

CHAPTER 80: AREA ZONING CODE

AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED: "UNIFIED ZONING ORDINANCE OF RIPLEY COUNTY, INDIANA" - AN ORDINANCE FOR THE DEVELOPMENT THROUGH ZONING OF THE AREA WITHIN THE JURISDICTION OF THE AREA PLAN COMMISSION OF RIPLEY COUNTY, AS AMENDED, PASSED ON THE 15TH DAY OF JUNE, 1970, BY THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA; ON THE 13TH DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF VERSAILLES, INDIANA; ON THE 14TH DAY OF JULY, 1970; BY THE TOWN BOARD OF TRUSTESS OF OSGOOD, INDIANA; ON THE 14TH DAY OF JULY 1970, BY THE TOWN BOARD OF TRUSTEES OF SUNMAN, INDIANA; ON THE 1ST DAY OF NOVEMBER, 1971, BY THE TOWN BOARD OF TRUSTEES OF MILAN, INDIANA; AND ON THE 14TH DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF NAPOLEON, INDIANA; AND TO REPLACE THE SAID ORDINANCE WITH A NEW CODIFIED ORDINANCE AND ZONE MAP, ENTITLED: "AREA ZONING CODE OF RIPLEY COUNTY – 1991." AND TO REPLACE THE SAID ORDINANCE WITH A NEW ORDINANCE AND ZONE MAP, ENTITLED "AREA ZONING CODE OF RIPLEY COUNTY – 2006."

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA, AND BY THE TOWN COUNCIL OF NAPOLEON OR OSGOOD OR SUNMAN OR MILAN OR VERSAILLES, OR HOLTON, INDIANA, UNDER AUTHORITY OF THE INDIANA AREA PLANNING LAW [I.C. 36-7-4]. AND ALL ACTS AMENDATORY OR SUPPLEMENTAL THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA:

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SECTION 80.01: SHORT TITLE

The ordinances, as amended, comprising Chapter 80 of the “Code of Ordinances of Ripley County, Indiana,” or Chapter 80 of the “Code of Ordinances” of the participating Towns, shall hereafter be referred to as the “Area Zoning Code of Ripley County, Indiana, 1991”.

SECTION 80.02 ESTABLISHMENT OF DISTRICTS AND ZONE MAP

(A) Districts and Designations.

For zoning purposes, the territory within the jurisdiction of the Ripley County Plan Commission is hereby classified and divided into fourteen (14) districts with the following names and designations:

District Designation	Type of District
A-1	Prime Agriculture
A-2	Agriculture
FR	Forest Recreation
R-1	Single-Family Residence
R-2	Two-Family Residence
R-3	Multi-Family Residence
LB	Local Business
RB	Roadside Business
GB	General Business
IB	Interchange Business
I-1	Enclosed Industrial
I-2	Open Industrial
UD	Unit Development Plan
FP	Flood Plain

(B) Zone Map.

The Zone Map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the area covered by the districts. Notations, references, indications and other matters shown on the Zone Map are as much a part of this Code as if they were fully described herein.

The Map, dated November 7, 2005, is hereby incorporated by reference into the “Area Zoning Code, Ripley County, Indiana, 1991, as amended, and consists of the following sheets: A separate sheet for each individual Township in Ripley County, with the participating Town/s being listed and shown on back of the Township map where each such Town is situated. (The City of Batesville, Indiana is not shown, as it does not participate in the Area Plan Commission or Zoning Code of Ripley County, Indiana.)

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(C) Flood Plain District.

The Flood Plain districts (areas subject to inundation of the regulatory flood) as identified by the Federal Insurance Administration on the Ripley County Flood Insurance Rate Map dated September 1, 1987, (or applicable Town map), along with any subsequent revisions to the text of the federal criteria or maps and adopted by reference and made a part of this Chapter as if fully described herein, is established, and the boundaries thereof shall supersede the boundaries of any other district shown on the Zone Map. (See Sec. 80.20 and Sec. 80.45.)

