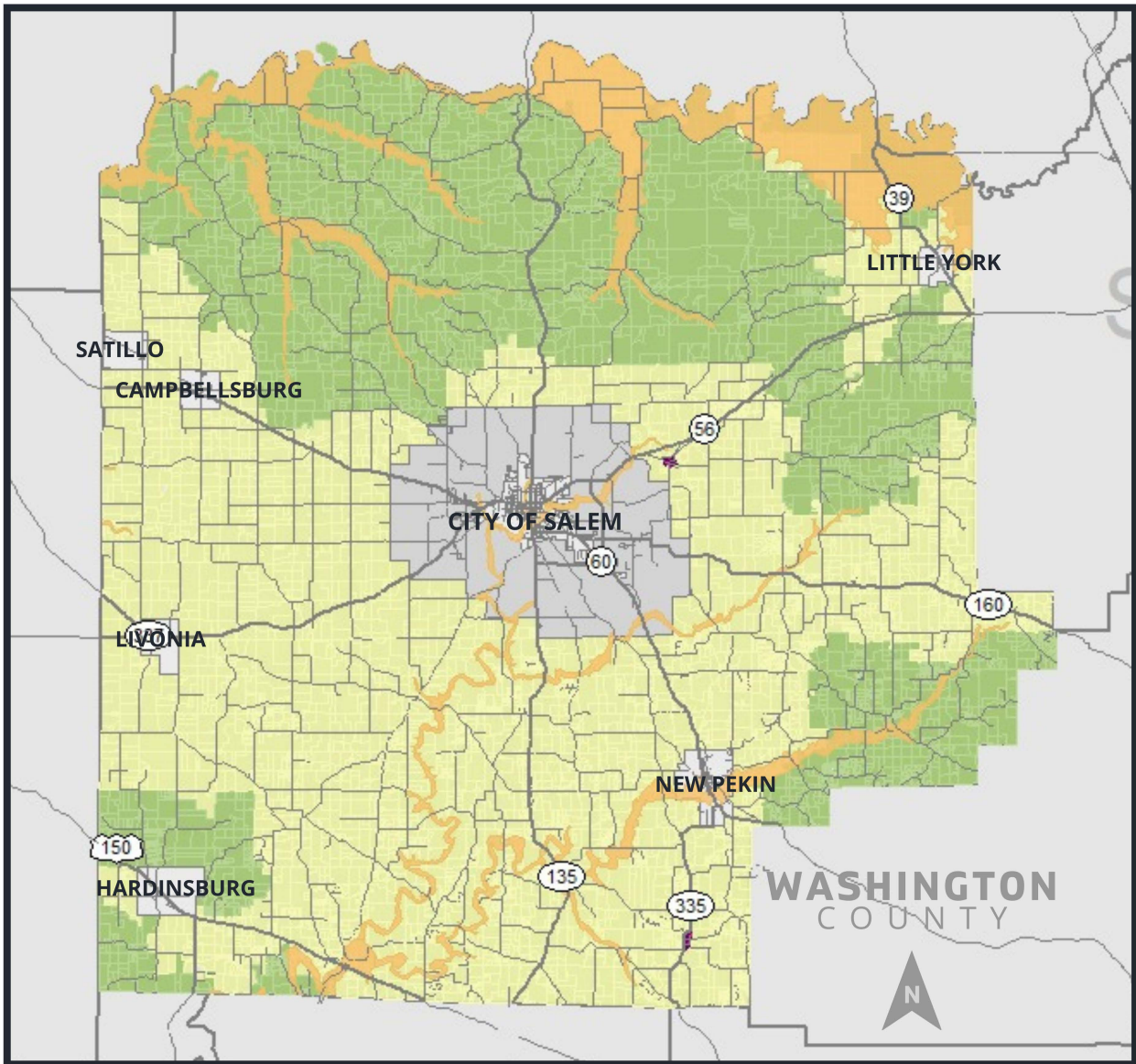
Chapter 2-2 District Boundaries

Where uncertainty exists with respect to the boundary of a subject parcel and the zoning thereof, the following shall apply:

1. Boundaries shall be interpreted as following the centerline of all roads & highways
2. Boundaries shall be interpreted as following all parcel & platted lot lines.
3. Boundaries shall be interpreted as following all railroad right-of-way.
4. Boundaries following a body of water shall be interpreted as following the shoreline of said body of water.
5. When the platted right-of-way of a public way is vacated, the boundary of the adjoining parcels shall extend to the centerline of the subject public way.

Chapter 2-3 Zoning Districts

ZONING CLASSIFICATION	ZONING IDENTIFICATION	USES & REGULATIONS
Agricultural	AG	Chapter 3
Recreational	REC	Chapter 4
Residential 1	R1	Chapter 5
Residential 2	R2	Chapter 6
Commercial	C	Chapter 7
Industrial	I	Chapter 8



ZONING MAP WASHINGTON COUNTY, IN

	AGRICULTURAL		INDUSTRIAL
	RECREATIONAL		INCORPORATED
	RESIDENTIAL 1		EXTRA-TERRITORIAL JURISDICTION
	RESIDENTIAL 2		SPECIAL FLOOD HAZARD AREA
	COMMERCIAL		

**CHAPTER 3
AGRICULTURAL ZONING DISTRICTS****Chapter 3-1 Agricultural District**

The Agricultural District (AG) is established to include substantially tillable areas used for various agricultural operations. This district is located where little or no concentrated urbanization has occurred or is likely to occur in the near future, in accordance with the Washington County Comprehensive Plan.

Notice: Agricultural Clause

All applicants, developers, or landowners who develop any use in this district shall understand that this residence is being built in a predominantly 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 who has not been negligent.

Chapter 3-2 Use Chart

The following land use chart shall outline the permitted uses and development in the Agricultural zoning district. Land use is categorized, and only those uses labeled (P) shall be permitted in this district without a special exception granted by the Washington County Board of Zoning Appeals.

Permitted Use (P) - Land shall be developed in accordance with the subject use category.

Special Exception (S) - Land shall not be developed or used in accordance with the subject use category without the approval of a Special Exception under all applicable standards per Chapter 11

Agricultural Use Chart		
<i>Use</i>	<i>P/S</i>	<i>Requirements</i>
Residential		
Single-family Dwellings	P	10-2 (1)
Two-family Dwellings (Duplex)	S	
Mobile Homes & Manufactured Homes on Individual Lots	P	10-2 (2)
Multi-Unit Dwellings	S	
Accessory Building	P	10-2 (5)
Low impact Home Occupations	P	10-2 (4)
Swimming Pools (Residential)	P	10-2 (7)
Agricultural & Forestry		
Agritourism	P	10-3 (1)
Bait Sales	P	
Commercial Greenhouse, Nursery, & Floriculture Production	P	
Farm Sales & Services	P	
Farms (General)	P	
Farms Confined Feeding	S	10-3 (2)
Keeping of Livestock & Other Animals (Non CAFO)	P	
Kennels	P	
Liquid Fertilizer Storage	P	
Riding Stables	P	
Roadside Produce Sales	P	
Sales Barn for Livestock Resale	P	
Commercial Saw Mill & Lumber Yards	S	
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	P	
Seasonal Sales	P	10-5 (6)
Slaughter House, Locker, Cold Storage (Commercial)	S	
Grain Storage (Commercial)	P	
Wholesale Produce Terminal	P	
Similar Agricultural & Forestry Uses Not Listed	P	
Business (Sales & Services)		
Bakery	S	
Banking & Financial Institutions	S	
Barber/Beauty Saloon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	10-5 (4)
Wineries, Breweries, Taverns	S	
Pet Shops (Retail, Grooming, Supplies)	S	
Photography Studio	S	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Business	S	
Convenience Stores with Gasoline Service	S	
Similar Sales & Service Uses Not Listed	S	10-5 (7)
Auto Dealers, Service, Parts		
Auto Dealers, Services, Parts	S	10-5 (1)
Commercial Storage of Recreational Vehicles	S	10-5 (1)
Motorized Vehicle Sales/Service/Parts	S	10-5 (1)
Lodging Accommodation		
Boarding	S	
Bed & Breakfast	P	10-4 (1)

Tourist Homes Including Air BnB, VRBO, etc.	P	10-4 (4)
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Recreational Camps & Public Camp Grounds	S	
Similar Lodging Uses Not Listed	S	
Technical Services		
Aerostat Aircraft	S	10-5 (9)
Commercial Solar Farms	S	10-5 (10)
Radio Towers	S	
Wireless Communication Facilities, Tower, and Services	S	10-5 (8)
Similar Technical Uses Not Listed	S	
Health Care & Social Assistance		
Child Care Facilities	S	10-5 (3)
Dental Offices	S	
Medical Facilities	S	
Veterinary Clinics	S	
Group Living, Therapy, & Rehabilitation Facilities	S	
Similar Health Care & Social Assistance Uses Not Listed	S	
Recreational Entertainment		
Artificial Lake (Under 3 Acres)	P	10-4 (3)
Commercial Shooting Ranges (Indoor)	S	
Commercial Shooting Ranges (Outdoor)	S	
Country Clubs	S	
Event Centers & Venues	S	10-4 (2)
Golf Courses	S	
Public Parks & Playgrounds	S	
Race Tracks	S	
Swimming Pools (Commercial)	S	
Theater (Indoor/Outdoor)	S	
Wedding & Reception Venues	P	
Similar Recreational Entertainment Uses Not Listed	S	
Religious, Civic, Social Organizations		
Assembly Halls	S	
Cemetery & Crematory	S	
Charitable Institutions	S	
Churches, and similar places of worship	P	
Convention centers & halls	S	
Lodges & Private Clubs	P	
Similar Religious, Civic, & Social Uses Not Listed	S	
Educational Services		
Libraires & Museums	S	
School Buildings (public, private, & parochial)	S	
University & College Buildings	S	
Vocational & Trade Schools	S	
Similar Educational Uses Not Listed	S	
Public Administration		
Executive, Legislative, & Other General Government Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Postal Services	S	
Public Safety Buildings	S	
Similar Public Administration Uses Not Listed	S	
Transportation		

Airports/Heliports	S	
Truck Stops	S	
Similar Transportation Uses Not Listed	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial Composting Facilities	S	
Resource Extraction	P	10-5 (5)
Sanitary Landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Similar Utility Uses Not Listed	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	
Manufacturing, Fabrication, or Assembling of Products	S	
Truck Freight Terminal	S	
Warehousing	S	
Wholesale Trade & Goods	S	
Similar Industrial Uses Not Listed	S	
Signs		
Advertising Sign or Billboard over 36.00' sq. ft.	S	
Signs under 36.00' sq. ft.	P	

Chapter 3-3 Parcel Requirements

1. **Subdivision of Land** - Parcels created after this ordinance's adoption are subject to the requirements outlined in Chapter 13, Subdivision Control.
2. **Access** - Parcels created after the adoption of this ordinance are subject to the access requirements outlined in Chapter 13 – Subdivision Control.
3. **On-site Sewage Approval** – Prior to the issuance of a residential building permit, parcels shall receive on-site sewage approval from the Washington County Health Department unless connection to a municipal sewage system is available.
4. **Legal Non-Conforming Parcels of Record** – Residential structures to be erected on a parcel created prior to the passage of this ordinance that do not meet the prescribed minimums outlined in Chapter 13 – Subdivision Control may be issued a building permit with proof of the dated record deed and approval from the Washington County Health Department unless connection to a municipal sewage system is available.

MINIMUM LOT AREA & WIDTH PLATTING REQUIREMENTS		
District	Minimum Area	Minimum Lot Width
Agricultural	2 Acres (87,120 Square Feet)	150.00' Feet

Chapter 3-4 Height Requirements

MAXIMUM HEIGHT REQUIREMENTS	
Agricultural	35.00'

Agricultural Structures - *Agricultural structures may be erected or changed to any height necessary for their operation, not to exceed sixty (60) feet.*

Chapter 3-5 Setback Requirements

Structures shall meet the setback requirements referenced in the following table.

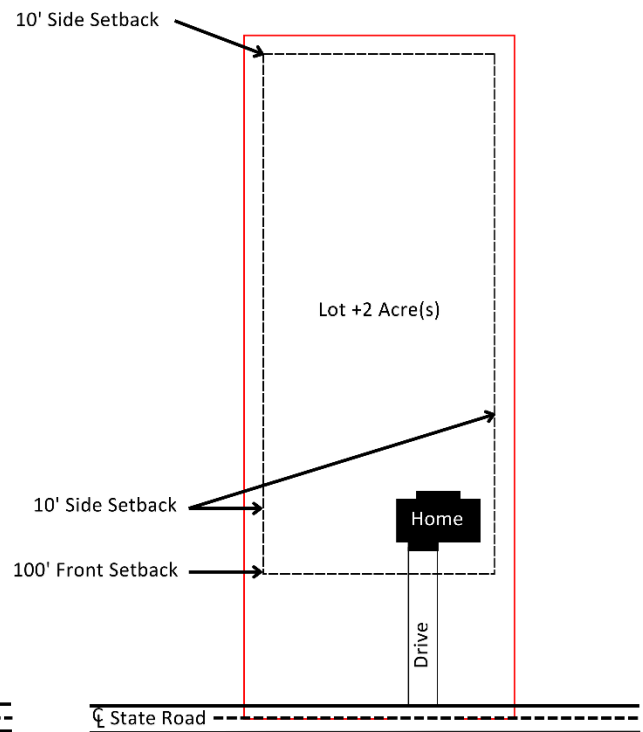
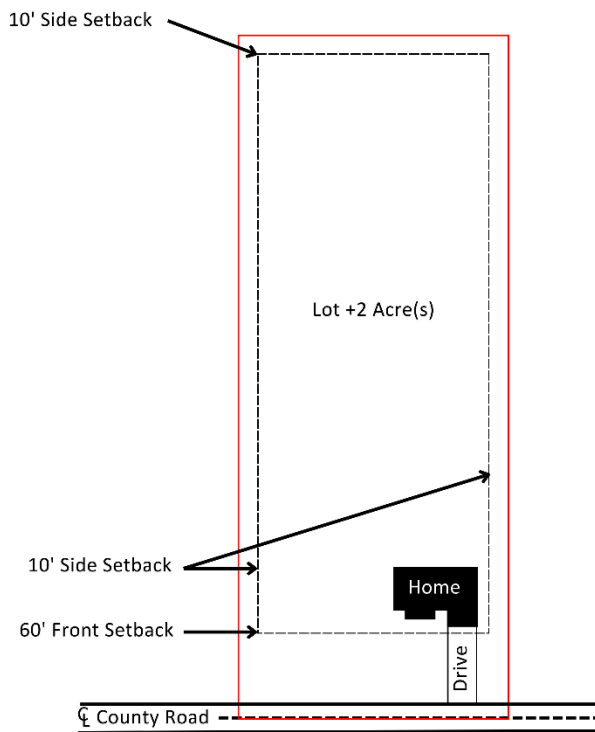
District	Front Setback County or Private Road (Centerline)	Front Setback State Road (Centerline)	Adjoining Property Line(s)	Existing Structures
Agricultural	60.00'	100.00'	10.00'	10.00'

Road Setbacks – *The front setback shall be measured from the centerline of the subject County, State, platted, or private road.*

1. **Accessory Encroachments** – Accessories, including but not limited to ramps, window wells, eaves, gutters, air conditioning units, landscaping, sidewalks, and driveways, are not subject to the required setback requirements.
2. **Corner Lots** – Structures built on corner lots shall meet the minimum front setback requirements from both adjoining road(s) or street(s).
3. **Alleys** – A minimum 10.00' setback shall be maintained from all adjoining platted alleys.
4. **Grandfathered Exemptions** - A grandfather clause applies to homes built before the passage of this ordinance. Proposed accessory structures on a parcel where the home was constructed before the passage of this ordinance may encroach on the required minimum front setback; however, the structure shall be no closer to the county or state road than the front building line of the dwelling.

AG DISTRICT – COUNTY/PRIVATE RD (CL)

AG DISTRICT – STATE RD (CL)



**CHAPTER 4
RECREATIONAL ZONING DISTRICTS****Chapter 4-1 Recreational District**

The Recreational District (REC) is established to include and protect areas that are substantially wooded, scenic in nature, and have extensive public ownership. This district is located where little or no concentrated urbanization has occurred or is likely to occur in the future, in accordance with the Washington County Comprehensive Plan.

Chapter 4-2 Use Chart

The following land use chart shall outline the permitted uses and development in the Recreational zoning district. Land use is categorized, and only those uses labeled (P) shall be permitted in this district without a special exception granted by the Washington County Board of Zoning Appeals.

Permitted Use (P) - Land shall be developed in accordance with the subject use category.

Special Exception (S) - Land shall not be developed or used in accordance with the subject use category without the approval of a Special Exception under all applicable standards per Chapter 11.

Recreational Use Chart		
<i>Use</i>	<i>P/S</i>	<i>Requirements</i>
Residential		
Single-family Dwellings	P	10-2 (1)
Two-family Dwellings (Duplex)	S	
Mobile Homes & Manufactured Homes on Individual Lots	P	10-2 (2)
Multi-Unit Dwellings	S	
Accessory Building	P	10-2 (5)
Low impact Home Occupations	P	10-2 (4)
Swimming Pools (Residential)	P	10-2 (7)
Agricultural & Forestry		
Agritourism	P	10-3 (1)
Bait Sales	P	
Commercial Greenhouse, Nursery, & Floriculture Production	P	
Farm Sales & Services	P	
Farms (General)	P	
Farms Confined Feeding	S	10-3 (2)
Keeping of Livestock & Other Animals (Non CAFO)	P	
Kennels	S	
Liquid Fertilizer Storage	S	
Riding Stables	P	
Roadside Produce Sales	P	
Sales Barn for Livestock Resale	S	
Commercial Saw Mill & Lumber Yards	P	
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	P	
Seasonal Sales	P	10-5 (6)
Slaughter House, Locker, Cold Storage (Commercial)	S	
Grain Storage (Commercial)	S	
Wholesale Produce Terminal	P	
Similar Agricultural & Forestry Uses Not Listed	P	
Business (Sales & Services)		
Bakery	S	
Banking & Financial Institutions	S	
Barber/Beauty Saloon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	10-5 (4)
Wineries, Breweries, Taverns	P	
Pet Shops (Retail, Grooming, Supplies)	S	
Photography Studio	P	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Business	S	
Convenience Stores with Gasoline Service	S	
Similar Sales & Service Uses Not Listed	S	10-5 (7)
Auto Dealers, Service, Parts		
Auto Dealers, Services, Parts	S	10-5 (1)
Commercial Storage of Recreational Vehicles	S	10-5 (1)
Motorized Vehicle Sales/Service/Parts	S	10-5 (1)
Lodging Accommodation		
Boarding	S	
Bed & Breakfast	P	10-4 (1)

Tourist Homes Including Air BnB, VRBO, etc.	P	10-4 (4)
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Recreational Camps & Public Camp Grounds	P	
Similar Lodging Uses Not Listed	S	
Technical Services		
Aerostat Aircraft	S	10-5 (9)
Commercial Solar Farms	S	10-5 (10)
Radio Towers	S	
Wireless Communication Facilities, Tower, and Services	S	10-5 (8)
Similar Technical Uses Not Listed	S	
Health Care & Social Assistance		
Child Care Facilities	S	10-5 (3)
Dental Offices	S	
Medical Facilities	S	
Veterinary Clinics	S	
Group Living, Therapy, & Rehabilitation Facilities	S	
Similar Health Care & Social Assistance Uses Not Listed	S	
Recreational Entertainment		
Artificial Lake (Under 3 Acres)	P	10-4 (3)
Commercial Shooting Ranges (Indoor)	P	
Commercial Shooting Ranges (Outdoor)	P	
Country Clubs	P	
Event Centers & Venues	P	10-4 (2)
Golf Courses	P	
Public Parks & Playgrounds	P	
Race Tracks	S	
Swimming Pools (Commercial)	P	
Theater (Indoor/Outdoor)	P	
Wedding & Reception Venues	P	
Similar Recreational Entertainment Uses Not Listed	P	
Religious, Civic, Social Organizations		
Assembly Halls	P	
Cemetery & Crematory	S	
Charitable Institutions	S	
Churches, and similar places of worship	P	
Convention centers & halls	P	
Lodges & Private Clubs	P	
Similar Religious, Civic, & Social Uses Not Listed	S	
Educational Services		
Libraires & Museums	S	
School Buildings (public, private, & parochial)	S	
University & College Buildings	S	
Vocational & Trade Schools	S	
Similar Educational Uses Not Listed	S	
Public Administration		
Executive, Legislative, & Other General Government Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Postal Services	S	
Public Safety Buildings	P	
Similar Public Administration Uses Not Listed	S	
Transportation		

Airports/Heliports	S	
Truck Stops	S	
Similar Transportation Uses Not Listed	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial Composting Facilities	S	
Resource Extraction	S	10-5 (5)
Sanitary Landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Similar Utility Uses Not Listed	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	
Manufacturing, Fabrication, or Assembling of Products	S	
Truck Freight Terminal	S	
Warehousing	S	
Wholesale Trade & Goods	S	
Similar Industrial Uses Not Listed	S	
Signs		
Advertising Sign or Billboard over 36.00' sq. ft.	S	
Signs under 36.00' sq. ft.	P	

Chapter 4-3 Parcel Requirements

1. **Subdivision of Land** - Parcels created after this ordinance's adoption are subject to the requirements outlined in Chapter 13, Subdivision Control.
2. **Access** - Parcels created after this ordinance's adoption are subject to the access requirements outlined in Chapter 13 - Subdivision Control.
3. **On-site Sewage Approval** – Prior to the issuance of a residential building permit, parcels shall receive on-site sewage approval from the Washington County Health Department unless connection to a municipal sewage system is available.
4. **Legal Non-Conforming Parcels of Record** – Residential structures to be erected on a parcel created prior to the passage of this ordinance that do not meet the prescribed minimums outlined in Chapter 13 – Subdivision Control may be issued a building permit with proof of the dated record deed and approval from the Washington County Health Department unless connection to a municipal sewage system is available.