SECTION 80.03: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zone Map, the following rules shall apply:

- (A) Centerlines of Streets and Boundaries.** Unless otherwise indicated, the district boundary lines are the centerlines of streets, parkways, alleys or railroad right-of-way; or such lines extended.
- (B) Existing Lines.** Boundaries indicated as approximately following section lines, half-section and quarter-sections lines, town corporate limit lines, planning jurisdictional areas, or platted lot lines shall be construed as follow such lines.
- (C) Railroad Lines.** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (D) Shore Lines and Waterways.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines. Boundaries indicated, as approximately following the centerlines of streams, creeks, lakes or other bodies of water shall be construed to follow such centerlines.
- (E) Use of Scale on Zone Map.** Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the Zone Map shall be determined by the scale of the Map.
- (F) Board May Determine.** Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by subsections (A) through (E) herein, the Board of Zoning Appeals shall interpret the district boundaries.
- (G) Vacations and Relocations.** The vacation or relocation of right-of-ways and lot lines shall not affect the location of district boundaries; provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

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- (H) **Lines Splitting Lots.** Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance comprising this Chapter, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

SECTION 80.04: APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Chapter within each district shall be minimum regulations, and they shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (A) **Regulations Apply.** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (B) **Lot Areas and Yards May Not Be Encroached Upon.** No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located, or in any other manner contrary to the provisions of this Code.
- (C) **Yards are Separate.** No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (D) **No Reduction in Yards.** No yard or lot existing at the time of passage of the Ordinance comprising this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the said Ordinance shall meet at least the minimum requirements established by this Code.

SECTION 80.05: PROCEDURE RELATING TO AREAS, WHICH MAY BECOME SUBJECT TO ZONING

Any additional territory which becomes subject to the rules and regulations of the Ripley County Area Plan Commission shall be automatically zoned A-1 Prime Agriculture District unless otherwise changed by amendments to this Chapter; provided, that in the event of annexation of lands to a town which is already within the jurisdiction of the commission, the zoning classification existing at the time of annexation shall remain until changed by amendment procedures.

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SECTION 80.06: GENERAL PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of the Ordinance comprising this Chapter shall comply with the following performance standards, except as otherwise set forth in this Chapter for Open and Enclosed Industrial Uses, in the interest of protecting the public health, safety and welfare, and to lessen injury to property. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of the said Ordinance shall be so altered or modified to conflict with these standards.

- (A) **Fire Protection.** Fire-fighting equipment and prevention measures acceptable to the applicable Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
- (B) **Electrical Disturbance.** No use shall cause electrical disturbance adversely affecting radios, televisions or other equipment in the vicinity.
- (C) **Noise.** No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental; provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- (D) **Vibration.** No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (E) **Odor.** No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.
- (F) **Air Pollution.** No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- (G) **Heat and Glare.** No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.
- (H) **Water Pollution.** No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
- (I) **Waste Matter.** No use shall amass within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

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SECTION 80.07: NONCONFORMING BUILDINGS AND USES

The lawful use of a building or premise, existing at the time of the passage of the Ordinance comprising this Chapter, may be continued although such use does not conform to all the provisions of this Code, subject to the following conditions:

- (A) **May Be Extended.** A nonconforming use may be extended throughout a building provided the size of the structure is not increased.
- (B) **May Be Changed.** A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided the size of the structure is not increased.
- (C) **Use Cannot Be Changed to Nonconforming Use.** Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
- (D) **No Building Erected on Nonconforming Use Premises.** No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this Code.
- (E) **Temporary Nonconforming Use.** The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one (1) year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district. (See Sec. 80.34.)
- (F) **Discontinuance of Nonconforming Use.** In the event that a nonconforming use of any building or premises is discontinued for a period of at least one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located, and provided further that any nonconforming dwelling which may be removed from a lot, shall relocate on a lot in accordance with the provisions of this Code.
- (G) **Damage to Nonconforming Use.** If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. It shall be the decision of the Executive Director as to percentage determinations.

In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently prosecuted to completion.

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(H) Honoring Previous Permits.

Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which an Improvement Location Permit or a Building Permit has been heretofore issued, and the actual construction of which has been diligently prosecuted within ninety (90) days of the date of such Permit, and which entire building shall be completed according to such plans filed within three (3) years of such Permit. Actual construction is hereby defined to include the erection of construction materials in permanent position and fastened in a permanent manner.

(I) Buildings May Be Made Safe.

Nothing in this Code shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.

(J) Nonconforming Use Resulting from Amendment.

These provisions apply in the same manner to a use, which may become a nonconforming use as a result of an amendment to this Code.