MINIMUM LOT AREA & WIDTH PLATTING REQUIREMENTS		
District	Minimum Area	Minimum Lot Width
Recreational	2 Acres (87,120 Square Feet)	150.00'

Chapter 4-4 Height Requirements

MAXIMUM HEIGHT REQUIREMENTS	
Recreational	35.00'

Chapter 4-5 Setback Requirements

Structures shall meet the setback requirements referenced in the following table.

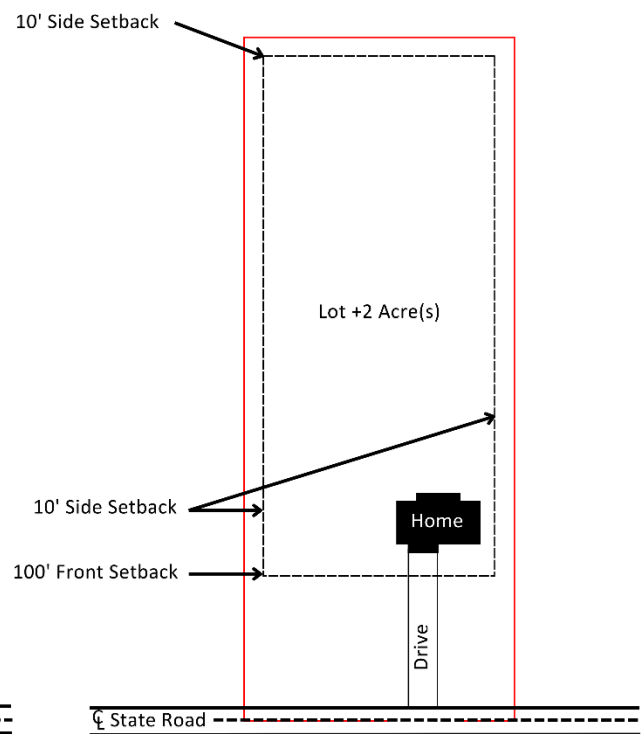
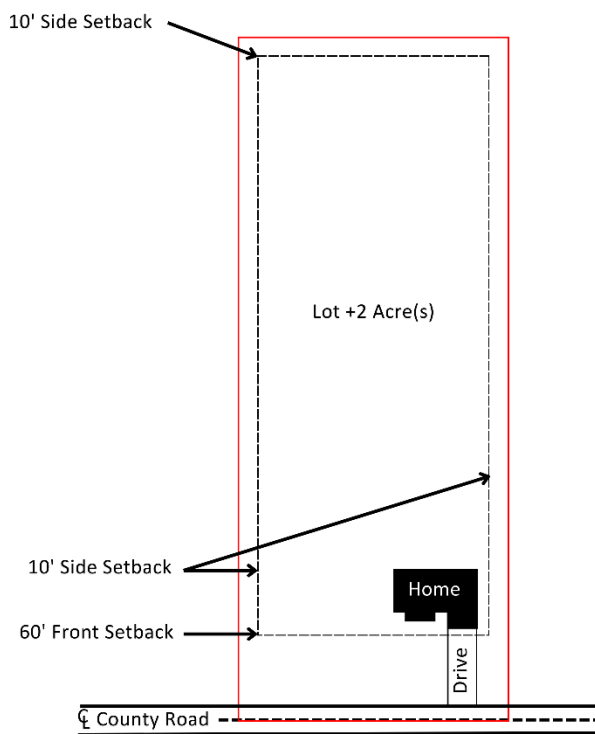
District	Front Setback County or Private Road (CL)	Front Setback State Road (CL)	Adjoining Property Line(s)	Existing Structures
Recreational	60.00'	100.00'	10.00'	10.00'

Road Setbacks – The front setback shall be measured from the centerline of the subject County, State, platted, or private road.

1. **Accessory Encroachments** – Accessories, including but not limited to ramps, window wells, eaves, gutters, air conditioning units, landscaping, sidewalks, and driveways, are not subject to the required setback requirements.
2. **Corner Lots** – Structures built on corner lots shall meet the minimum front setback requirements from both adjoining road(s) or street(s).
3. **Alleys** – A minimum 10.00’ setback shall be maintained from all adjoining platted alleys.
4. **Grandfathered Exemptions** - A grandfather clause applies to homes built before the passage of this ordinance. Proposed accessory structures on a parcel where the home was constructed before the passage of this ordinance may encroach on the required minimum front setback; however, the structure shall be no closer to the county or state road than the front building line of the dwelling.

REC DISTRICT – COUNTY/PRIVATE RD (CL)

REC DISTRICT – STATE RD (CL)



**CHAPTER 5
RESIDENTIAL 1 ZONING DISTRICTS****Chapter 5-1 Residential 1 District**

The Residential 1 District (R1) is established to include areas of concentrated populations & rural subdivisions. The intent of this district is to create & protect aesthetically pleasing residential environments outside of existing municipal services.

Chapter 5-2 Use Chart

The following land use chart shall outline the permitted uses and development in the Residential 1 zoning district. Land use is categorized, and only those uses labeled (P) shall be permitted in this district without a special exception granted by the Washington County Board of Zoning Appeals.

Permitted Use (P) - Land shall be developed in accordance with the subject use category.

Special Exception (S) - Land shall not be developed or used in accordance with the subject use category without the approval of a Special Exception under all applicable standards per Chapter 11.

Residential 1 Use Chart		
<i>Use</i>	<i>P/S</i>	<i>Requirements</i>
Residential		
Single-family Dwellings	P	10-2 (1)
Two-family Dwellings (Duplex)	S	
Mobile Homes & Manufactured Homes on Individual Lots	P	10-2 (2)
Multi-Unit Dwellings	S	
Accessory Building	P	10-2 (5)
Low impact Home Occupations	S	10-2 (4)
Swimming Pools (Residential)	P	10-2 (7)
Agricultural & Forestry		
Agritourism	S	10-3 (1)
Bait Sales	S	
Commercial Greenhouse, Nursery, & Floriculture Production	S	
Farm Sales & Services	S	
Farms (General)	S	
Farms Confined Feeding	S	10-3 (2)
Keeping of Livestock & Other Animals (Non CAFO)	S	
Kennels	S	
Liquid Fertilizer Storage	S	
Riding Stables	S	
Roadside Produce Sales	S	
Sales Barn for Livestock Resale	S	
Commercial Saw Mill & Lumber Yards	S	
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	S	
Seasonal Sales	S	10-5 (6)
Slaughter House, Locker, Cold Storage (Commercial)	S	
Grain Storage (Commercial)	S	
Wholesale Produce Terminal	S	
Similar Agricultural & Forestry Uses Not Listed	S	
Business (Sales & Services)		
Bakery	S	
Banking & Financial Institutions	S	
Barber/Beauty Saloon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	10-5 (4)
Wineries, Breweries, Taverns	S	
Pet Shops (Retail, Grooming, Supplies)	S	
Photography Studio	S	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Business	S	
Convenience Stores with Gasoline Service	S	
Similar Sales & Service Uses Not Listed	S	10-5 (7)
Auto Dealers, Service, Parts		
Auto Dealers, Services, Parts	S	10-5 (1)
Commercial Storage of Recreational Vehicles	S	10-5 (1)
Motorized Vehicle Sales/Service/Parts	S	10-5 (1)
Lodging Accommodation		
Boarding	S	
Bed & Breakfast	S	10-4 (1)

Tourist Homes Including Air BnB, VRBO, etc.	S	10-4 (4)
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Recreational Camps & Public Camp Grounds	S	
Similar Lodging Uses Not Listed	S	
Technical Services		
Aerostat Aircraft	S	10-5 (9)
Commercial Solar Farms	S	10-5 (10)
Radio Towers	S	
Wireless Communication Facilities, Tower, and Services	S	10-5 (8)
Similar Technical Uses Not Listed	S	
Health Care & Social Assistance		
Child Care Facilities	S	10-5 (3)
Dental Offices	S	
Medical Facilities	S	
Veterinary Clinics	S	
Group Living, Therapy, & Rehabilitation Facilities	S	
Similar Health Care & Social Assistance Uses Not Listed	S	
Recreational Entertainment		
Artificial Lake (Under 3 Acres)	S	10-4 (3)
Commercial Shooting Ranges (Indoor)	S	
Commercial Shooting Ranges (Outdoor)	S	
Country Clubs	S	
Event Centers & Venues	S	10-4 (2)
Golf Courses	S	
Public Parks & Playgrounds	S	
Race Tracks	S	
Swimming Pools (Commercial)	S	
Theater (Indoor/Outdoor)	S	
Wedding & Reception Venues	S	
Similar Recreational Entertainment Uses Not Listed	S	
Religious, Civic, Social Organizations		
Assembly Halls	S	
Cemetery & Crematory	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	
Similar Religious, Civic, & Social Uses Not Listed	S	
Educational Services		
Libraires & Museums	S	
School Buildings (public, private, & parochial)	S	
University & College Buildings	S	
Vocational & Trade Schools	S	
Similar Educational Uses Not Listed	S	
Public Administration		
Executive, Legislative, & Other General Government Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Postal Services	S	
Public Safety Buildings	S	
Similar Public Administration Uses Not Listed	S	
Transportation		

Airports/Heliports	S	
Truck Stops	S	
Similar Transportation Uses Not Listed	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial Composting Facilities	S	
Resource Extraction	S	10-5 (5)
Sanitary Landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Similar Utility Uses Not Listed	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	
Manufacturing, Fabrication, or Assembling of Products	S	
Truck Freight Terminal	S	
Warehousing	S	
Wholesale Trade & Goods	S	
Similar Industrial Uses Not Listed	S	
Signs		
Advertising Sign or Billboard over 36.00' sq. ft.	S	
Signs under 36.00' sq. ft.	S	

Chapter 5-3 Parcel Requirements

1. **Subdivision of Land** - Parcels created after the adoption of this ordinance are subject to the requirements outlined in Chapter 13 – Subdivision Control.
2. **Access** - Parcels created after the adoption of this ordinance are subject to the access requirements outlined in Chapter 13 – Subdivision Control.
3. **On-site Sewage Approval** – Prior to the issuance of a residential building permit, parcels shall receive on-site sewage approval from the Washington County Health Department unless connection to a municipal sewage system is available.
4. **Legal Non-Conforming Parcels of Record** – Residential structures to be erected on a parcel created prior to the passage of this ordinance that do not meet the prescribed minimums outlined in Chapter 13 – Subdivision Control may be issued a building permit with proof of the dated record deed and approval from the Washington County Health Department unless connection to a municipal sewage system is available.

MINIMUM LOT AREA & WIDTH PLATTING REQUIREMENTS		
District	Minimum Area	Minimum Lot Width
Residential 1 On-site Sewer System	1 Acre (43,560 Square Feet)	150.00' Feet

Chapter 5-4 Height Requirements

MAXIMUM HEIGHT REQUIREMENTS	
Residential 1	30.00'

Chapter 5-5 Setback Requirements

Structures shall meet the setback requirements referenced in the following table.

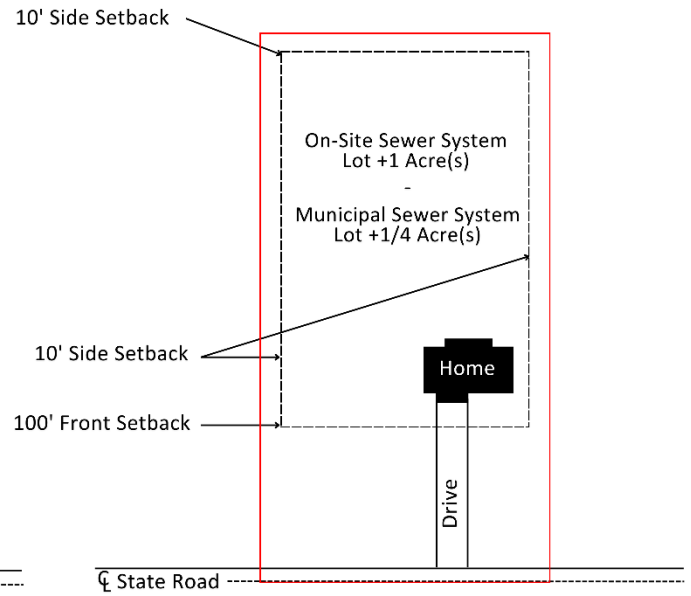
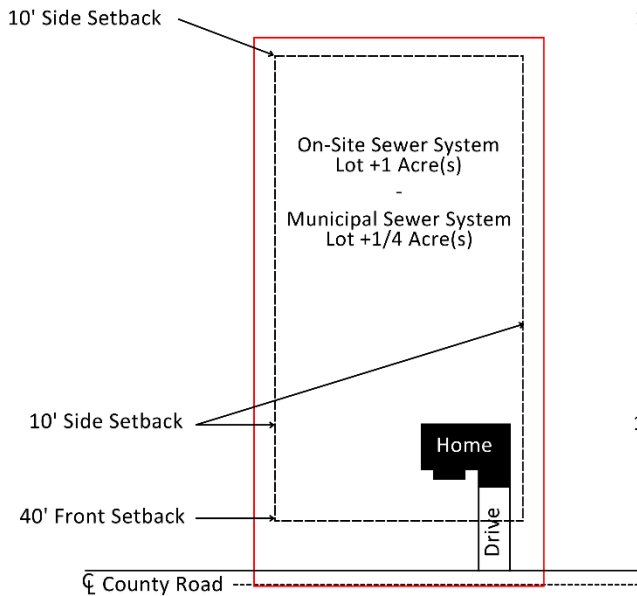
District	Front Setback County or Private Road (RoW)	Front Setback State Road (RoW)	Adjoining Property Line(s)	Existing Structures
Rural Residential	40.00'	100.00'	10.00'	10.00'

Road Setbacks – The front setback shall be measured from the centerline of the subject County, State, platted, or private road.

1. **Accessory Encroachments** – Accessories, including but not limited to ramps, window wells, eaves, gutters, air conditioning units, landscaping, sidewalks, and driveways, are not subject to the required setback requirements.
2. **Corner Lots** – Structures built on corner lots shall meet the minimum front setback requirements from both adjoining road(s) or street(s).
3. **Alleys** – A minimum 10.00’ setback shall be maintained from all adjoining platted alleys.
4. **Grandfathered Exemptions** – A grandfather clause applies to homes built before this ordinance's passage. Proposed accessory structures on a parcel where the home was constructed prior to the passage of this ordinance may encroach the required minimum setback. However, the structure shall be no closer to the county or state road than the façade of the dwelling.
5. **Accessory Buildings** - Accessory buildings shall not be constructed in Residential zoning districts unless an existing residential dwelling exists or is under construction.

R1 DISTRICT – COUNTY/PRIVATE RD (CL)

R1 DISTRICT – STATE RD (CL)



Chapter 5-6 Minimum Dwelling Size

- 1. Dwelling Size** – One-story residential dwellings must have a minimum conditioned floor area of 400 square feet per dwelling story.

Chapter 5-7 Livestock in Residential Zoning Districts

Livestock is strictly prohibited in the Residential 1 zoning district.

** Animals excluded from the Intent of these restrictions- pet animals, including dogs, cats, birds, rabbits, hamsters, mice, snakes, iguanas, turtles, or any other species of animal customarily sold to be kept as a household pet.*

**CHAPTER 6
RESIDENTIAL 2 ZONING DISTRICTS****Chapter 6-1 Residential 2 District**

The Residential 2 District (R2) 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 where higher-density development has previously occurred. The district's intent is to allow for a more compact form of development near and in established communities.

Chapter 6-2 Use Chart

The following land use chart shall outline the permitted uses and development in the Residential 2 zoning district. Land use is categorized, and only those uses labeled (P) shall be permitted in this district without a special exception granted by the Washington County Board of Zoning Appeals.

Permitted Use (P) - Land shall be developed in accordance with the subject use category.

Special Exception (S) - Land shall not be developed or used in accordance with the subject use category without the approval of a Special Exception under all applicable standards per Chapter 11.

Residential 2 Use Chart		
<i>Use</i>	<i>P/S</i>	<i>Requirements</i>
Residential		
Single-family Dwellings	P	10-2 (1)
Two-family Dwellings (Duplex)	P	
Mobile Homes & Manufactured Homes on Individual Lots	P	10-2 (2)
Multi-Unit Dwellings	P	
Accessory Building	P	10-2 (5)
Low impact Home Occupations	P	10-2 (4)
Swimming Pools (Residential)	P	10-2 (7)
Agricultural & Forestry		
Agritourism	S	10-3 (1)
Bait Sales	S	
Commercial Greenhouse, Nursery, & Floriculture Production	S	
Farm Sales & Services	S	
Farms (General)	S	
Farms Confined Feeding	S	10-3 (2)
Keeping of Livestock & Other Animals (Non CAFO)	S	
Kennels	S	
Liquid Fertilizer Storage	S	
Riding Stables	S	
Roadside Produce Sales	S	
Sales Barn for Livestock Resale	S	
Commercial Saw Mill & Lumber Yards	S	
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	S	
Seasonal Sales	S	10-5 (6)
Slaughter House, Locker, Cold Storage (Commercial)	S	
Grain Storage (Commercial)	S	
Wholesale Produce Terminal	S	
Similar Agricultural & Forestry Uses Not Listed	S	
Business (Sales & Services)		
Bakery	S	
Banking & Financial Institutions	S	
Barber/Beauty Saloon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	S	10-5 (4)
Wineries, Breweries, Taverns	S	
Pet Shops (Retail, Grooming, Supplies)	S	
Photography Studio	S	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Business	S	
Convenience Stores with Gasoline Service	S	
Similar Sales & Service Uses Not Listed	S	10-5 (7)
Auto Dealers, Service, Parts		
Auto Dealers, Services, Parts	S	10-5 (1)
Commercial Storage of Recreational Vehicles	S	10-5 (1)
Motorized Vehicle Sales/Service/Parts	S	10-5 (1)
Lodging Accommodation		
Boarding	S	
Bed & Breakfast	S	10-4 (1)

Tourist Homes Including Air BnB, VRBO, etc.	S	10-4 (4)
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Recreational Camps & Public Camp Grounds	S	
Similar Lodging Uses Not Listed	S	
Technical Services		
Aerostat Aircraft	S	10-5 (9)
Commercial Solar Farms	S	10-5 (10)
Radio Towers	S	
Wireless Communication Facilities, Tower, and Services	S	10-5 (8)
Similar Technical Uses Not Listed	S	
Health Care & Social Assistance		
Child Care Facilities	S	10-5 (3)
Dental Offices	S	
Medical Facilities	S	
Veterinary Clinics	S	
Group Living, Therapy, & Rehabilitation Facilities	S	
Similar Health Care & Social Assistance Uses Not Listed	S	
Recreational Entertainment		
Artificial Lake (Under 3 Acres)	S	10-4 (3)
Commercial Shooting Ranges (Indoor)	S	
Commercial Shooting Ranges (Outdoor)	S	
Country Clubs	S	
Event Centers & Venues	S	10-4 (2)
Golf Courses	S	
Public Parks & Playgrounds	P	
Race Tracks	S	
Swimming Pools (Commercial)	S	
Theater (Indoor/Outdoor)	S	
Wedding & Reception Venues	S	
Similar Recreational Entertainment Uses Not Listed	S	
Religious, Civic, Social Organizations		
Assembly Halls	S	
Cemetery & Crematory	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	
Similar Religious, Civic, & Social Uses Not Listed	S	
Educational Services		
Libraires & Museums	S	
School Buildings (public, private, & parochial)	S	
University & College Buildings	S	
Vocational & Trade Schools	S	
Similar Educational Uses Not Listed	S	
Public Administration		
Executive, Legislative, & Other General Government Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Postal Services	S	
Public Safety Buildings	S	
Similar Public Administration Uses Not Listed	S	
Transportation		

Airports/Heliports	S	
Truck Stops	S	
Similar Transportation Uses Not Listed	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial Composting Facilities	S	
Resource Extraction	S	10-5 (5)
Sanitary Landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Similar Utility Uses Not Listed	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	
Manufacturing, Fabrication, or Assembling of Products	S	
Truck Freight Terminal	S	
Warehousing	S	
Wholesale Trade & Goods	S	
Similar Industrial Uses Not Listed	S	
Signs		
Advertising Sign or Billboard over 36.00' sq. ft.	S	
Signs under 36.00' sq. ft.	S	

Chapter 6-3 Parcel Requirements

1. **Subdivision of Land** - Parcels created after the adoption of this ordinance are subject to the requirements outlined in Chapter 13 – Subdivision Control.
2. **Access**- Parcels created after this ordinance's adoption are subject to the access requirements outlined in Chapter 13 - Subdivision Control.
3. **On-site Sewage Approval** – Prior to the issuance of a residential building permit, parcels shall receive on-site sewage approval from the Washington County Health Department unless connection to a municipal sewage system is available.
4. **Legal Non-Conforming Parcels of Record** – Residential structures to be erected on a parcel created prior to the passage of this ordinance that do not meet the prescribed minimums outlined in Chapter 13 – Subdivision Control may be issued a building permit with proof of the dated record deed and approval from the Washington County Health Department unless connection to a municipal sewage system is available.

MINIMUM LOT AREA & WIDTH		
District	Minimum Area	Minimum Lot Width
Residential 2 On-site Sewer System	1/2 Acre (21,780 Square Feet)	75.00 Feet
Residential 2 Municipal Sewer Connection	1/4 Acre (21,780 Square Feet)	60.00 Feet

Chapter 6-4 Height Requirements

MAXIMUM HEIGHT REQUIREMENTS	
Residential 2	30.00'

Chapter 6-5 Setback Requirements

Structures shall meet the setback requirements referenced in the following table.

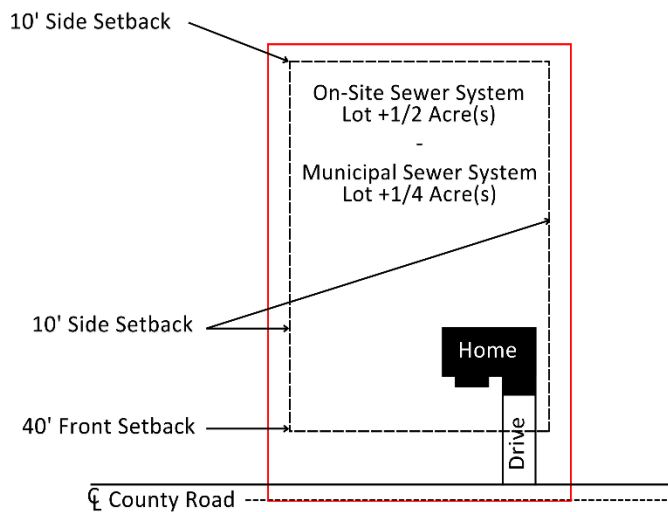
District	Front Setback County or Private Road (RoW)	Front Setback State Road (RoW)	Adjoining Property Line(s)	Existing Structures
Rural Residential	40.00'	50.00'	10.00'	10.00'

Road Setbacks – The front setback shall be measured from the centerline of the subject County, State, platted, or private road.

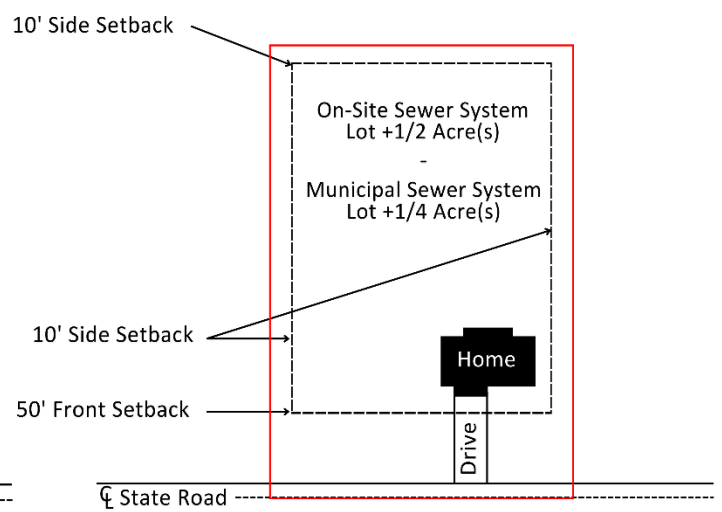
Setbacks in platted areas - See subsection 5 pertaining to setbacks in platted areas.

1. **Accessory Encroachments** – Accessories, including but not limited to ramps, window wells, eaves, gutters, air conditioning units, landscaping, sidewalks, and driveways, are not subject to the required setback requirements.
2. **Corner Lots** – Structures built on corner lots shall meet the minimum front setback requirements from both adjoining road(s) or street(s).
3. **Alleys** – A minimum 10.00' setback shall be maintained from all adjoining platted alleys.
4. **Grandfathered Exemptions** - A grandfather clause applies to homes built before the passage of this ordinance. Proposed accessory structures on a parcel where the home was constructed before the passage of this ordinance may encroach on the required minimum setback; however, the structure shall be no closer to the county or state road than the façade of the dwelling.
5. **Platted Areas** – In platted areas where setbacks are typically non-conforming, the Building Commissioner may approve a setback dimension consistent with the average of existing homes in that area, not to encroach the State or County road right-of-way.
6. **Accessory Buildings** - Accessory buildings shall not be constructed in Residential zoning districts unless an existing residential dwelling exists or is under construction.

R2 DISTRICT – COUNTY/PRIVATE RD (CL)



R2 DISTRICT – STATE RD (CL)



Chapter 6-6 Minimum Dwelling Size

1. **Dwelling Size** - One-story residential dwellings must have a minimum conditioned floor area of 400 square feet per story.

Chapter 6-7 Livestock in Residential Zoning Districts

Animals Excluded from the Intent of These Restrictions- Animals Excluded from the Intent of These Restrictions. Pet animals may be limited in number, including dogs, cats, birds, rabbits, hamsters, mice, snakes, iguanas, turtles, or any other species of animal customarily sold to be kept as a household pet.

1. **Domestic Hoofed Livestock-** "Including horses, cattle, mules, sheep, goats, llamas, and swine kept for non-commercial purposes."

A) Standards

- a. **Minimum Lot Size-** Domestic hoofed livestock are prohibited on residential properties of less than five (5) acres.
- b. **Maximum Density-** The maximum allowable density on lots five acres or greater:

Livestock Type	Maximum Allowable Density
Horses, Cattle, Mules, or similar livestock	1 head per acre
Sheep, Goats, Llamas, or similar livestock	1 head per ½ acre
Swine	1 head per ½ acre (sheltered)

Note: Animals under six months of age may be kept until weaned without counting toward the allowable limit.

- c. **Shelter-** When Domestic Hoofed Livestock animals are on a parcel of land, a barn or shelter for their use must be constructed. All swine must remain sheltered.
 - d. **Confinement-** Although the entire lot may be fenced, a containment area must be provided where the animals are normally penned and supplementary fed. All corrals, stalls, and barns shall be at least 25.00 feet from any property line.
 - e. **Waste & Manure Management**—Regular removal or spreading of manure is required so that it does not become unsightly, emit an odor beyond the property boundary, or become a public nuisance.
 - f. **Drainage Management-** Adequate drainage facilities, swales, troughs, or improvements shall be provided by the property owner and constructed to protect any adjoining and adjacent properties from runoff containing contaminants, including sediment or organic wastes.
2. **Domestic Livestock, Poultry, & Fowl-** "including rabbits, or similar animals; chickens, turkeys, small birds, and ducks kept for non-commercial purposes."

The following fowl are prohibited in Residential Zoning Districts: Roosters and any other fowl whose calls are audible over similar distances.

A) Standards

- a. **Minimum Lot Size-** Domestic livestock, poultry, & fowl are prohibited on residential properties of less than one acre(s).

On lots from one (1) to five (5) acres in size, no more than 15 poultry, and/or fowl, and/or domestic small livestock are permitted.

On lots greater than five (5) acres in size, there is no limit on the number of non-commercial poultry, and/or fowl, and/or domestic small livestock allowed.

- b. **Containment Area -** A containment area for poultry, fowl, and domestic small livestock is required. The containment area for poultry and fowl shall be no closer than 25 feet to any property line. Domestic small livestock must be housed appropriately (for example, rabbits in rabbit hutches).

**CHAPTER 7
COMMERCIAL ZONING DISTRICTS****Chapter 7-1 Commercial District**

The Commercial (C) is established to include areas that are appropriate for commercial, retail, service and mixed-use land uses that serve the regional market and require convenient access to major transportation routes or existing platted communities.

Chapter 7-2 Use Chart

The following land use chart shall outline the permitted uses and development in the Commercial zoning district. Land use is categorized, and only those uses labeled (P) shall be permitted in this district without a special exception granted by the Washington County Board of Zoning Appeals.

Permitted Use (P) - Land shall be developed in accordance with the subject use category.

Special Exception (S) - Land shall not be developed or used in accordance with the subject use category without the approval of a Special Exception under all applicable standards per Chapter 11.

Commercial Use Chart		
<i>Use</i>	<i>P/S</i>	<i>Requirements</i>
Residential		
Single-family Dwellings	S	10-2 (1)
Two-family Dwellings (Duplex)	S	
Mobile Homes & Manufactured Homes on Individual Lots	S	10-2 (2)
Multi-Unit Dwellings	S	
Accessory Building	P	10-2 (5)
Low impact Home Occupations	P	10-2 (4)
Swimming Pools (Residential)	S	10-2 (7)
Agricultural & Forestry		
Agritourism	S	10-3 (1)
Bait Sales	S	
Commercial Greenhouse, Nursery, & Floriculture Production	S	
Farm Sales & Services	S	
Farms (General)	P	
Farms Confined Feeding	S	10-3 (2)
Keeping of Livestock & Other Animals (Non CAFO)	S	
Kennels	S	
Liquid Fertilizer Storage	S	
Riding Stables	S	
Roadside Produce Sales	S	
Sales Barn for Livestock Resale	S	
Commercial Saw Mill & Lumber Yards	S	
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	S	
Seasonal Sales	S	10-5 (6)
Slaughter House, Locker, Cold Storage (Commercial)	S	
Grain Storage (Commercial)	S	
Wholesale Produce Terminal	S	
Similar Agricultural & Forestry Uses Not Listed	S	
Business (Sales & Services)		
Bakery	P	
Banking & Financial Institutions	P	
Barber/Beauty Saloon	P	
Business or Professional Office	P	
Clothing Services	P	
Electric Appliance Service & Sales	P	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	P	10-5 (4)
Wineries, Breweries, Taverns	P	
Pet Shops (Retail, Grooming, Supplies)	P	
Photography Studio	P	
Retail Sales	P	
Wholesale Business	P	
Sexually Oriented Business	S	
Convenience Stores with Gasoline Service	P	
Similar Sales & Service Uses Not Listed	P	10-5 (7)
Auto Dealers, Service, Parts		
Auto Dealers, Services, Parts	P	10-5 (1)
Commercial Storage of Recreational Vehicles	P	10-5 (1)
Motorized Vehicle Sales/Service/Parts	P	10-5 (1)
Lodging Accommodation		
Boarding	S	
Bed & Breakfast	S	10-4 (1)

Tourist Homes Including Air BnB, VRBO, etc.	S	10-4 (4)
Elderly Living/Nursing Home	S	
Hotels/Motels	P	
Mobile Home Park	S	
Recreational Camps & Public Camp Grounds	S	
Similar Lodging Uses Not Listed	S	
Technical Services		
Aerostat Aircraft	S	10-5 (9)
Commercial Solar Farms	S	10-5 (10)
Radio Towers	S	
Wireless Communication Facilities, Tower, and Services	S	10-5 (8)
Similar Technical Uses Not Listed	S	
Health Care & Social Assistance		
Child Care Facilities	P	10-5 (3)
Dental Offices	P	
Medical Facilities	P	
Veterinary Clinics	P	
Group Living, Therapy, & Rehabilitation Facilities	S	
Similar Health Care & Social Assistance Uses Not Listed	P	
Recreational Entertainment		
Artificial Lake (Under 3 Acres)	S	10-4 (3)
Commercial Shooting Ranges (Indoor)	S	
Commercial Shooting Ranges (Outdoor)	S	
Country Clubs	S	
Event Centers & Venues	S	10-4 (2)
Golf Courses	S	
Public Parks & Playgrounds	S	
Race Tracks	S	
Swimming Pools (Commercial)	S	
Theater (Indoor/Outdoor)	S	
Wedding & Reception Venues	S	
Similar Recreational Entertainment Uses Not Listed	S	
Religious, Civic, Social Organizations		
Assembly Halls	P	
Cemetery & Crematory	S	
Charitable Institutions	P	
Churches, and similar places of worship	P	
Convention centers & halls	S	
Lodges & Private Clubs	S	
Similar Religious, Civic, & Social Uses Not Listed	S	
Educational Services		
Libraires & Museums	P	
School Buildings (public, private, & parochial)	S	
University & College Buildings	S	
Vocational & Trade Schools	S	
Similar Educational Uses Not Listed	S	
Public Administration		
Executive, Legislative, & Other General Government Buildings	P	
Penal Institution (Correctional & Juvenile Facilities)	S	
Postal Services	P	
Public Safety Buildings	P	
Similar Public Administration Uses Not Listed	S	
Transportation		

Airports/Heliports	S	
Truck Stops	P	
Similar Transportation Uses Not Listed	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	S	
Commercial Composting Facilities	S	
Resource Extraction	S	10-5 (5)
Sanitary Landfills	S	
Sewage Disposal & Treatment Facilities	S	
Water Treatment Facilities	S	
Similar Utility Uses Not Listed	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	
Manufacturing, Fabrication, or Assembling of Products	S	
Truck Freight Terminal	S	
Warehousing	S	
Wholesale Trade & Goods	S	
Similar Industrial Uses Not Listed	S	
Signs		
Advertising Sign or Billboard over 36.00' sq. ft.	S	
Signs under 36.00' sq. ft.	P	

Chapter 7-3 Parcel Requirements

1. **Subdivision of Land** - Parcels created after the adoption of this ordinance are subject to the requirements set forth in Chapter 13 – Subdivision Control.
2. **Access** - Parcels created after this ordinance's adoption are subject to the access requirements set forth in Chapter 13 - Subdivision Control.
3. **On-site Sewage Approval** – Prior to the issuance of a residential building permit, parcels shall receive on-site sewage approval from the Washington County Health Department unless connection to a municipal sewage system is available.
4. **Legal Non-Conforming Parcels of Record** –Structures to be erected on a parcel created prior to the passage of this ordinance that do not meet the prescribed minimums set forth in Chapter 13 – Subdivision Control may be issued a building permit with proof of the dated record deed and approval from the Washington County Health Department unless connection to a municipal sewage system is available.

MINIMUM LOT AREA & WIDTH PLATTING REQUIREMENTS		
District	Minimum Area	Minimum Lot Width
Commercial On-site Sewer System	2 Acre (87,120 Square Feet)	150.00' Feet

Chapter 7-4 Height Requirements

MAXIMUM HEIGHT REQUIREMENTS	
Commercial	50.00'

Chapter 7-5 Setback Requirements

Structures shall meet the setback requirements referenced in the following table.

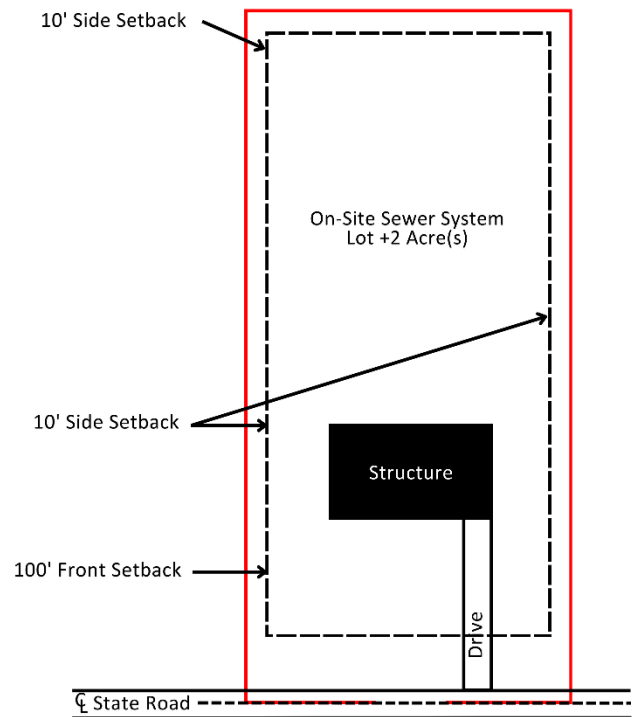
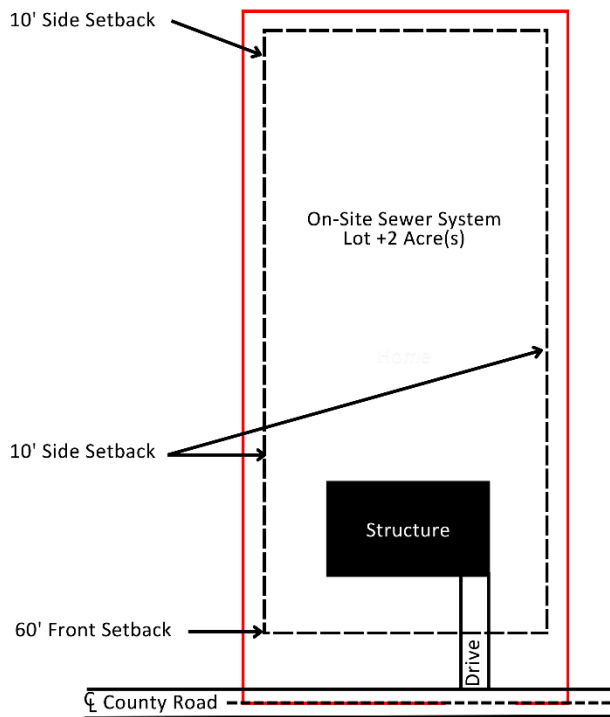
District	Front Setback County or Private Road (RoW)	Front Setback State Road (RoW)	Adjoining Property Line(s)	Existing Structures	Maximum Lot Coverage
Commercial	60.00'	100.00'	10.00'	10.00'	80%

Road Setbacks – The front setback shall be measured from the centerline of the subject County, State, platted, or private road.

1. **Accessory Encroachments** – Accessories, including but not limited to ramps, window wells, eaves, gutters, air conditioning units, landscaping, sidewalks, and driveways, are not subject to the required setback requirements.
2. **Corner Lots** – Structures built on corner lots shall meet the minimum front setback requirements from both adjoining road(s) or street(s).
3. **Alleys** – A minimum 10.00' setback shall be maintained from all adjoining platted alleys.
4. **Grandfathered Exemptions** - A grandfather clause applies to structures built prior to the passage of this ordinance. Proposed accessory structures on a parcel where the principal structure was constructed prior to the passage of this ordinance may encroach on the required minimum setback; however, the structure shall be no closer to the county or state road than the front building line of the principal structure.
5. **Platted Areas** – In platted areas where setbacks are typically non-conforming, the Building Commissioner may approve a setback dimension that is consistent with the average of existing homes in that area, not to encroach the State or County Road right-of-way.

C DISTRICT – COUNTY/PRIVATE RD (CL)

C DISTRICT – STATE RD (CL)



Chapter 7-6 Development Requirements

The following Development standards are established for all new development in the Highway Commercial District.

1. **Plan Requirements-** Prior to application for an Improvement Location Permit, the applicant must provide a preliminary architectural plan, which must include:
 - A) Elevations and/or renderings of the proposed Building
 - B) A conceptual floor plan
 - C) A Rendering or artistic drawing of the proposed landscaping, parking, Signs, and all other exterior amenities planned for the site.
2. **Lot Coverage-** Not more than eighty percent (80%) of the area of any Lot shall be occupied by the combination of Buildings, drives, sidewalks, and parking area. The remaining space should be dedicated to greenspace (grass or vegetative ground cover).
3. **Landscaping Standards-** Included in the front setback shall be a minimum fifteen-foot (15') landscaped strip along the front right-of-way that spans the entire length of the front right-of-way.
4. **Facade Standards-** The Facade of all Buildings in the Commercial District shall be covered with brick/masonry materials on all sides. Buildings and Structures within a single Development should have complementary architectural themes. The Facade treatment in different areas shall be as follows:
 - A) State Road & County Roads: Seventy-five percent (75%) of the front Façade shall be brick or masonry.
5. **Window Standards-** A minimum of forty percent (40%) of the front Façade shall be composed of windows on the first floor. Upper-floor windows shall be vertically oriented and spaced uniformly to allow clear visibility onto the street. Blank walls along any front Façade of more than twenty linear feet (20') are prohibited.
6. **Loading Areas-** All loading areas shall be located in the Rear Yard of the property and away from the public view.
7. **Public Entrances-** All Buildings in the Commercial District shall include at least one (1) public entrance on the front Façade for every one-hundred (100) feet of building width.
8. **Mechanical Equipment-** All roof or ground-mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides, not facing the building being served. All visible vents, turbines, flues, and other visible roof penetrations must be painted to match the color of the roof or flat black and oriented to minimize their visibility from adjacent Lots and streets.
9. **Signage-** All Signs are subject to the standards, restrictions, and limitations provided in Section 9 of the Washington County Zoning Ordinance.

**CHAPTER 8
INDUSTRIAL ZONING DISTRICTS****Chapter 8-1 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. This district intends to promote the well-planned development of the Industrial areas within Washington County.

Chapter 8-2 Use Chart

The following land use chart shall outline the permitted uses and development in the Commercial zoning district. Land use is categorized, and only those uses labeled (P) shall be permitted in this district without a special exception granted by the Washington County Board of Zoning Appeals.

Permitted Use (P) - Land shall be developed in accordance with the subject use category.

Special Exception (S) - Land shall not be developed or used in accordance with the subject use category without the approval of a Special Exception under all applicable standards per Chapter 11.

Industrial Use Chart		
<i>Use</i>	<i>P/S</i>	<i>Requirements</i>
Residential		
Single-family Dwellings	S	10-2 (1)
Two-family Dwellings (Duplex)	S	
Mobile Homes & Manufactured Homes on Individual Lots	S	10-2 (2)
Multi-Unit Dwellings	S	
Accessory Building	P	10-2 (5)
Low impact Home Occupations	S	10-2 (4)
Swimming Pools (Residential)	S	10-2 (7)
Agricultural & Forestry		
Agritourism	S	10-3 (1)
Bait Sales	S	
Commercial Greenhouse, Nursery, & Floriculture Production	S	
Farm Sales & Services	S	
Farms (General)	S	
Farms Confined Feeding	S	10-3 (2)
Keeping of Livestock & Other Animals (Non CAFO)	S	
Kennels	S	
Liquid Fertilizer Storage	P	
Riding Stables	S	
Roadside Produce Sales	S	
Sales Barn for Livestock Resale	S	
Commercial Saw Mill & Lumber Yards	S	
Seasonal Farm Employee Housing	S	
Seasonal Hunting & Fishing Housing	S	
Seasonal Sales	S	10-5 (6)
Slaughter House, Locker, Cold Storage (Commercial)	S	
Grain Storage (Commercial)	S	
Wholesale Produce Terminal	S	
Similar Agricultural & Forestry Uses Not Listed	S	
Business (Sales & Services)		
Bakery	S	
Banking & Financial Institutions	S	
Barber/Beauty Saloon	S	
Business or Professional Office	S	
Clothing Services	S	
Electric Appliance Service & Sales	S	
Food Sales & Services (Restaurants, Bakeries, Markets, etc.)	P	10-5 (4)
Wineries, Breweries, Taverns	S	
Pet Shops (Retail, Grooming, Supplies)	S	
Photography Studio	S	
Retail Sales	S	
Wholesale Business	S	
Sexually Oriented Business	S	
Convenience Stores with Gasoline Service	P	
Similar Sales & Service Uses Not Listed	S	10-5 (7)
Auto Dealers, Service, Parts		
Auto Dealers, Services, Parts	S	10-5 (1)
Commercial Storage of Recreational Vehicles	S	10-5 (1)
Motorized Vehicle Sales/Service/Parts	S	10-5 (1)
Lodging Accommodation		
Boarding	S	
Bed & Breakfast	S	10-4 (1)

Tourist Homes Including Air BnB, VRBO, etc.	S	10-4 (4)
Elderly Living/Nursing Home	S	
Hotels/Motels	S	
Mobile Home Park	S	
Recreational Camps & Public Camp Grounds	S	
Similar Lodging Uses Not Listed	S	
Technical Services		
Aerostat Aircraft	S	10-5 (9)
Commercial Solar Farms	S	10-5 (10)
Radio Towers	S	
Wireless Communication Facilities, Tower, and Services	S	10-5 (8)
Similar Technical Uses Not Listed	S	
Health Care & Social Assistance		
Child Care Facilities	S	10-5 (3)
Dental Offices	S	
Medical Facilities	S	
Veterinary Clinics	S	
Group Living, Therapy, & Rehabilitation Facilities	S	
Similar Health Care & Social Assistance Uses Not Listed	S	
Recreational Entertainment		
Artificial Lake (Under 3 Acres)	S	10-4 (3)
Commercial Shooting Ranges (Indoor)	S	
Commercial Shooting Ranges (Outdoor)	S	
Country Clubs	S	
Event Centers & Venues	S	10-4 (2)
Golf Courses	S	
Public Parks & Playgrounds	S	
Race Tracks	S	
Swimming Pools (Commercial)	S	
Theater (Indoor/Outdoor)	S	
Wedding & Reception Venues	S	
Similar Recreational Entertainment Uses Not Listed	S	
Religious, Civic, Social Organizations		
Assembly Halls	S	
Cemetery & Crematory	S	
Charitable Institutions	S	
Churches, and similar places of worship	S	
Convention centers & halls	S	
Lodges & Private Clubs	S	
Similar Religious, Civic, & Social Uses Not Listed	S	
Educational Services		
Libraires & Museums	S	
School Buildings (public, private, & parochial)	S	
University & College Buildings	S	
Vocational & Trade Schools	P	
Similar Educational Uses Not Listed	S	
Public Administration		
Executive, Legislative, & Other General Government Buildings	S	
Penal Institution (Correctional & Juvenile Facilities)	S	
Postal Services	S	
Public Safety Buildings	S	
Similar Public Administration Uses Not Listed	S	
Transportation		

Airports/Heliports	P	
Truck Stops	P	
Similar Transportation Uses Not Listed	S	
Utilities & Waste Disposal		
Commercial & Waste Disposal	P	
Commercial Composting Facilities	P	
Resource Extraction	P	10-5 (5)
Sanitary Landfills	P	
Sewage Disposal & Treatment Facilities	P	
Water Treatment Facilities	P	
Similar Utility Uses Not Listed	P	
Construction		
Asphalt, Concrete, and Gravel Plants & Storage	P	
Construction Offices, Showrooms, & Storage Yards	P	
Industrial		
Industry (General)	P	
Industrial Park	P	
Junk Yard	S	
Manufacturing, Fabrication, or Assembling of Products	P	
Truck Freight Terminal	P	
Warehousing	P	
Wholesale Trade & Goods	P	
Similar Industrial Uses Not Listed	P	
Signs		
Advertising Sign or Billboard over 36.00' sq. ft.	S	
Signs under 36.00' sq. ft.	P	

Chapter 8-3 Parcel Requirements

1. **Subdivision of Land** - Parcels created after the adoption of this ordinance are subject to the requirements set forth in Chapter 13 – Subdivision Control.
2. **Access** - Parcels created after this ordinance's adoption are subject to the access requirements set forth in Chapter 13 - Subdivision Control.
3. **On-site Sewage Approval** – Prior to the issuance of a residential building permit, parcels shall receive on-site sewage approval from the Washington County Health Department unless connection to a municipal sewage system is available.

MINIMUM LOT AREA & WIDTH PLATTING REQUIREMENTS		
District	Minimum Area	Minimum Lot Width
Industrial	2 Acre (87,120 Square Feet)	200.00' Feet

Chapter 8-4 Height Requirements

MAXIMUM HEIGHT REQUIREMENTS	
Industrial	75.00'

Chapter 8-5 Setback Requirements

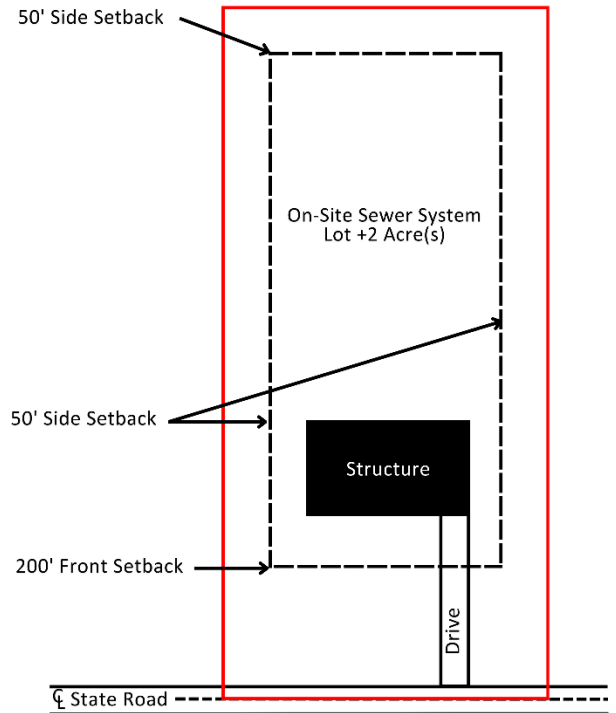
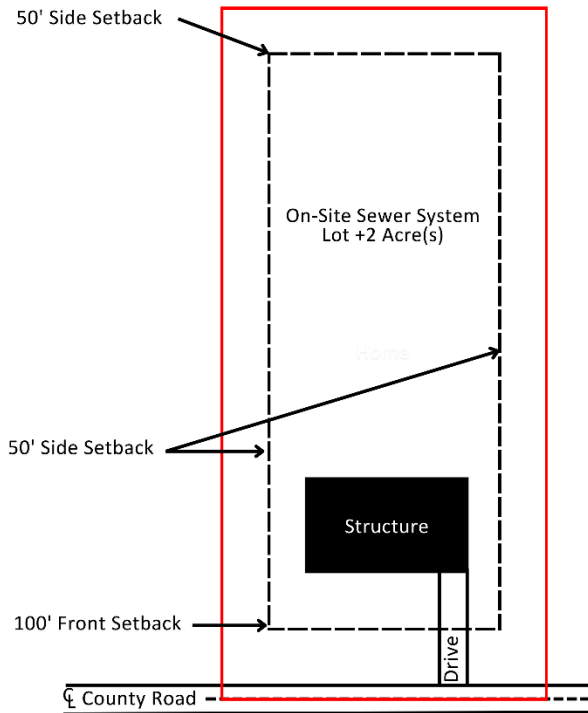
Structures shall meet the setback requirements referenced in the following table.

District	Front Setback County/Private Road (RoW)	Front Setback State Road (RoW)	Adjoining Property Line(s)	Existing Structures	Maximum Lot Coverage	Minimum Structure Size
Commercial	100.00'	200.00'	50.00'	10.00'	80% (ASP)	30,000 Square Feet

Road Setbacks – *The front setback shall be measured from the centerline of the subject County, State, platted, or private road.*

I DISTRICT – COUNTY/PRIVATE RD (CL)

I DISTRICT – STATE RD (CL)



Chapter 8-6 Building Design Requirements

All structures shall be subject to the design regulations set forth by this ordinance and supported by documentation referenced in Section 12.

1. The predominant building materials shall be naturalistic materials, such as brick and stone, decorative and/or painted pre-cast concrete panels, or architectural metal panels.
2. Any side of any building facing a road shall be constructed of pre-cast concrete, tilt-up concrete, glass, brick, architectural metal panels, or a combination thereof.
3. Any portion of a front wall, facade, or side wall of any building that is visible from the public right-of-way shall not be constructed of corrugated metal or aluminum siding, unpainted wood, wood shingles, or exposed concrete or cinder blocks. Industrial-grade, pre-engineered metal building siding may be utilized on walls not facing a public right-of-way.
4. The roofs of one or two-story buildings shall be steep pitched with hipped or gabled ends. Roof materials shall be traditional in composition and complement the building's architectural features. Flat roofs are allowed, provided that parapet walls or heavy cornices are utilized to screen all mechanical units.
5. Windows, architectural detailing, and the articulation of entrances shall be prominent and proportional to the building's size and mass.

Chapter 8-7 Other Development Requirements

The following development standards are established for all new development in Industrial Zoning Districts.

1. **A) Plan Requirements:** Prior to application for a Building Permit or Improvement Location Permit, each developer must provide a preliminary architectural plan, which must include the following:
 - A) Elevations and/or renderings of the proposed building
 - B) A conceptual floor plan.
 - C) A Rendering or artistic drawing of the proposed landscaping, parking, signage, and any other exterior amenities planned for the site.
2. **Corner Lots:** Corner lots shall meet the minimum setback requirements from both road frontages.
3. **Road Setbacks:** The road or front yard setback shall be measured from the Centerline of County, Private & State Roads.
4. **Parking Area(s):** No parking lot or driveway, excluding ingress/egress locations, shall be located within the road right-of-way or within 10.00' from any adjoining property line.
5. **Greenspace:** Each site shall dedicate a minimum of fifteen percent (15%) of its total parcel area to greenspace (grass or vegetative).
6. **Utilities:** All public utilities, with the exception of major electric transmission lines responsible for transporting power through the area rather than to the area, shall be installed underground.
7. **Storage Tanks:** No on-site, non-public, individual storage tanks in excess of five hundred (500) gallons shall be allowed, including but not limited to those used for the storage of gasoline, diesel fuel, oil, water, or propane gas. This maximum volume limitation may be waived upon receipt of a letter of approval from the Board of Commissioners of Washington County. All above-ground tanks shall be enclosed by an opaque fence and gate and locked at all times other than for access or service. All such storage tanks shall fully comply with any applicable local, state, and federal statutes and administrative regulations.

Storm Water: Every lot/parcel shall provide an individual stormwater detention pond or be connected to an existing stormwater detention pond per IDEM standards. If a stormwater district exists, compliance with the requirements and fees of such a district shall be required.

**CHAPTER 9
SIGNAGE****Chapter 9-1 Signage**

All signage shall comply with the following standards & requirements unless granted a variance by the Washington County Board of Zoning Appeals.

The purpose of these sign standards is:

- To maintain the existing rural character and the aesthetic environment of the county;
- To eliminate potential hazards to drivers, pedestrians, and bicyclists resulting from sign clutter;
- To avoid the proliferation of signage,
- To encourage signs to be compatible with the scale of buildings, site, and surrounding area;
- To uphold the goals of the comprehensive plan; and
- To promote the health, safety, morals, and welfare of the citizens.

Each property is permitted signs as defined and allowed by this ordinance. All other signs shall be prohibited.

Chapter 9-2 Setback Requirements

All signs shall be located no less than ten (10) feet from the public right-of-way. No sign shall be placed within the right of way of a public way.

Chapter 9-3 Maintenance

All signs and sign components shall be kept in good repair and in a safe, clean, and attractive condition. If the Building Commissioner determines a failure to maintain a sign, a written notice shall be given to the owner, business operator, or lessee of the property requiring compliance with this ordinance and any other applicable codes. Failure to comply shall result in penalties in accordance with Chapter 12.

Chapter 9-4 Removal**1) Sign in Violation**

The Building Commissioner may order the removal of any sign erected or maintained in violation of this ordinance. A written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. No notice shall be given for Temporary Signs or Portable Signs, which shall be removed immediately.

2) Unsafe Sign

The Zoning Administrator may immediately remove or cause to be removed any sign without notice if the condition or location of the sign presents an immediate threat to the public health, safety, morals, or welfare of the public.

3) Abandoned Signs

All signs, mountings, frames, structures, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business is no longer conducted on the premises for a period of one year. If the owner or lessee fails to remove the sign, the Building Commissioner shall give the owner a written notice requiring compliance with the removal requirement of this ordinance.

4) Cost of Removal & Retrieval

Any cost associated with the removal of a sign shall be the responsibility of the owner. The owner of said sign shall reimburse the county or its agents for any removal. Should a sign removed by the county not be reclaimed within forty-five (45) days of its removal, it may be disposed of in any manner deemed appropriate by the Building Commissioner.

Chapter 9-5 Exempt Signs

The following are exempt from all provisions of this ordinance:

- 1) Public signs of a non-commercial nature and in the public interest erected by or on the order of public officer(s) or the property owner in the performance of public duty (such as signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities).
- 2) Street address posting to provide adequate property identification.
- 3) Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
- 4) Names of buildings, date of erection, monumental citations, commemorative tablets, and similar information when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction. No commercial messages or logos are permitted on such signs.
- 5) Utility signs are used to mark cables and lines for public and private utilities.
- 6) Political signs in accordance with IC 36-1-3-11.

Chapter 9-6 Prohibited Signs

The following sign types are expressly prohibited in all Zoning Districts:

- 1) Non-governmental signs in the right-of-way or signs on private property that hide from view any governmental traffic or roadway sign, signal, or device.
- 2) Signs that have blinking, flashing, or fluttering lights or which have a changing light intensity, brightness, or color, or give such illusion.

- 3) Signs that purport to be or imitate or resemble an official traffic sign or traffic signal or which bear the words "Stop," "Slow," "Caution," "Danger," "Warning," or other similar words.
- 4) Signs that may be construed as a light of an emergency or road equipment vehicle.
- 5) Signs that obstruct any door, fire escape, stairway, or other opening intended to provide entrance or exit for any building or structure.
- 6) Signs that emit audible sound, odor, or visible matter.
- 7) Signs that extend above the roof line or parapet of a building or are mounted on or a part of the roof.
- 8) Any sign that is not expressly permitted in this ordinance.

Chapter 9-7 Electric Signs

Electric signs include illuminated signs, Electronic Variable Message Signs, and other similar signs; direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public roadways or private driveways. Light from any electric sign shall be so directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.

- 1) Illuminated Signs -- All sign illumination must meet the standards specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:
 - 2) No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color or give such illusion.
 - 3) All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 - 4) All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Building Commissioner in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of any local ordinances.
 - 5) The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - 6) The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
 - 7) Electronic Variable Message Signs (EVMS) – In addition to meeting the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana, all signs containing an EVMS component in part or in whole shall comply with the following standards:
 - 8) No EVMS shall be located within six hundred (600) feet of a residential zoning district.

- 9)** No sign containing an EVMS as a component shall be located within one hundred fifty (150) feet of any signalized intersection.
- 10)** All illuminated elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
- 11)** All electrical wiring for permanent EVMS shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Zoning Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of other local ordinances.

**CHAPTER 10
USE REGULATIONS****Chapter 10-1 Use Standards & Regulations**

All development shall comply with the following standards & requirements unless granted a variance by the Washington County Board of Zoning Appeals.

All improvement location permitting requirements, referenced in Chapter 12, shall be met prior to approval or construction commencement.

Chapter 10-2 Residential

All residential structures shall be constructed in accordance with the adopted local Building Code.

1) Single Family Homes

A) No parcel shall contain more than one residential structure.

2) Manufactured Homes

The establishment, location, and use of all mobile and manufactured homes shall meet the installation instructions of the manufacturer and all requirements for single-family dwellings in the zoning district in which they are located, including, but not limited to, setbacks, lot sizes, and dimensions & minimum living area.

A) Permitting - The placement of all mobile homes, excluding sites within approved mobile home parks, shall require the issuance of an improvement location permit.

B) Manufactured Homes are to be installed in accordance with the adopted local Building Code.

C) Skirting - All manufactured homes shall be equipped with attached skirting surrounding the entirety of the home. Skirting is to remain intact and in good condition.

D) Orientation - All manufactured homes shall be oriented toward the public right-of-way.

E) Transfer Permit – A manufactured home transfer permit (state form 7878) must be obtained from the Washington County Treasurer’s office prior to the issuance of an improvement location permit.

3) Temporary Occupancy

As adopted by Washington County Per International Residential Code Section R107 Temporary Structures and Uses:

A) General

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to the time of service but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

B) Conformance

Temporary Structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation, and sanitary requirements of the Washington County Building code to ensure public health, safety, and general welfare.

C) Temporary Power

The building official is authorized to permit the temporary supply and use of power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in NFPA 70.

D) Termination of approval

The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure of use to be discontinued.

Temporary Structures: Temporary structures may be installed with proper permits only as accessories for permanent use (i.e., temporary school classrooms or temporary storage buildings at an industrial site).

Follow the Indiana Fire Prevention & Building Safety Commission's IBC code because Washington County does not regulate commercial structures.

4) Low-Impact Home Occupations

All Low Impact 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 its use for residential purposes.
- B)** The operator shall reside on the subject property.
- C)** There shall be no more than three total employees who are not residing on the property.
- D)** 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 sixteen (16) square feet in area, and shall be non-illuminated.
- E)** No traffic shall be generated at an evidently greater volume than would usually be, and any need to park for a home occupation shall be met off the street and on an improved surface.
- F)** There shall be no exterior storage of products, equipment, or materials related to the home-based occupation or business.
- G)** The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to increase beyond the limits specified above for Home Businesses and impair the use, value, and quiet enjoyment of adjacent residential or agricultural properties. Therefore, the following uses or similar uses shall not be permitted as Home Businesses:
 - Auto/Vehicle Sales, Service and Repair
 - Barber/Beauty Shop greater than a two (2) chair operation
 - Commercial Kennel

- Freight, Trucking
- Heavy Manufacturing
- Landscaping/Nursery, Plant Materials
- Restaurants, Eating or Drinking Establishments, including Bed and Breakfasts with public dining service
- Salvage Yards
- Veterinary Clinic/Animal Hospital
- Well Drilling/Contractor Storage Yard
- Medical, Dental Offices with the exception of telehealth services
- Houses of Worship
- Boarding House
- Trailer Rentals
- Welding Shops (not including private art studios)
- Private Clubs
- Canned or Confined Hunts
- Massage Parlor

5) Accessory Buildings

- A) Accessory buildings shall not be constructed in Residential zoning districts unless an existing residential dwelling exists or is under construction.
- B) Accessory buildings shall not be located within 10.00' of an existing structure.
- C) Accessory buildings under two hundred (200) square feet do not require an improvement location permit. All structures shall adhere to the referenced setback requirements.
- D) Accessory buildings shall not be used for residential purposes.

6) Additions

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 that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

- A) Addition(s) shall match the façade and construction materials of the existing structure.
- B) Addition(s) shall meet the minimum setbacks required.
- C) Any proposed addition to a home that was constructed prior to the adoption of this ordinance shall encroach the required front setback requirement. However, the addition must not encroach the county, state, or platted road further than the existing façade of the principal structure.

7) Swimming Pools

A) Location

Swimming pools, spas, and hot tubs shall only be located in the backyard of a property and meet the minimum setback requirements of ten (10) feet from all adjoining 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 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 touchpad, 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.

8) Building Damaged by Fire or an Act of God

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.

Chapter 10-3 Agricultural

1) Agritourism

Agritourism includes but is not limited to the following uses:

Pumpkin picking patches; "haunted" barns; corn mazes/crop art; regular educational and demonstrative tours and tastings; petting and feeding zoos; hayrides; harvest dinners; living history farms; horseback or pony riding; and other similar commercial activities in conjunction with farm, forest or agri-businesses.

A) Use

- a. Agritourism uses shall be located on existing and operating working farms and shall be incidental to and directly supportive of the agricultural use of the property while not producing significant impacts on the agricultural viability or rural character of neighboring properties.

B) Parking & Access

- a. Parking is prohibited in the public right-of-way.
- b. Access shall meet the requirements of the Washington County Highway Department or Indiana Department of Transportation, whichever has jurisdiction.
- c. The operator shall provide traffic direction as required by the County Highway Department.

C) Hours of Operation

- a. Activities, including noise generation, shall take place exclusively between the hours of 8 AM and 11:59 PM.

D) Disposal of Sewage & Refuse

- a. All solid waste and refuse shall be removed from the property and properly disposed of, and all temporary structures and signs shall be removed from the site at the end of each event.
- b. The property owner shall present a written health and safety plan to the Building Commissioner for approval, which includes a site plan showing the location of public

access, emergency access, on-site circulation, parking, bathroom facilities, hand-washing stations, food, and potable water access. The Building Commissioner may consult with the Board of Zoning Appeals, the County highway superintendent, the County Health Department, and the County Sheriff's Department, and if in the floodway, may contact the IDNR Division of Water and if adjacent to a State Highway may contact INDOT. The Building Commissioner may set such conditions on zoning permit approval as necessary.

E) Setback Requirements

All activities shall be a minimum setback of two hundred (200) feet from all adjoining property lines.

F) Permanent Structures: Permanent agritourism structures shall meet all applicable zoning ordinances, building codes, electrical codes, fire codes, and other health and safety requirements.

2) Confined Feeding Operations, Animal Feeding Operations & Confined Animal Feeding Operations

A) Setbacks

All manure storage structures, animal confinement buildings, feed lots, dead animal compost areas, and any lagoon or other area containing any activity or product of the operation associated with an AFO, CFO, or CAFO must be located a minimum of:

- Four hundred (400) feet for AFO
 - Six hundred (600) feet for CFO
 - Seven hundred fifty (750) feet for CAFO
- a. From an existing off-site residence, a public use facility, or a church. This shall be measured from the closest edge of the nearest AFO, CFO, or CAFO structure (including lagoons) to the nearest wall of a house, public use facility, or church and;
 - b. Must be located at least 3,960 feet from all schools. The setback dimension shall be measured from the closest edge of the nearest AFO, CFO, or CAFO structure (including lagoons) to the nearest edge of any improvement, including a playground that school children regularly occupy and;
 - c. Must be located at least 100 feet from the closest point along the center of any county road provided that all requirements of 701.2.2.1 are met and;
 - d. Must be located at least 200 feet from the closest point along property lines.
 - e. AFOs, CFOs, and CAFOs must receive a minimum score on the score sheet, and all setbacks and additional requirements must be met from a minimum score sheet.

AFOs, CFOs, or CAFOs, once constructed and having met all requirements of 8-3 (1), are exempt from setback distances, as defined in "a" and "b" above, with respect to all future residential and public use development of surrounding properties.

B) Additional Standards

1. A cul-de-sac or T-shaped turnaround shall be provided of adequate size and location such that vehicles need not back onto the street or roadway.
2. An existing AFO, CFO, or CAFO in this zone that is a nonconforming use may expand its operation, providing all requirements of the subsections of 8-3 (1-A) will be met with respect to any expansion.
3. Application Requirements to Obtain a Location Improvement Permit For AFO, CFO, or CAFO-Before a Location Improvement Permit may be issued, the following requirements must be met;
 - a. Documented score sheet for site location. Each applicant must complete and submit a Score Sheet (attached) to be approved by the Plan Director, documenting a minimum score of 415 points for the issuance of a Location Improvement Permit. The requirements, criteria, and terms of that Score Sheet are incorporated into this ordinance by reference and made a part hereof.
4. Documented proof of water adequate water supply.

Each applicant must present to the Plan Director proof of an adequate water supply to sustain the proposed operation. Such proof may include, but not necessarily be limited to, a permit or written statement from the water supply company or proof of an immediately available alternative water source.
5. The following items must be submitted to the Plan Director:
 - a. A site plan/farmstead map – The farmstead plan must be clear and drawn to scale or show specific distances between the structures and features. The plan must be on paper that is no less than eight and one-half (8 ½) inches by eleven (11) inches in size. It must clearly demonstrate that all items in 8-3(1) are met. (This may require more than one map to depict all required items clearly.)
 - b. An application that, at a minimum, clearly identifies:
 - i. The full legal names and addresses of the legal owners and operators and,
 - ii. Location of facility
 - c. A Fee of \$250.00
6. Upon receipt of all required information, documentation, and fees, the Plan Director shall render a decision within thirty (30) business days of submission. If the application is not approved, the Plan Director shall state, in writing, the reason(s) therefore.
7. If the application is approved, the Plan Director shall provide the applicant with all appropriate permits.
8. In the event the Plan Director is unable to review the application in a timely manner, the president of the Washington County Plan Commission shall act as the Director and will review the application and provide any appropriate permits or denials in order to meet the thirty-day decision timeline.

9. Once an application is approved, the AFO, CFO, or CAFO is exempt from 8-3 (1)(A) section "a" and "b" for a period of 15 months, after which the AFO, CFO or CAFO must be occupied and in operation or the application is void.

The plan commission may grant application extensions in increments of 30 days provided an appropriate reason, such as weather or equipment delays, is presented to the plan commission 30 days prior to the application expiration date.

10. Variance from development standard - A variance from the development standards listed may be granted to allow an applicant relief from the requirements under the following conditions:

- a. The aggrieved party must document in writing their consent to the variance and;
- b. The variance must be recorded on the deed of the aggrieved property owner's parcel, and;
- c. The fee for recording the variance on the deed shall be the burden of the applicant.

C) Enforcement

In the event a new construction AFO, CFO, or CAFO is found to be in violation of this ordinance:

1. Fines of \$250.00 per day will be levied from the date of citation until construction is halted.
2. The sheriff of Washington County, Indiana, will be responsible for the enforcement of this ordinance.

APPENDIX A: SITE SCORE WORKSHEET

<i>Score Sheet Criteria</i>	<i>Available Points</i>	<i>Points Received</i>
Existing Land Use		
Tilled	10	
Wooded	20	
Pasture	35	
Residence Density (residence within ½ mile radius)		
0-5	60	
6 - 10	40	
11 - 17	30	
18 - 23	25	
24 - 38	10	
39 - 49	5	
50+	0	
Separation from house/public use facility/church		
Meet required standard	0	
At least 250 feet more than required standard	50	
At least 500 feet more than required standard	70	
At least 750 feet more than required standard	80	
At least 1,000 feet more than required standard	100	
Separation from house/public use facility/church		
At least 1,250 feet more than required standard	120	
IDEM/EPA violation	-150	
Operator on-site residence award	85	
Odor abatement strategies	115	
Total points		
To receive a permit with a special exception 220 points out of 415 points is required		

Criteria Section Explanations

Existing Land Use (tilled, wooded, and pasture) as defined by USDA. (Applies to perimeters covered by proposed operation. Where mixed “uses” were employed up to the time of application, points will be awarded in proportion to the time and scope of allocation to each prior use).

Residence Density

- Information for this will be taken from Washington County GIS mapping data.
- “Density” will be measured within a ½ mile radius from the center of the site location and will be based on the number of residences within the measured area—not population.
- Addresses shall be verified as “residences” as defined in this ordinance.

Separation from house/public use facility/church

- The stated standard refers to the minimum distance allowed, according to the classification of operation (AFO, CFO, CAFO) as defined herein.
- Distance will be measured from the closest point of livestock, poultry, manure, or compost structure from the nearest point of a residence, public use facility or church.

IDEM/EPA Violations

- This refers only to a violation of water or air quality that resulted in enforcement action.
- Record or inspection violations that have no enforcement action are not classified as “violations” for purposes of this point system.

Operator on-site residence award

- The residence must be located on the commonly viewed, contiguous property or farm used as the subject operation.
- The "Residence" must qualify as such in the definitions section.
- An occupant of the "residence" must be operator of land, facility and buildings. *The operator shall have 15% or more ownership of operation to qualify for the operator on site residence award.

Odor abatement Strategy(s)

- Odor abatements must be exercised and maintained for compliance.
- Post-approval non-compliance can report in an enforcement action.
- Multiple strategies are encouraged, a maximum of 115 points is allowed.
- Strategies recognized, with points allowed per strategy.

o Dead animal compost	35pts
o Manure compost (dry)	35pts
o Green barrier (AIR filtration)	35pts *
o Anaerobic digester (liquid)	35pts
o Solid separation and composting (liquid)	35pts
o Impermeable covers for manure	35pts
o Exhaust fan filtration	35pts
o Landscaping	20pts **
o Exhaust fan minimum impact placement	20pts ***
o Diet formulation for odor and fly control	10pts

o Other strategies not listed can be presented as viable odor abatements to the plan commission for approval.

* This generally refers to tall vegetation such as trees and conifers to deflect dust and air plumes from operations that create a barrier. Points are awarded for “green barrier” strategy upon the issuance of an approved plan by the local office of NRCS (Natural Resources Conservation Service, of the United States Department of Agriculture). Such plan and its approval will demonstrate conformity with that agency’s publication, “Conservation Practice Standard Windbreak/Shelterbelt Establishment,” dated November 2012 and must be presented to the Plan Director with the application.

**“Landscaping” is an award of points for mitigation of the aesthetic impact of operating and will consist of a combination of low vegetation or aggregate as ground cover, and storm water retention.

***Placement of exhaust fans projecting objectionable exhaust in the opposite direction of offsite residences, public use facilities or churches.

Chapter 10-4 Recreational**1) Bed & Breakfast**

- A) The operator shall reside on the property.
- B) The establishment shall maintain a maximum of five (5) guestrooms.
- C) The building and its parking facilities shall be designed for compatibility with the surrounding properties.

2) Event Centers & Venues**A) Parking & Access**

- a. Parking is prohibited in the public right-of-way.
- b. Access shall meet the requirements of the Washington County Highway Department or Indiana Department of Transportation, whichever has jurisdiction.
- c. The operator shall provide traffic direction as required by the County Highway Department.

B) Hours of Operation

Activities, including noise generation, shall take place exclusively between the hours of 8 AM and 11:59 PM.

C) Disposal of Sewage & Refuse

- a. All solid waste and refuse shall be removed from the property and properly disposed of, and all temporary structures and signs shall be removed from the site at the end of each event.
- b. The property owner shall present a written health and safety plan to the Building Commissioner for approval, which includes a site plan showing the location of public access, emergency access, on-site circulation, parking, bathroom facilities, hand-washing stations, food, and potable water access. The Building Commissioner may consult with the Board of Zoning Appeals, the County highway superintendent, the County Health Department, and the County Sheriff's Department, and if in the floodway, may contact the IDNR Division of Water and if adjacent to a State Highway may contact INDOT. The Building Commissioner may set such conditions on zoning permit approval as necessary.

D) Setbacks

All activities shall be a minimum setback of two hundred (200) feet from all adjoining property lines.

E) Permanent Structures

Permanent agritourism structures shall meet all applicable zoning ordinances, building codes, electrical codes, fire codes, and other health and safety requirements.

F) Food

Restaurant and off-site catering are allowed as part of an event. Alcohol is allowed only if a permit is issued for the facility.

3) Man Made Lake & Ponds

- A)** The Washington County Plan Commission must approve lakes and ponds over three (3) acres.
- B)** The Top of the bank must be forty (40) feet or more from all adjoining property lines.
- C)** All proposed lakes and ponds must meet any state and federal requirements and have all required documentation prior to construction.

4) Tourist Home**A) Facilities**

The Tourist Home or Cabin must have a kitchen, a bathroom, and a living/dining room area and must meet or exceed all building code and infrastructure requirements (e.g., septic system, driveway). Any outdoor pool or spa facilities must meet State and Local Board of Health requirements. They must be visually screened from surrounding properties and adequately secured with a Power Safety Pool Cover or Enclosure as defined in Indiana Code (675 IAC 20-4- 7 – Safety Features; 675 IAC 20-3-9 – Enclosure) standards for a Class C, Semi-Public Pool.

B) Parking

Parking shall occur only on paved or graveled driveways. No parking is allowed on the right-of-way or in any setback.

C) Safety

- a.* Rules and regulations shall be posted outside near the main entrance to the Tourist Home or Cabin, including emergency phone numbers, 24-hour contact numbers for the property owner or manager, noise restrictions, and solid waste management rules.
- b.* A diagram shall also be posted and drawn to scale, showing the property boundary lines and parking area, with reference to roads, structures on the site, and significant natural features.
- c.* Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all Tourist Homes or Cabins.

D) Waste

All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.

Chapter 10-5 Commercial**1) Auto Dealers, Service & Parts**

- A)** The minimum lot size requirement is two (2) acres for Auto Dealers, Services, & Parts.
- 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 state permits & support documentation must be on file with the Washington County Planning & Zoning Office prior to approval.
- D) All repair work shall be conducted within an enclosed structure.
- E) There shall be no outdoor storage of equipment or wrecked, dismantled, or inoperable vehicles unless they are surrounded by an eight (8) foot tall screened wall or fence.

2) Automobile Storage Yards (Junk, Wrecked & Inoperable Vehicles)

Outdoor storage of equipment or wrecked, dismantled, or inoperable vehicles shall be surrounded by an eight (8) foot tall screened wall or fence.

3) Child Care Facilities

All state permits & supporting documentation must be on file with the Washington County Planning & Zoning Office prior to approval.

A) Screening

The facility shall be screened from adjacent properties with a fence or vegetative buffer, and an adequate fenced play area shall be provided.

4) Food Sales & Service

All state & local permits & supporting documentation must be on file with the Washington County Planning & Zoning Office prior to approval.

5) Mineral Extraction Standards

A) Mineral Extraction in Non-Urban Areas

The mining and extraction of minerals shall be a permitted use on any property outside of "urban areas" as defined by Indiana Code (IC 36-7-4-1103) and as designated in this chapter. For this chapter, "urban areas" shall include any land or lots used for residential purposes where there are eight or more residences within any quarter-mile square area and other lands and lots developed or planned for residential areas contiguous to incorporated cities or towns.

B) Mineral Extraction in Urban Areas

The mining and extraction of minerals within urban areas shall require a special exception only in zoning districts where permitted and shall be prohibited in all other zoning districts.

C) Exceptions

The following activities shall be exempt from the requirements of this chapter:

- a. When the earth removal is incidental to an activity for which an Improvement Location Permit has been issued;
- b. When the earth removal involves only any regular landscaping, driveway installation and repairs, or other minor projects;
- c. When the earth removal involves less than 1,000 cubic yards,
- d. When the earth is removed for the construction of a swimming pool.

D) Accessory Uses

The site may be used for accessory uses, except for the disposal of refuse. Accessory uses include but are not limited to:

- Parking and loading areas;
- Offices, guard houses, and similar employee facilities;
- Storage buildings for the mineral extraction operation only;
- Concrete batch processing plants;
- Stone and mineral processing and classifying; and
- Other accessory uses are clearly incidental and ancillary to the mineral extraction operation.

E) Site and Location Requirements

All mineral extraction operations shall comply with the following site and location requirements:

a. Minimum Area

A minimum lot area of 10 acres shall be required for mineral extraction operations.

b. Excavation Limits

No excavation shall be made closer than 10 feet from the right-of-way line of any existing or platted street, road, or highway, except that mining of sand, gravel, borrow, and other mineral and earthen materials may be conducted within these limits in order to reduce the elevation of the excavation area to conform to the existing elevation of the adjoining and existing or platted street, road or highway.

c. Equipment Setback

All fixed equipment, machinery, and processing operations shall be located at least 200 feet from any lot line.

d. Entrance and Exit Roads

There shall be a paved surface for all on-site entrance and exit roads for at least 300 feet from the edge of the public right-of-way into the site for the purpose of minimizing the deposit of dirt and gravel onto any public street, road, or highway.

e. Sight Barriers

Sight barriers shall be provided along the exterior perimeter bordering on all highways, streets, and roads and along the property line abutting any residentially zoned or used property of 5 acres in area or less. Existing landscaping and natural features shall be preserved where possible and may be incorporated into the sight barriers. Sight barriers shall meet the requirements for a Type "A" buffer established by this ordinance.

F) Operational Requirements

All mineral extraction operations shall comply with the following operational requirements:

a. Noise Levels

Noise levels shall not exceed 65 decibels at any exterior property line of the site. Upon request of the Planning Director, the operator shall submit reports on noise levels from an engineer registered in the State of Indiana stating actual noise levels during mineral extraction operations to ensure compliance with this section.

b. Excess Water

All excess water shall be drained from trucks or other vehicles hauling materials from the location prior to entering onto a public street, road, or highway.

c. Injurious Conditions

Excavation operations shall not cause or result in erosion, landslides, alteration of the groundwater table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises.

G) Slopes

- a.** No operation shall be permitted that creates a slope steeper than 1 foot horizontal to 1-foot vertical, with the exception of rock quarrying, in which case a vertical face will be accepted.
- b.** Except for rock-quarried areas as provided above, the banks of all excavations not backfilled after cessation of extraction activities shall be sloped to the water line at a slope which shall not be less than 1½ feet horizontal, to 1 foot vertical. The bank shall be sodded or surfaced with a maximum of 6 inches of suitable soil and seeded with grass seed.

H) Expansion of Operations

No permitted extraction operation shall expand beyond the areas allowed in the original approval. Any expansion may only be allowed upon approval of an additional Special Exception Permit if required by zoning or Improvement Location Permit.

I) Completion of Operations

Following the completion of excavation operations, all facilities and equipment shall be entirely removed from the property, and all stockpiles shall be removed or backfilled into the pits within 1 year after completion.

J) Performance Guarantee

Before commencing the operation of rock and gravel removal, each operator shall post a performance guarantee with the city or county, as applicable, to assure reclamation of the property to a safe condition in the event extraction activities are abandoned. The Planning Administrator may accept a similar performance guarantee required to be posted with another unit of government, such as the State of Indiana, as fulfilling this requirement.

a. Amount

The performance guarantee shall be based on an engineer's estimate of the cost per acre to restore the site to a safe condition. This estimate shall be subject to review by an engineer designated by the county. For this chapter, "safe condition" shall mean the grading or leveling of any slopes that exceed 4:1, except that around any lake or body of water with a maximum depth exceeding 4 feet, slopes along the water's edge shall not exceed 3:1.

b. Term

The performance guarantee shall run for a minimum of 3 years. The performance guarantee shall be renewed as necessary to cover the period of the excavation and rehabilitation.

K) Application Requirements

In addition to the requirements provided for the receipt of an Improvement Location Permit or Special Exception approval, an application for mineral extraction operations shall include the following:

a. Site Plan

The site plan for mineral removal shall be drawn and sealed by an engineer registered in the State of Indiana and shall, in addition to the requirements provided elsewhere in this ordinance, include the following, at a minimum:

- Shading indicates the extent of land area on which extraction operations and activities will take place, along with the surface area in square feet and acres of the excavation area.
- The location and direction of all water courses and flood control channels that may be affected by the extraction operations;
- Existing elevations of the lands at contour intervals of not more than 5 feet;
- Typical cross sections showing the estimated extent of over-burden and estimated extent of mineral material location in or on the lands.
- Details of any anticipated impacts on groundwater, including depth to the water table and water quality;
- Mineral processing and storage areas (including crushing, washing, and asphalt plants.
- Details of proposed barrier fencing and security gates;
- Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles, and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles
- A map showing access routes between the subject lands and the nearest public street(s) or road(s);
- Areas to be used for ponding and;
- The proposed method of managing overburden (e.g., seeding, grading, dust control, erosion and sedimentation control)

L) Narrative: A narrative description and explanation of the proposed extraction operations and activities, including:

- The date of commencement and estimate of the period for the proposed extraction operations
- Proposed hours and days of operation;
- Estimate of type and quantity of mineral materials to be removed;
- Description of extraction and processing methods, including proposed equipment and the noise rating of any equipment or activity involved;
- A summary of the procedures and practices that will be used to ensure compliance with the requirements of this chapter.
- Description of size/haul capacity of trucks and estimated daily volume of traffic entering and leaving the site; and
- Haul route for trucks leaving the site to the nearest state or federal highway.

M) Site Rehabilitation Plan: A site rehabilitation plan, including the following:

- A written description of planned site rehabilitation and end-uses, including potential methods of accomplishment and phasing, demonstrating that the end-use is feasible and can comply with all applicable requirements of this ordinance.
- A written statement describing how the end use is consistent with the Washington County Comprehensive Plan.
- Final grades of the lands as rehabilitated, at contour intervals not exceeding 5 feet;
- Watercourses, ponds, or lakes, if applicable
- Landscaping and plantings;
- Areas of cut and fill; and
- All of the general components of the proposed end-use(s).

N) Other Permits

Applications for permits required by any other agency of the state and federal governments and/or any permits previously granted.

O) Special Exception Requirements

The following requirements shall apply to all special exception approvals for mineral extraction operations:

a. Period

The Board of Zoning Appeals, in approving the special exception, may set a specific period for the initial use special exception. After the initial period has elapsed, the Board may approve extensions of the permit, provided that the owner applies in writing for an extension at least 6 months prior to the expiration of the current permit. Requests for extensions shall be reviewed in the same manner as the original special exception request.

b. Conditions of Approval

The Board of Zoning Appeals may approve conditions of development and operations, including, but not limited to, hours of operation, determination of truck hauling routes, additional setbacks from residential areas, conditions related to the proposed end use and rehabilitation plan, periodic review of the permit, periodic reports by the operator on the status of the project, or other conditions as may be warranted to meet the intent of this chapter.

6) Seasonal Sales

Seasonal sales of, including but not limited to, Christmas trees and fireworks are permitted for up to 60 days per calendar year in zoning districts where similar retail sales are permitted as a permanent use.

7) Sexually Oriented Businesses

All sexually oriented businesses shall be permitted only as a special exception and shall require a Sexually Oriented Business Permit to be obtained prior to establishment, location, or operation and renewed yearly.

A) Location

A sexually oriented business shall not be located, established, operated within, or enlarged so as to be within one thousand (1,500) feet of:

- A church or other place of worship;
- A public or private elementary or secondary school;
- A boundary of any residential zoning district;
- A public park adjacent to any residential zoning district;
- The property line of a lot devoted to residential use; or
- Any other sexually oriented business.

For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of any of the uses listed above. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

B) Operations

The establishment of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business, shall not be permitted.

C) Sexually Oriented Business Permit**a. General Provisions**

- i.* A valid sexually oriented business permit issued by the county for the particular type of business shall be obtained prior to the establishment of or operation of a sexually oriented business.
- ii.* An application for a permit must be made on a form provided by the Washington County Planning and Building Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- iii.* The applicant must be qualified according to the provisions of this section, and the premises must be inspected and found to comply with the law by the health department, fire department, and the Planning and Building Department.
- iv.* The permittee shall, within thirty (30) days after the issuance of the permit referred to herein, deliver to the Planning and Building Department a list containing the names and addresses of all employees. The permittee shall update the list within thirty (30) days of any change or addition of employees. This list, or update, shall be signed, under oath, by the permittee.
- v.* If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant.
- vi.* The fact that a person possesses other types of state or county permits does not exempt them from the requirement of obtaining a sexually oriented business permit.
- vii.* The Building Commissioner shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:
 - An applicant is under eighteen (18) years of age.
 - An applicant or an applicant's spouse is overdue in his payment to the county of taxes, fees, fines, or penalties assessed against or imposed upon him in relation to a sexually oriented business.
 - An applicant has failed to provide information reasonably necessary for the issuance of the permit or has falsely answered a question or request for information on the application form.
 - An applicant is residing with a person who has been denied a permit by the county to operate a sexually oriented business within the preceding twelve (12) months or is residing with a person whose permit to operate a sexually

oriented business has been revoked within the preceding twelve (12) months.

- The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the Planning and Building Department as complying with applicable laws and ordinances.
- The permit fee has not been paid.
- An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

viii. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

b. Issuance of Permit

- i.* Regulations Pertaining to the Exhibition of Sexually Explicit Films or Videos
A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
- Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;
 - The application shall be sworn to be accurate and correct by the applicant;
 - No alteration in the configuration or location of a manager's station may be made without the prior approval of the sheriff or his designee;
 - The owners and operators of the premises must ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;

- The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station;
- It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in this ordinance remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this ordinance;
- No viewing room may be occupied by more than one (1) person at any time;
- The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level and;
- It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times and that any patron is present on the premises.
- A person having a duty under this ordinance, as listed above, commits a violation if they knowingly fail to fulfill that duty.

D) Exemptions

A modeling class operated in accordance with the requirements below shall be exempt from the issuance of a sexually oriented business permit. It shall not constitute a "sexually oriented business" or an "adult use." The modeling class shall be operated:

- a.** By a school licensed by the State of Indiana; a college, junior college, or university supported entirely or partly by taxation;
- b.** By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;

or In a structure:

- a.** which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

- b.* where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
- c.* where no more than one (1) nude model is on the premises at any one time.

E) Inspection

- a.* An applicant or permittee shall permit representatives of the Washington County Sheriff's Department, any local fire department, Washington County Planning and Building Department, or other County departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.
- b.* A person who operates a sexually oriented business or his agent or employee violates this ordinance if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

F) Expiration of Permit

- a.* Each permit shall expire one (1) year from the date of issuance and may be renewed only by making an application as provided in the above Subsection, Issuance of a Permit. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected. 515.6.2 When the Planning Administrator denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial.
- b.* If subsequent to denial, the Planning Administrator finds that the basis for denial of a renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the denial became final.

G) Suspension

The Building Commissioner shall suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee has:

- a.* Violated or is not in compliance with any section of this Ordinance;
- b.* Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- c.* Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; and
- d.* Knowingly permitted gambling by any person on the sexually oriented business premises.

H) Revocation

- a.* The Building Commissioner shall revoke a permit if a cause of suspension as listed above occurs and the permit has been suspended within the preceding twelve (12) months.
- b.* The Building Commissioner shall revoke a permit if he/she determines that:

- i.* A permittee gave false or misleading information in the material submitted to the Planning and Building Department during the application process;
 - ii.* A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - iii.* A permittee or an employee has knowingly allowed prostitution on the premises;
 - iv.* A permittee or an employee has knowingly operated the sexually oriented business during a period when the permittee's permit was suspended;
 - v.* A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises; or
 - vi.* A permittee is delinquent in payment to the County or State for any taxes or fees past due.
- c.* When the Building Commissioner revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective. If subsequent to revocation, the Building Commissioner finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

I) Transfer of Permit

A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit any place other than the address designated in the application.

J) Violations

Sexually Oriented Business Injunction. A person who owns real estate upon which a sexually oriented business is located, operates, or causes a sexually oriented business to be operated without a valid permit or in violation of the Sexually Oriented Business Permit is subject to a suit for injunction as well as prosecution for violations. Such violations shall be punishable by a fine of two thousand five hundred dollars (\$2,500.00) per violation. Each day that a violation exists shall constitute a separate offense. The suit may be commenced by the Washington County attorney or the Prosecuting Attorney of the applicable Judicial Circuit of Indiana.

8) Telecommunication Facilities

A) Purpose and intent

Washington County intends 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.

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 ensure the most economical use of land and to prevent the proliferation of duplicative services.

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.

B) Application Requirements

- a)* Contact information (name, address, and phone number) for whoever is responsible for maintenance purposes, as well as the owner/operator. Information shall be continuously updated at all times throughout business operations.
- b)* Legal Description of the subject tract or leased area.
- c)* Elevation drawings and construction details of all existing and proposed wireless communication facilities, including all accessory structures.
- d)* Description of the purpose of the WCT with specific reference to the provider's coverage range, capacity, goals, and objectives
- e)* Inventory of all existing towers, antennas, or sites approved for towers that are within two (2) miles of the proposed site.
- f)* A list of all other cellular sites owned and operated by the applicant in the jurisdictional area of unincorporated Washington County.
- g)* A description of compliance with this section and all applicable federal, state, and local laws.
- h)* A notarized description of the performance guarantee is 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 six continuous months.
- i)* In an effort to promote collocations on existing towers, a written agreement must be presented to allow facility collocation.
- j)* For any proposed tower construction within a five (5) mile radius of the established Washington County Airport Overlay District, A Certified letter must be sent to the Salem Municipal Airport Authority in addition to all adjoining landowners.

C) Collocations & Antennas

- a)* Collocations and the addition of antennas must be permitted through the Washington County Planning & Zoning Office.
- b)* The Building Commissioner may approve wireless communication antennas placed on the rooftops of buildings or utility structures 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

- a) 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.
- b) 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	
Agricultural Zoning Districts	35.00'
Recreational Zoning Districts	35.00'
Residential 1 Zoning Districts	30.00'
Residential 2 Zoning Districts	30.00'
Commercial Zoning Districts	50.00'
Industrial Zoning Districts	75.00'

F) Access

All parcels occupying tower locations must have adequate legal access.

G) Removal

The owner shall remove wireless communication facilities 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 the removal of any structure used for wireless communication in an amount that 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.

9) Aerostat Aircraft**A) Purpose and Intent**

- a) Washington County intends to regulate the location and use of aerostat balloons and equipment to retain the integrity of the character and aesthetic quality of its jurisdiction.
- b) Assure the safety of aircraft being utilized for, but not limited to, agricultural protection, private transportation, public transportation, and air medical services.

B) Application Requirements

- a) Contact information (name, address, and phone number) for whoever is responsible for maintenance purposes, as well as the owner/operator. Information shall be continuously updated throughout business operations.
- b) Legal Description of the subject tract or leased area.
- c) Geographic coordinates and construction details of the proposed equipment.
- d) Description of the purpose of the apparatus with specific reference to the provider's coverage range, capacity, goals, and objectives.
- e) A description of compliance with this section and all applicable federal, state, and local laws.

C) Operating Limitations

- a) The operation of an aerostat balloon within a ten (10) mile radius of an existing airstrip (private or public) is prohibited.
- b) The operation of an aerostat balloon within agricultural (AG) zoning district(s) is prohibited.
- c) The operation of an aerostat balloon within a (1) mile radius of any underground gas pipeline is prohibited.
- d) The operation of all free-flying, otherwise known as non-tethered, aerostat balloon(s), is prohibited.
- e) Lighting
 - 1. Aerostat balloon, moored balloon, or kite shall not be operated between sunset and sunrise unless the balloon or kite, and its mooring lines, are lighted so as to give a visual warning equal to that required for obstructions to air navigation in the FAA publication "Obstruction Marking and Lighting."
 - 2. No person may operate an aerostat balloon, moored balloon, or kite between sunrise and sunset unless its mooring lines have colored pennants or streamers

attached at not more than 50-foot intervals beginning at 150 feet above the surface of the earth and visible for at least one mile.

3. A lighting operation report shall be submitted to the Planning and Zoning office every Monday by twelve (noon) Eastern Time.
 4. Any maintenance requirement not met will be issued a fine of \$1000 per occurrence and an additional \$500 for every day that requirements remain neglected.
- f) The operation of an aerostat balloon less than five hundred (500) from the base of any cloud is prohibited.
- g) The operation of an aerostat balloon that is more than five hundred (500) from the surface of the earth is prohibited.
- h) The operation of an aerostat balloon from an area where the ground visibility is less than three (3) miles is prohibited.

D) Notice Requirements

- a) No person may operate an unshielded aerostat balloon, moored balloon, or kite more than 150 feet above the surface of the earth unless at least 24 hours before beginning the operation and gives the following information to the Washington County Planning & Zoning Office, as well as the FAA ATC facility that is nearest to the place of intended operation:
1. The names and addresses of the owners and operators.
 2. The size of the balloon or the size and weight of the kite.
 3. The location of the operation.
 4. The height above the surface of the earth at which the balloon or kite is to be operated.
 5. The date, time, and duration of the operation.

10) Commercial Solar Farms

Commercial Solar Farms are required to follow the guidelines of Indiana State Senate Bill 411, passed on March 11, 2022.

**CHAPTER 11
ADMINISTRATION & ENFORCEMENT****Chapter 11-1 Administration and Enforcement**

This section shall provide details on the administration of land use in Washington County.

11-2 Washington County Planning & Zoning

- 1) The appointed Building Commissioner shall administer the duties of the Washington County Planning & Zoning Office and shall include, but are not limited to the following:
 - A) Administer and enforce the Washington County Zoning Ordinance, Subdivision Control Ordinance, Code Enforcement Ordinance, Building Regulations Ordinance, Floodplain Management Ordinance, and any other ordinances deemed necessary by the Commission.
 - B) Establish and maintain an effective method for administering Improvement Location Permits.
 - C) Perform on-site building inspections and provide reports for all new residential construction within the jurisdiction of Washington County, per the minimum construction standards in the International Residential Code, as amended. (Washington County Code of Ordinance - Title XV: Land Usage, Chapter 150 – Building Regulations)
 - D) Establish and maintain an effective method for administering the Physical Address Numbering System.
 - E) 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 procedures and interpretation, and other related issues under the jurisdiction of this office.
 - F) Maintain and update the Zoning Maps of Washington County.
 - G) Act as secretary to the County Plan Commission and the Board of Zoning Appeals.
 - H) 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.
 - I) Ensure that all development activities within the Special flood hazard areas of the jurisdiction of Washington County meet the requirements of the Washington County Floodplain Management Regulations (Washington County Code of Ordinance - Title XV: Land Usage, Chapter 151 – Floodplain Management Regulations)
 - J) Maintain a record of the "as built" elevation of all new and/or substantially improved buildings constructed in the Special Flood Hazard Areas.

Chapter 11-3 Planning Commission**1) Establishment & Organization**

- A) The Washington Planning Commission is established, with membership as provided by state

statute.

- B) At the first meeting of each calendar year, the board shall elect a chairperson and a vice-chairperson from among its members. Consistent with state statutes, it may appoint and fix the compensation of a secretary and employees as it considers necessary to perform its duties.
- C) The board shall prescribe regulations as 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, records of all examinations and other official actions, make all findings in writing, and record each member's vote on each question. Minutes and records shall be filed in the board's office and made available to the public.

2) Duties

- A) Recommendations
 - a) The board shall make recommendations to the appropriate legislative body regarding the adoption and amendment of the county comprehensive plan, zoning ordinance, maps, and subdivision control ordinance.
 - b) The board shall make recommendations to the appropriate legislative body regarding special exceptions, rezones, and vacations in accordance with state statutes.
- B) The board shall approve or deny plats in accordance with the county's subdivision control ordinance – Chapter 13.
- C) Establish advisory committees as necessary, composed of specific members and organized for specific purposes.

3) Hearings

- A) The board shall hold a public hearing on an application for a rezone, vacation, or plat review and on an appeal of the Building Commissioner's decision.
- 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.
- E) No person (including applicants or other interested parties) may communicate directly with any member of the Plan Commission before a hearing with the intent to influence the member's action on a matter pending before the board. Written comments may be provided to the Plan Director for distribution to the Board members.
- F) Members of the board may make on-site visits prior to the hearing, provided no communication is made in violation of subsection (E). If the board visits as a group, the visit shall be open to the public.

Chapter 11-4 Board of Zoning Appeals**1) Establishment and Organization**

- A)** The Washington County Board of Zoning Appeals is established, with membership as provided by state statute.
- B)** At the first meeting of each calendar year, the board shall elect a chairperson and a vice-chairperson from among its members. Consistent with state statutes, it may appoint and fix the compensation of a secretary and employees as it considers necessary to perform its duties.
- C)** The board shall adopt rules of procedure concerning the filing of appeals, applications, public notice, hearing conduct, and the determination of whether an application is for a special exception or a variance from the developmental standards.
- D)** The board shall prescribe regulations as necessary to carry out this chapter.
- E)** Meetings of the Board shall be open to the public.
- F)** The board shall keep minutes of its meetings, records of all examinations and other official actions, make all findings in writing, and record each member's vote on each question. Minutes and records shall be filed in the board's office and made available to the public.

2) Hearings

- A)** The board shall hold a public hearing upon application for a special exception or technical variance and upon appeal from the decision of the Building Commissioner.
- 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.
- E)** No person (including applicants or other interested parties) may communicate directly with any member of a Board of Zoning Appeals before a hearing with intent to influence the member's action on a matter pending before the board. Written comments may be provided to the Plan Director for distribution to the Board members in a manner consistent with the Board's Rules of Procedure.
- F)** Members of the board may make on-site visits prior to the hearing, provided no communication is made in violation of subsection **(E)**. If the board visits as a group, the visit shall be open to the public.

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) Any person adversely affected by a decision of the Building Commissioner enforcing this chapter may appeal to the board. The filing fee is \$75, payable to the Plan Commission for deposit in the county's General Fund.
- B) On appeal, the board may make any decision that the Building Commissioner might have made. A board decision is subject to review by certiorari.

Chapter 11-5 Special Exception

Any use requiring a special exception in its designated zoning district may only be established or expanded with the approval of the Board of Zoning Appeals under the procedures established in this chapter.

1) Petition

Applicants seeking a special exception shall submit the petition accompanied by the required filing fee & supporting documentation to the Building Commissioner, including, but not limited to, the following:

- A) Site Plan or Sketch in accordance with Section 12.
- B) Written Commitments are being made as part of the petition.

2) Public Notice

- A) 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.
- B) Public notice setting forth the time and place shall be given via certified receipt requested letter to all adjoining property owners.
- C) Proof of Publication from the newspaper and all certified mailing receipts shall be submitted to the Building Commissioner prior to the public hearing.
- D) Public notice is to be furnished by the Building Commissioner.

3) Initial Hearing

The Plan Commission will review the special exception petition and required supporting information in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates. Afterward, the Commission will pass the application on to the Board of Zoning Appeals with a favorable, unfavorable, or no recommendation.

4) Public Hearing

The Board of Zoning Appeals will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the special exception petition 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 Board's Rules of Procedure.
- B) **Possible Action:** The Board of Zoning Appeals may approve, approve with conditions, deny, or continue the petition.
 - a. **Approval** - The petition may be approved if findings of fact are made consistent with the requirements of section 11-3 (5).
 - b. **Approval with Conditions** - The petition may be approved with conditions if the Board of Zoning Appeals determines that the required findings of fact may be made if written commitments are applied to the application.
 - c. **Denial** – The petition shall be denied if findings of fact consistent with the requirements of 11-3 (5) are not made.
 - d. **Continued** - The board may continue the petition based on a request by the Building Commissioner, 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.

5) Decision Criteria

The board may grant special exception 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 injure the public health, safety, or general welfare of the community. The development will be adequately served 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 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.

6) Use expansion

A use authorized as a special exception 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 approval.

7) Timely Order

Upon approval, the applicant has 12 months to obtain a location improvement permit. However, in the scenario where the board's 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 11-6 Developmental Standards Variance

Any use varying from the developmental standards of this ordinance in its designated zoning district may only be established or expanded with the approval of the Board of Zoning Appeals following the procedures and requirements of this chapter.

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

- A) Site Plan or Sketch in accordance with Section 12.
- B) Written Commitments are being made as part of the petition.

2) Public Notice

- A) 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.
- B) Public notice setting forth the time and place shall be given via certified receipt requested letter to all adjoining property owners.
- C) Proof of Publication from the newspaper and all certified mailing receipts shall be submitted to the Building Commissioner prior to the public hearing.
- D) Public notice is to be furnished by the Building Commissioner.

3) Public Hearing

The Board of Zoning Appeals will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the Variance petition 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 Board's Rules of Procedure.
- B) **Possible Action** - The Board of Zoning Appeals may approve, approve with conditions, deny, or continue the petition.
 - a) **Approval** - The petition may be approved if findings of fact are made consistent with the requirements of section 11-3 (5).
 - b) **Approval with Conditions** - The petition may be approved with conditions if the Board of Zoning Appeals determines that the required findings of fact may be made if specific written commitments are applied to the application.
 - c) **Denial** – The petition shall be denied if findings of fact consistent with the requirements of 11-3 (5) are not made.

- d) **Continued** - The board may continue the petition based on a request by the Building Commissioner, 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.

4) Decision Criteria

The board may grant Use Variance approval for any use listed as "Use Variance" 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 injure the public health, safety, or general welfare of the community. The development will be adequately served 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 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 11-7 Zoning Map Amendments - Rezones

Proposals for Zoning Map Amendments may be initiated by either the Plan Commission or legislative body of jurisdiction or through an application signed by property owners of at least 50% of the land involved.

- 1) **Petition** - Applicants seeking Rezone approval shall submit the application accompanied by the required filing fee and all supporting documents to the Washington County Building Commissioner, including, but not limited to, the following:
 - A) Site Plan in accordance with Section 12.
 - B) Written Commitments are being made as part of the petition.

2) Initial Hearing

The Plan Commission will review the Rezone petition and required supporting information in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates and then set the application for a public hearing.

3) Public Notice

- A) 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.
- B) Public notice setting forth the time and place shall be given via certified receipt requested letter to all adjoining property owners.
- C) Proof of Publication from the newspaper and all certified mailing receipts shall be submitted to the Building Commissioner prior to the public hearing.
- D) Public notice is to be furnished by the Building Commissioner.

4) Public Hearing

The Plan Commission will review the Rezone petition and required supporting information in a public hearing set at the initial hearing and scheduled consistent with the adopted Calendar of Filing and Meeting Dates.

- A) **Procedures** - The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Board's Rules of Procedure.
- B) **Possible Action** - The Commission shall either forward the application to the legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation or continue the request.

5) Legislative Body Action

The legislative body shall vote on the proposed rezoning ordinance within 90 days of the Plan Commission certifying it (per IC 36-7-4-608).

If approved, the map amendment and ordinance are recorded. The written commitments must be recorded in the office of the Washington County Recorder within 90 days of the legislative body's adoption of the rezoning ordinance.

Chapter 11-8 Vacation

An application may initiate petitions for vacation of a public way.

- 1) **Petition** - Applicants seeking vacation shall submit the application accompanied by the required filing fee and all supporting documents to the Washington County Building Commissioner, including, but not limited to, the following:
 - A) Site Plan in accordance with Section 12.
 - B) Written Commitments being made as part of the petition.

2) Initial Hearing

The Plan Commission will review the vacate petition and required supporting information in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates and then set the application for a public hearing.

3) Public Notice

- A) 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.
- B) Public notice setting forth the time and place shall be given via certified receipt requested letter to all adjoining property owners.
- C) Proof of Publication from the newspaper and all certified mailing receipts shall be submitted to the Building Commissioner prior to the public hearing.
- D) Public notice is to be furnished by the Building Commissioner.

4) Public Hearing

The Plan Commission will review the vacate petition and required supporting information in a public hearing set at the initial hearing and scheduled consistent with the adopted Calendar of Filing and Meeting Dates.

- A) **Procedures**—The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Board's Rules of Procedure.
- B) **Possible Action** - The Commission shall either forward the application to the legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation or continue the request.

5) Legislative Body Action

The legislative body shall vote on the proposed vacate ordinance within 90 days of the Plan Commission certifying it (per IC 36-7-4-608).

If approved, the vacation and ordinance will not become effective until the written commitments are recorded. The written commitments must be recorded in the office of the Washington County Recorder within 90 days of the legislative body's adoption of the rezoning ordinance.

Chapter 11-9 Building Regulations

All persons proposing to construct, modify, repair, remodel, relocate, or convert from one occupancy class to another, any building within the unincorporated area of the county, or make included installations therein, are hereby apprised that there exist certain state-wide building construction and safety standards with which they must comply, as applicable, under state administrative law (675 I.A.C.).

These Building Regulations are set forth in the Washington County Code of Ordinance - Title XV: Land Usage, Chapter 150 – Building Regulations.

Chapter 11-10 Floodplain Management Regulations

No structure shall be located, extended, converted or structurally altered within the Special Flood Hazard Area without full compliance with the terms of the Washington County Floodplain Management Regulations set forth in the Washington County Code of Ordinance - Title XV: Land Usage, Chapter 151 – Floodplain Management Regulations.

Chapter 11-11 Fees

Fees for all applications or petitions 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.

- 1) 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.

Chapter 11-12 Violations**1) Unlawful Acts**

It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, or demolish a building or use/develop land in conflict or violation of any of the provisions of this ordinance.

2) Notice of Violation

The Building Commissioner is authorized to serve notice of violation or order on the person responsible for the action in violation of the provisions of this ordinance. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

3) Prosecution of violation

Suppose the notice of violation is not complied with in the time prescribed by such notice. In that case, the Building Commissioner is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation with the provisions of this ordinance or the order or direction made pursuant thereto.

4) Fines & Penalties

Per Indiana Code 36-1-3-8, if an applicant or petitioner violates any provision of this ordinance, Washington County may prescribe a fine of no more than two thousand five hundred dollars (\$2,500) for the first violation. For any subsequent violation, a fine of no more than seven thousand five hundred dollars (\$7,500) may be prescribed.

CHAPTER 12
IMPROVEMENT LOCATION PERMITS

12-1 Improvement Location Permits

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 conforms with the provisions of this ordinance, the subdivision control ordinance, and other regulations of Washington County, as applicable. The issuance of the Improvement Location Permit shall be subject to the applicable procedures established by the Building Commissioner.

12-2 Required 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 shall comply with the use, setback, and other requirements of this ordinance. Major activities such as commercial or industrial uses require an 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 or Survey
Accessory Structures Within Approximately (20) ft. From Property Line	Site Plan or Survey
Accessory Structure Distinctly Over (20) 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
Manufactured Homes Distinctly (20') from Property Line	Sketch Plan
Agricultural Structures	Sketch Plan
Additions Distinctly (20') from Property Line	Sketch Plan
Rezone Petition	Site Plan
Special Exception Petition	Site Plan
Vacation	Site 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. However, a "sketch plan" will still be required when applying for permit approval.

12-3 Site & Sketch Plan Requirements

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 (State Road- 100', County Road- 50', Residential- 10', Accessory Building- 5')		X
Location of proposed or existing septic system		X
Location of Existing Driveway	X	X
Fences		X

12-4 Improvement Location Permit Requirements

- 1) **Application** - Improvement location application forms must be filled out in their entirety and to the best of the applicant's knowledge. Missing or Inaccurate Information could delay the reviewing process. If you have any questions about the application, please contact our office via Phone or Email.
- 2) **Septic Permit** - The Washington County Health Department or municipal sewage department must provide a copy of all permits issued for septic/sewer.
- 3) **Driveway Permit**- A copy of the driveway permit issued by the Washington 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.
- 4) **Record Deed (Copy)** - Legal Description must be current and carry the stamp of the Washington County Recorder. Copies of all Legal Descriptions are available in the Washington County Recorder's Office.
- 5) **Site Plan** - The exact location of the structure or improvement to be constructed on the property is required in compliance with the rules and regulations of this Section.
- 6) **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 Washington County Recorder's or Surveyor's Office.

- 7) **Mobile Home Tax Release** - If applicable, Mobile Home Tax Releases can be acquired from the Washington County Treasurer's Office.

12-5 Records

A record of each Improvement Location Permit shall be kept in the office of the Washington County Building Commissioner, per the State of Indiana's record retention schedule. Upon request, a copy shall be furnished to any person having an interest in the premises concerned.

12-6 Building Regulations

All structures permitted by the Washington County Planning & Zoning office shall comply with the building regulations set forth in the Washington County, Indiana Code of Ordinances *Title XV: Land Usage, Chapter 150: Building Regulations*.

CHAPTER 13
SUBDIVISION CONTROL**13-1 Subdivision Control**

This chapter shall establish regulations pertaining to the division of land in Washington County, pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the county.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until adequate infrastructure and services exist or are guaranteed in accordance with this ordinance and proper provisions have been made for drainage, water, sewage and public facilities such as parks, recreational facilities, streets, and sidewalks.

Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the County Zoning Ordinance and are approved by the County Health Department. All wells and septic systems must conform to the State regulations promulgated by the Department of Environmental Management (DEM) and the State Board of Health.

Subdivision of land shall fall within one of three classifications of land divisions. When determining which class of subdivision the proposed development falls within, the applicant or agent shall refer to this chapter prior to submitting any of the materials required by this ordinance.

1) Subdivision Classifications

- A) Administrative Subdivision
- B) Minor Subdivision
- C) Major Subdivision

2) Compliance

- A) No parcel shall be created upon the adoption of this ordinance without the approval of the Washington County Surveyor's office.
- B) No proposed parcel shall be advertised as for sale or constructed upon until the Washington County Surveyor's office has approved the subdivision plat.
- C) No parcel or parcel remainder shall be landlocked due to the subdivision of land per state statute.
- D) The provisions of this chapter shall be minimum requirements necessary for the promotion of public health, safety, and general welfare. They shall be liberally construed in favor of the county and shall not be construed to be a limitation or repeal of any other power now possessed by Washington County.

3) Preparation of Subdivision Plats

- A) All subdivision of land shall be accompanied by a plat prepared by a professional land surveyor, licensed in accordance with the laws of the State of Indiana.

- B) All surveys and plats shall be in accordance with Rule 12 of the Indiana Administrative Code and any amendments thereto.
- C) All plats shall be no larger than 24 inches by 36 inches.

13-2 Subdivision Authority

- 1) The County Commissioners shall adopt the Subdivision Control Ordinance and any amendments thereto.
- 2) The County Commissioners shall accept appropriate performance guarantees and maintenance guarantees and shall take such actions as necessary to enforce the terms of those guarantees.
- 3) The Board of County Commissioners shall accept dedications of rights-of-way or public improvements on behalf of the county.
- 4) In accordance with IC 36-7-4-701, after the Subdivision Control Ordinance is adopted, the Washington County Surveyor has exclusive authority over the approval of subdivisions.
- 5) In accordance with IC 36-7-4-701, the County Plan Commission shall adopt a fee schedule for the review and approval of proposed subdivision plats.
- 6) In accordance with IC 36-7-4-701, the County Plan Commission shall establish regulations regarding the hearing and maintaining accurate records of their proceedings.
- 7) In accordance with IC 36-7-4-701, the County Plan Commission shall appoint members to the county's Platting Committee.
- 8) The Plat Committee is authorized to grant Primary Approval, without notice or hearing, of a minor subdivision that complies in all respects with the standards of this ordinance, subject to the right to appeal to the Plan Commission.
- 9) The Plat Committee shall keep accurate records of its proceedings and shall operate in accordance with the Plan Commission Rules of Procedure.
- 10) The Plan Commission shall appoint a technical review committee, at their discretion, to assist with the technical review of proposed subdivisions. The technical review committee may make recommendations at the discretion of the Plan Commission.

13-3 Administrative Subdivisions

This section shall provide procedures for subdivisions that include less than five (5) parcels (including the parent tract), changes in existing parcel lines & proposed utility and access easements. These subdivisions do not substantially affect the county's comprehensive plan, require new or the extension of public roads or public utilities and are exempt from the approval of the Washington County Plan Commission or Plat Committee.

1) Applicability

This section shall apply to the following proposed subdivisions:

- A) The division of land into no more than five parcels (including the remainder of the parent tract) of at least two acres.
 - a. The proposed subdivision shall not include any new streets (public or private).
 - b. Each parcel shall have a minimum of fifty (50) feet of deeded access.

- c. Each parcel shall have a minimum lot width of one hundred and fifty (150) feet, measured at the front building line.
- d. Tracts exceeding ten (10) acres are exempt and are not included in the five parcel (including the remainder) maximum requirement.
- e. Newly created parcels accessed exclusively by easements shall be labeled as "Non-Residential Building Tracts," and the subject easement shall be labeled as "Agricultural or Recreational Access Easement."

B) Transfer Areas

When a landowner is purchasing property from an adjoining landowner that an existing parcel will encompass, the transfer shall be deemed an administrative subdivision.

The subject transfer area shall be labeled as such and hatched. This is to denote the intent of the plat. This parcel shall not be sold or transferred as a residential building tract unless adequate access, acreage, and frontage are provided.

C) A replat which only involves the following:

- a. The removal or relocation of an existing parcel line, resulting in no more parcels than originally platted.
- b. The changing of a notation described on the plat in error.

D) The subdivision of land pursuant to an allocation of land by court decree.

E) The subdivision of land for the acquisition by the public or by a utility for right-of-way or easement.

F) A division of land into cemetery plots for the burial of corpses.

2) Standards

All proposed administrative subdivisions shall be submitted with a survey plat and metes and bounds legal description, prepared by and carrying the seal & signature of a licensed land surveyor or engineer.

3) Approval & Recording

A) Administrative Subdivisions shall be submitted to the Washington County Surveyor for review & approval.

B) The Washington County Recorder shall not accept or record an administrative subdivision unless it carries the stamp and approval of the Washington County Surveyor.

13-4 Minor Subdivision

This section shall provide procedures for subdivisions that include more than five (5) parcels (including the parent tract) and no more than eight (8). These subdivisions do not substantially affect the county's comprehensive plan, require new or the extension of public roads or public utilities and shall be approved by the Washington County Plat Committee.

After a subdivision request has been filed, the Building Commissioner shall determine whether the petition may be considered as a minor subdivision. The Building Commissioner's decision may be appealed to the commission.

1) Applicability

This section shall apply to the following proposed subdivisions:

- A)** The subdivision will not impede the orderly development of land or the provision of public services and improvements.
- B)** The subdivision will not interfere with the implementation of the Comprehensive Plan.
- C)** The subdivision will not interfere with the provision of roads to provide access to adjoining or nearby property in the event that such property is developed in the future.
- D)** All parcels in the subdivision will have adequate utilities and drainage.
- E)** All parcels will provide suitable building sites in conformity with the Washington County zoning ordinance.
- F)** The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

2) Access

- A)** All proposed parcels shall have adequate ingress & egress without the construction of new streets (public or private) or extension of existing roads.
- B)** The proposed subdivision shall not include access easements for residential building tracts unless approved by the Plat Committee. The Plat Committee shall not approve residential access easements unless all other options have been exhausted and the committee determines that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace and adequate infrastructure exists.
 - a.** All access easements shall be a minimum of 50 feet wide.
 - b.** For all common access easements, a written maintenance agreement shall be submitted and recorded with all landowners who have a shared interest in the proposed easement.
 - c.** In no case shall more than three parcels be accessed by an access easement.
- C)** All lots will have driveway locations that will provide for adequate sight distance and will be spaced appropriately according to County Highway Department or INDOT standards.

3) Filing

An application for approval of a Minor Subdivision shall be filed with the Office of the Surveyor in accordance with what is specified by that office.

4) Review Process

The Plan Commission hereby establishes a plat committee to review and decide petitions for minor subdivisions. The Plat Committee process is as follows:

- A) Approval** – The plat committee shall approve the proposed minor subdivision in accordance with section 5 of this ordinance.
- B) Review** – The plat committee shall review the proposed plat for compliance with this ordinance.
- C) Action** – The plat committee shall be by majority vote.
- D) Notice** – The Plat Committee may approve without public notice and hearing.
- E) Appeal** – A notice of appeal must be filed with the office of the Building Commissioner within ten (10) days. The Washington County Plan Commission shall govern appeals in accordance with the provisions of IC 36-7-4-700.
- F) Certification or Approval** – The Chairman & Secretary shall be authorized to sign the approval block of the proposed plat.

5) Approval**A) Primary Approval**

All requests for primary approval of a minor subdivision shall be submitted with the following:

a. Primary Plat

An original plat prepared by a registered & licensed surveyor or engineer in accordance with the following standards:

- i.** Legal Description(s)
- ii.** Lot numbers, dimensions, and parcel size in acreage or square feet.
- iii.** Boundary lines of any special flood hazard area should be appropriately labeled if applicable.
- iv.** Any existing or proposed easements, including but not limited to access, drainage, and utility.
- v.** Any public right-of-way
- vi.** This ordinance requires all applicable certificates or notations.

B) Final Approval

After all conditions of primary approval have been met, the applicant may request final approval. If the plat committee has no amendments & primary approval is granted, final approval may be granted immediately at the discretion of the committee.

C) Length of approval

Primary approval shall be valid for one year unless the Washington County Plat Committee grants an extension. If the plat is not recorded within one year of final approval, the final approval shall be null & void.

D) Filing Fee

Minor Subdivision Applications shall be accompanied by the required filing fee, as established by the County Council.

E) Recording

The approved plat must be recorded in the office of the Washington County recorder within the time limit established in this ordinance, or the approval will be null and void.

13-5 Major Subdivisions

This section shall provide procedures for subdivisions that do not meet the requirements set forth in the “administrative” and “minor” subdivision sections and/or require the extension of roads, utilities, and other infrastructure elements. These subdivisions do not substantially affect the county’s comprehensive plan, require new or the extension of public roads or public utilities and shall be approved by the Washington County Plat Committee.

Major subdivisions require a public hearing, as well as primary and secondary approval, in accordance with the procedures set forth in the Washington County Plan Commission’s Rules of Procedure.

1) Applicability

This section shall apply to the following proposed subdivisions:

- A)** The subdivision will not impede the orderly development of land or the provision of public services and improvements.
- B)** The subdivision will not interfere with the implementation of the Comprehensive Plan.
- C)** The subdivision will not interfere with the provision of roads to provide access to adjoining or nearby property in the event that such property is developed in the future.
- D)** All parcels in the subdivision will have adequate utilities and drainage.
- E)** All parcels will provide suitable building sites in conformity with the Washington County zoning ordinance.
- F)** The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

2) Streets and Access

- A)** All proposed parcels shall have adequate ingress & egress to new or existing roads.

- B) The proposed subdivision shall not include access easements for residential building tracts unless approved by the Plan Commission. The commission shall not approve residential access easements unless all other options have been exhausted, and the committee determines that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace and adequate infrastructure exists.
- C) All access easements shall be a minimum of 50 feet wide.
- D) No more than three parcels shall be accessed by one access easement.
- E) For all common access easements, a written maintenance agreement shall be submitted and recorded with all landowners who have a shared interest in the proposed easement.
- F) All lots will have driveway locations that will provide for adequate sight distance and will be spaced appropriately according to County Highway Department or INDOT standards.
- G) All streets shall include street signage according to the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) as published by the U.S. Department of Transportation, Federal Highway Administration. Where the proposed street will have less than 400 AADT and shall be classified as a local street, the signage may follow the requirements for “Low Volume Roads” in the manual.
- H) Street name signs shall be placed at all street intersections. Urban local / subdivision streets may use a 4" minimum letter height, but street name signs along collector streets or rural streets must follow the MUTCD standards with a 6" minimum height.

3) Utility & Drainage Easements

- A) Easement locations and widths must be coordinated with utility companies to ensure that the needs of each utility will be met.
- B) Easements must maintain a minimum width of 10 feet when located adjacent and parallel to the street right of way. When easements are not along streets, a minimum width of 16 feet shall be provided. When located along lot lines, the easement may be ½ on each side of the lot line.

4) Filing Process & Approval Procedures

An application for approval of a Major Subdivision shall be filed with the Office of the Building Commissioner in accordance with what is specified by that office.

The following review process shall be followed when considering a Major Subdivision:

A) Conceptual Plan Review Procedure

- a) Upon the filing of an application, the applicant shall be placed on the Plan Commission agenda for consideration at their next regularly scheduled meeting.
- b) Prior to the Commission meeting, the Building Commissioner shall review the concept plan.
- c) The commission shall review the proposed concept plan at a public meeting. The Building Commissioner will present comments on the proposed subdivision at this time.

The commission will discuss the proposed subdivision and guide the applicant as to the suitability and feasibility of the proposed design and layout.

- d) The commission shall, by motion, duly make and seconded, approve, deny, or continue the concept plan.
- e) The commission shall provide a written record to the applicant of the discussion within 30 days after the meeting at which the proposed plan was discussed.

B) Primary Approval Procedure

- a) After receiving the written record from the conceptual plan review, the applicant may apply for primary approval with the Office of the Building Commissioner in accordance with what is specified by that office.
- b) Upon applying, the applicant shall be placed on the Plan Commission agenda for consideration at their next regularly scheduled meeting.
- c) Prior to the Commission meeting, the Building Commissioner shall review the concept plan.
- d) The commission and its representatives, at its discretion, may visit the proposed site during the review process in accordance with Indiana's Open Door Law.
- e) The commission shall review the proposed primary subdivision plat at a public hearing. Public notice shall be published in accordance with IC 5-3-1 and sent in compliance with the Commission's Rules of Procedure.
- f) The applicant shall present to the commission at the public hearing, and the commission shall make a decision regarding the application. The commission shall make findings of facts as to compliance with the subdivision request.
- g) The commission shall, by motion duly made and seconded, approve, deny, or continue an application. If the commission denies the application, it shall provide written findings that set forth the reasoning, and the Building Commissioner shall sign the decision and provide the applicant with a copy within 30 days after the public hearing.
- h) If the commission grants primary approval, two Commission officers shall sign the primary certificate.

C) Secondary Approval Procedure

- a) After the conditions of primary approval have been met, the applicant may apply for secondary approval with the Office of the Building Commissioner in accordance with what is specified by that office.
- b) The Building Commissioner shall review the secondary plat to determine if it is compliant with the primary approval conditions. If the subdivision plat varies from the primary approval and conditions, the subdivision will not receive secondary approval. Deviation from the primary approval must be submitted and approved by the commission.

- c) Subdivisions, including public improvements or dedication of right-of-way, shall require acceptance by the Board of Commissioners and must be installed in accordance with the approved plans. Guarantees of performance shall be required as specified in this ordinance.
- d) Upon secondary approval by the Building Commission, acceptance of the Board of Commissioners, and submittal of all guarantees of performance, the Building Commissioner shall sign the proposed plat as approved.
- e) The secondary plat must be recorded with the Washington Recorder prior to the expiration date, or it will be null and void.

5) Conceptual Plan Review

Before filing a major subdivision, applicants are required to present a conceptual plan for the proposed subdivision to the Plan Commission for approval.

In order to assist the applicant in preparing an acceptable major subdivision proposal, the Plan Commission shall review and discuss the concept plan with the applicant and/or his/her representatives. The purpose of this discussion is to enable the applicant to receive guidance from the commission as to the suitability of the land for the development proposed and as to the pattern of development the commission considers to be in the best interest of the county.

Accurate surveys and detailed engineering data are not required nor recommended at this stage in the subdivision process.

A) Required Conceptual Plan Materials

All applications for concept plan review shall be accompanied by the materials listed in this section:

- a) North arrow and date
- b) Approximate site boundary of proposed subdivision
- c) Existing zoning classification
- d) Existing County or State Roads that will serve the proposed subdivision
- e) General soil classifications and drainage patterns.
- f) Existing features of the site, including streams, ponds, floodplains, wooded areas, or structures.
- g) All existing utilities and utilities that will be serving the proposed subdivision
- h) Proposed street layout
- i) Proposed lot layout: Any areas designated for open space or common areas, including retention areas.

B) Commission Approval

Conceptual plan approval shall be valid for a period of one year from approval. If the applicant fails to apply for primary approval within one year, the subject conceptual approval shall be null and void.

Prior to guiding the applicant, the Plan Commission shall consider the following:

- a) Subdivision location and layout in relationship to all existing features and topography.
- b) Traffic patterns and circulation
- c) Drainage on-site and in relationship to adjoining property
- d) Utilities, including sewage disposal, water, electricity & other utilities
- e) How the proposed subdivision aligns with the county's comprehensive plan

6) Primary Review & Approval

Upon approval of the conceptual plan, the applicant may request primary approval within one calendar year.

A) Filing Fee

Major Subdivision Applications shall be accompanied by the required filing fee, as established by the County Council.

B) Required Primary Approval Materials

All applications for primary review shall be accompanied by the materials listed in this section:

- a) Lot numbers, dimensions, and lot size in acreage or square feet.
- b) Existing and platted streets intersecting or within the proposed subdivision boundary.
- c) The existing property line, including interior lines, is to be vacated, and the current owner's title is to be vacated per the Washington County Recorder.
- d) Boundary lines of any special flood hazard area should be appropriately labeled if applicable.
- e) Any existing or proposed easements, including but not limited to access, drainage, utility, etc.
- f) Any public right-of-way
- g) All applicable certificates or notations required by this ordinance.
- h) Topographic contours at vertical intervals of five feet are shown on a separate page but on the same scale as the original plat.
- i) Location and size of all existing or proposed permanent features, including but not limited to streets, sewer lines, drains, bodies of water, railroads, transmission lines, legal drains, water mains, culverts, utility lines, hydrants, drainage features, sidewalks, streetlights, etc.
- j) All streets must meet the required specifications of the Washington County Highway Department. The applicant shall provide documentation from the County Highway Superintendent verifying that all proposed roads and right-of-way meet the specifications required.

- k) Delineation of any future phases, if applicable.
- l) Preliminary erosion control plan
- m) Preliminary sewage disposal plan
- n) Preliminary drainage plan & report
- o) Preliminary plans for improvements to existing County roads, if applicable.
- p) Restrictions and covenants for the proposed subdivision, if applicable.
- q) Preliminary plan for all improvements or systems that are to be owned and maintained by the property owners in the subdivision, including the establishment and plan for financing subject improvements.

C) Length of Primary Approval

Primary approval shall be valid for one calendar year unless the Washington County Plan Commission grants an extension. If secondary approval is not granted within one year of primary approval, the primary approval shall be null & void.

7) Secondary Approval

After all conditions of primary approval have been met, the applicant may request secondary approval.

A) Filing Fee

Major Subdivision Applications shall be accompanied by the required filing fee, as established by the County Council.

B) Required Secondary Approval Materials

All applications for secondary review shall be accompanied by the materials listed in this section:

a) Secondary Plat

Original drawings prepared by a registered and licensed land surveyor in accordance with the standards set forth in this ordinance and copies (with the number to be specified by the commission) showing all information listed above (with computed lot dimensions, and sizes) in accordance with the commission's approval.

b) Final Improvement Plan

Final improvement plan detailing all improvements to be installed as approved by the commission.

c) Supporting Documentation

Documentation showing that all conditions of primary approval have been met.

C) Performance Guarantee

A subdivision plat shall only be recorded after a subdivision improvement agreement is accepted by the county and secondary approval granted. Secondary approval shall not be granted until The County Commissioners have either:

- a) Accepted for perpetual maintenance required public improvements. All improvements have been inspected by the Building Commissioner, Highway Superintendent, and/or the county's designated agent and are satisfactorily completed in accordance with the approved plans.
- b) The applicant has posted financial guarantees in an amount equal to 100% of the cost of improvements. The county attorney shall direct the applicant to the form and duration of these performance guarantees. If time extensions of completion are granted, the cost estimate shall be reviewed and increased if necessary.

D) Maintenance Guarantees

As a condition of the acceptance of completed improvements and release of financial guarantees, the applicant shall post, with the County Commissioners, a financial guarantee ensuring the maintenance of the improvements in good repair. This financial guarantee shall be in the form of a surety bond, equal to a minimum of 25% of the performance guarantee, and in effect for a period of three (3) years.

E) Release of Financial Guarantees

Financial guarantees shall not be released until the applicant has completed all public improvements and provided "as-built" plans for the proposed development. A copy of this plan shall be certified by a licensed land surveyor or engineer and be submitted to the office of the Building Commissioner & Highway Superintendent.

F) Length of Secondary Approval

Secondary approval shall be valid for eighteen months unless the Washington County Plat Committee grants an extension.

G) Recording

The approved plat must be recorded in the office of the Washington County recorder within the time limit established in this ordinance, or the approval will be null and void.

13-6 Certificates & Notations

A) Surveyor Certificate

An surveyor certificate, in compliance with Rule 12 of the Indiana Administrative Code and any amendments thereto, shall be on all plats.

B) Administrative Subdivision Certificate

An approval certificate for all plats requiring administrative approval shall be on all plats as follows:

ADMINISTRATIVE SUBDIVISION APPROVAL

Under authority provided by IC 36-7-4-700, Subdivision Control, and any amendments thereto, this plat was given Administrative Approval by Washington County, Indiana, as follows:

Approved by the Washington County Surveyor:

_____, 20____.

Washington County Surveyor

C) Primary Approval Certificate

A primary approval certificate for all plats requiring primary approval shall be on all plats as follows:

PRIMARY APPROVAL

Under authority provided by IC 36-7-4-700, Subdivision Control, and any amendments thereto, this plat was given Primary Approval by Washington County, Indiana, as follows:

Approved by the Washington County Plan Commission **or** Plat Committee at a meeting held

_____, 20____.

Chairman

Secretary

D) Improvement Plans Certificate

An improvement Plans certificate for all Major Subdivisions requiring secondary approval shall be on all plats, as follows:

IMPROVEMENT PLANS

This document contains or is a part of the approved improvement plans for the following subdivision: _____.

The improvements to be installed in this subdivision will not be accepted for maintenance by the County of Washington unless and until all improvements shown hereon have been installed and are in substantial compliance with these plans.

County Highway Engineer

Date

E) Dedication Certificate

A dedication certificate for all Major Subdivisions requiring secondary approval shall be on all plats as follows:

COUNTY COMMISSIONERS DEDICATION ACCEPTANCE

Be it resolved by the County Commissioners of Washington County, Indiana, that the dedications shown on this plat are hereby approved and accepted this _____ day of _____, 20____ .

President

Vice President

Member

F) Private Access Easement Notation

Plats containing private access easements, as approved by the Plat Committee or Plan Commission, shall include the following notation:

This plat contains property shown as private [access easements]. The property owners shall assume the responsibility for maintenance and snow removal and not by the county.

DEFINITIONS
A GLOSSARY OF TERMS

Accessory Building: A subordinate structure detached from the principal structure on a parcel of land.

Accessory Encroachments: Minor structural elements like ramps, window wells, eaves, and gutters that are not subject to setback requirements.

Addition: Any walled and roofed expansion connected to a structure by a common load-bearing wall.

Administrative Subdivision: A type of subdivision that includes less than five parcels, changes in existing parcel lines, and proposed utility and access easements.

Agricultural District (AG): A zoning district designed for areas primarily used for agricultural purposes.

Agritourism: Commercial activities conducted on working farms for recreational and educational purposes, such as pumpkin patches, corn mazes, and hay rides.

Airport Overlay District: A district established to regulate land use around airports to ensure safety and minimize noise conflicts.

Alley: A narrow, paved public thoroughfare providing access to the rear of properties.

Animal Feeding Operations (AFO): Agricultural operations where animals are confined and fed for a total of 45 days or more in any 12 months.

Automobile Storage Yards: Areas designated for the outdoor storage of wrecked, dismantled, or inoperable vehicles.

Bed and Breakfast: A lodging establishment operated in a private residence with a maximum of five guestrooms.

Board of Zoning Appeals: A body with the power to grant variances to the zoning ordinance.

Building Commissioner: An appointed official responsible for administering and enforcing the zoning ordinance and building codes.

Building Design Requirements: Specific standards for building materials, facades, and roofs in industrial zoning districts.

CAFO (Confined Animal Feeding Operation): An AFO that meets specific size and operational criteria, requiring more stringent regulations due to its potential environmental impact.

Child Care Facilities: Commercial establishments providing care for children.

CFO (Confined Feeding Operation): An AFO where animals are confined for at least 45 days in any 12 months, and crops, vegetation, or forage growth are not sustained in the area during the regular growing season.

Commercial District (C): A zoning district for commercial, retail, and service land uses serving a regional market.

Commercial Solar Farms: Large-scale solar energy generation facilities.

Comprehensive Plan: A guiding document outlining the long-term development goals and strategies for the county.

Conformance: Alignment with the requirements and standards of the zoning ordinance.

Confined Feeding Operations: Agricultural operations where animals are kept and raised in confined spaces.

Construction: The act of building, erecting, or assembling a structure.

Corner Lot: A lot located at the intersection of two or more streets, subject to specific setback requirements.

Density: The number of dwelling units or livestock permitted per unit of land area.

Development: Any man-made change to improved or unimproved real estate, such as construction, installation of utilities, or earthmoving operations.

Development Requirements: Standards for building design, landscaping, and lot coverage in commercial and industrial districts.

Duplex: A residential building containing two separate dwelling units. [See Table on Page 15]

Electric Signs: Illuminated signs, including electronic variable message signs, are subject to specific regulations.

Event Centers and Venues: Facilities designed to host events like agritourism activities, weddings, or meetings.

Exempt Signs: Signs such as traffic signs, flags, and building names that are not subject to the general sign regulations.

Façade: The exterior face of a building.

Façade Standards: Requirements for building facades in commercial districts, including the use of brick/masonry materials.

Farm Confined Feeding: Agricultural operations involving the concentrated feeding of livestock in confined structures. [See Table on Page 11]

Flood Control Ordinance: Regulations aimed at reducing flood damage and preserving natural resources in floodplains.

Flood Hazard Area: Land areas susceptible to flooding, requiring specific development regulations.

Floodplain: The land area adjacent to a body of water that is subject to inundation during floods.

Food Sales and Service: Businesses involved in the preparation and sale of food, subject to permitting requirements.

General Provisions: Basic regulations applicable to all zoning districts, such as restrictions on building construction and land use changes.

Grandfathered Exemptions: Exemptions from specific setback requirements for structures built before the enactment of the zoning ordinance.

Greenspace: Vegetated areas on a parcel of land, often required as a percentage of the total lot area.

Height Requirements: Maximum building height limits are specified for each zoning district.

Home Occupation: A business or occupation conducted in a residential dwelling unit.

Improvement Location Permit (ILP): A permit is required for most construction projects to ensure compliance with the zoning ordinance.

Industrial District (I): A zoning district for industrial uses requiring compliance with building design and development standards.

Junk Yard: An area used for the storage and/or sale of scrap materials, subject to specific regulations. [See Table on Page 32]

Land Use Chart: A table outlining permitted uses within each zoning district, categorized as Permitted (P), Special Exception (S), or Not Permitted (-).

Landscaping Standards: Requirements for landscaping in commercial districts, including a landscaped strip along the front right-of-way.

Livestock: Domesticated animals such as horses, cattle, sheep, goats, and poultry are subject to density and setback regulations in residential districts.

Loading Areas: Designated areas for loading and unloading goods or materials, typically located in the rear yard of commercial properties.

Lot Coverage: The percentage of a lot that buildings, driveways, and other impervious surfaces can cover.

Low-Impact Home Occupations: Home-based businesses that have minimal impact on the surrounding residential area.

Major Subdivision: A subdivision that does not meet the requirements for an administrative or minor subdivision, often requiring new or extended public infrastructure.

Man-made lakes and Ponds: Artificial bodies of water created for recreational or aesthetic purposes.

Manufactured Home: A factory-built structure that is transportable in one or more sections and designed for permanent placement on a site.

Mineral Extraction: The removal of minerals from the earth, subject to specific regulations to protect the environment and surrounding properties.

Minimum Dwelling Size: The smallest permissible size for a residential dwelling unit, specified for different zoning districts.

Minimum Lot Area and Width: The smallest acceptable size and dimensions for a parcel of land in each zoning district.

Minor Subdivision: A subdivision that includes more than five parcels but no more than eight, subject to approval by the Plat Committee.

Mobile Home Park: A parcel of land designated for the placement of multiple manufactured homes. [See Table on Page 16]

Multi-Unit Dwelling: A residential building containing three or more dwelling units. [See Table on Page 11]

Non-Conforming Parcels of Record: Parcels of land that do not meet the current zoning ordinance requirements but were legally created before its adoption.

On-Site Sewage Approval: The Health Department must approve septic systems on parcels without access to a municipal sewer system.

Parcel: A contiguous piece of land under single ownership.

Performance Guarantee: Major subdivisions must obtain a financial guarantee to ensure that public improvements are completed as planned.

Permitted Use (P): A land use allowed within a zoning district without requiring a special exception.

Plan Commission: A body responsible for reviewing and making recommendations on land use matters, including subdivisions and zoning amendments.

Plat: A detailed map of a subdivision showing boundaries, lots, streets, and other relevant information.

Plat Committee: A committee appointed by the Plan Commission to review and decide on minor subdivision petitions.

Power Safety Pool Cover: A type of pool cover that meets specific safety standards for semi-public pools.

Prohibited Signs: Sign types that are not allowed in any zoning district, such as flashing signs, signs that imitate traffic signs, and signs that obstruct exits.

Public Right-of-Way: A strip of land dedicated for public use, typically for roads, sidewalks, and utilities.

Rezone: An amendment to the zoning map that changes the zoning classification of a parcel of land.

Road Setback: The minimum distance required between a structure and the centerline or right-of-way line of a road.

Rural Residential District: A zoning district for low-density residential development in areas outside of municipal services.

Seasonal Sales: Temporary sales of goods or products, such as Christmas trees or fireworks, allowed for a limited period.

Setback Requirements: Regulations specifying the minimum distances between structures and property lines or roads.

Sexually Oriented Businesses: Businesses that primarily offer sexually explicit materials or entertainment, subject to strict location and operational regulations.

Signage: Any visual display used to identify a business, product, or service, subject to size, setback, and other regulations.

Single-Family Dwelling: A detached residential structure designed for one family. [See Table on Page 15]

Site Plan: A scaled drawing showing the layout of a proposed development, including buildings, parking, landscaping, and other relevant features.

Special Exception (S): A land use that is not typically permitted in a zoning district but may be allowed with approval from the Board of Zoning Appeals.

Notable Exception: A land use that is allowed in a zoning district only after review and approval by the Board of Zoning Appeals.

State Electrical Code: Safety regulations governing electrical installations and equipment.

Structure: Anything constructed or erected with a fixed location on the ground, including buildings, sheds, and tanks.

Subdivision: The division of a parcel of land into two or more lots, requiring compliance with the Subdivision Control Ordinance.

Subdivision Control Ordinance: Regulations governing the process of subdividing land, including requirements for streets, utilities, and drainage.

Swimming Pool: A water-filled basin designed for swimming or recreational bathing, requiring fencing and safety measures.

Technical Services: Land uses involving technology or infrastructure, such as aerostat aircraft, commercial solar farms, and telecommunication facilities. [See Table on Page 11]

Telecommunication Facilities: Structures such as towers and antennas used for wireless communication.

Temporary Occupancy: The temporary use of a structure or land for a specific purpose, subject to time limitations and building code requirements.

Temporary Structures: Structures erected for a limited period, such as construction trailers or temporary classrooms.

Tourist Home: A dwelling unit used for lodging or short-term rentals, subject to specific regulations.

Two-Family Dwelling: A residential building containing two dwelling units. [See Table on Page 11]

Use Regulations: Standards and requirements for specific land uses in each zoning district.

Use Standards: Regulations governing how land and structures can be used in each zoning district.

Variance: An authorization to deviate from the specific requirements of the zoning ordinance granted by the Board of Zoning Appeals.

Washington County Surveyor: The elected official responsible for surveying and mapping land in the county.

Wireless Communication Facilities: Structures such as towers and antennas used for wireless communication.

Zoning Districts: Designated areas in the county with specific regulations for land use and development.

Zoning Map: The official map that shows the zoning districts for all land within the county.

Zoning Ordinance: The set of regulations that govern land use and development within the county.