(K) Nonconforming Use in Flood Plain District.

Any building, structure or use of land in the (FP) Flood Plain District which is not in conformance with this Chapter constitutes a Nonconforming Use. All applications to repair, extend or enlarge a nonconforming use in the FP District shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any resulting Improvement Location Permit issued by the Executive Director (or Building Permit issued by the Building Inspector).

SECTION 80.08: NONCONFORMING LOT AREAS AND WIDTHS

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel in single ownership, or a single parcel included in a subdivision of record at the time of passage of the Ordinance comprising this Chapter, even though the lot does not have the minimum lot width or the minimum lot area specified for the district, provided that the lot size and lot width meet the minimum standards of the County Health Department, and provided further that the width of the lot, as measured at the building line, shall be at least seventy-five (75) percent of that required by the terms of this Chapter.

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SECTION 80.16: RB ROADSIDE BUSINESS DISTRICT

The R-B Roadside Business District is intended to provide for business uses normally requiring drive-in facilities related to a street or highway; however, all business uses in the RB District require approval of the Board of Zoning Appeals in accordance with the Special Exception procedure set forth in Sec. 80.24.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-Family dwelling.
- (4) Multi-family dwelling, by Special Exception only.
- (5) Manufactured home.
- (6) Local business uses.
- (7) Roadside business uses specifically stated or implied in the following categories:
 - a. Local business uses.
 - b. Filling station.
 - c. Automobile, truck or trailer rental and sales area.
 - d. Automobile and truck repair, entirely within enclosed buildings.
 - e. Indoor theater.
 - f. Bowling alley, roller rink, or racket sports facility, entirely within enclosed buildings.
 - g. Department store.
 - h. Hotel or motel.
 - i. Veterinary hospital for small animals.
 - j. Kennel.
 - k. Newspaper publishing.
 - l. Motor bus or railroad passenger station.
 - m. Greenhouse not exceeding 1,000 sq. ft.
 - n. Drive-in restaurant.
 - o. Radio or television station or studio.
 - p. Boat, sales, service, storage and rentals.
 - q. Hospital.
 - r. Laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable material.
 - s. Mini-warehouse in accordance with the requirements of this section.
- (8) Special exceptions set forth in Sec. 80.24.
- (9) Contingent uses set forth in Sec. 80.23.
- (10) Accessory uses set forth in Sec. 80.33.
- (11) Temporary uses set forth in Sec. 80.34.

(B) Other requirements for the R-B District.

- (1) For roadside business uses, each lot shall have at least one hundred (100) feet of frontage on a street.
- (2) See Figure 1 for yard requirements and see Sec. 80.25 for front yard road setback and additional yard requirements.

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- (3) For residential uses the lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. The requirements for residential uses in the RB District are the same as those in the R-2 District, except that Multi-family dwellings are the same as those in the R-3 District.
- (4) Additional height requirements are set forth in Sec. 80.31.
- (5) Off-street parking space requirements are set forth in Sec. 80.36.
- (6) See Sec. 80.26 for fence requirements.
- (7) Sign requirements are set forth in Sec. 80.37.
- (8) See Sec. 80.32 for Supplementary Business Standards.
- (9) Mini-warehouse projects may be permitted in the RB District subject to the following development standards:
 - (1) Off-street parking and driveway width.
 - a. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
 - b. Two covered parking spaces shall be provided adjacent to the manager's quarters, in the event a manager's quarters is provided.
 - c. One parking space for every fifty (50) storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided.
 - d. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage, provided that it is adequately screened from view of the frontal street.
 - (2) Landscaping. A landscaped strip twenty (20) feet in width shall be provided along all street frontages and a landscaped strip five (5) feet in width shall be provided where subject property abuts any residential district or existing residential use. The five-foot landscaped strip abutting residential property shall be designed to provide screening of the mini-warehouse site from residential properties, consisting of planting at least six (6) feet in height and six (6) feet apart, effective at all times of the year.
 - (3) Site design. Buildings shall be so situated and/or screened that overhead access doors are not visible from off the site.
 - (4) Use restrictions.
 - a. No person, on premises occupied by a mini-warehouse, shall conduct:
 - 1. Any business activity (other than rental of storage units) including miscellaneous or garage sales, and transfer/storage businesses that utilize vehicles as part of said business.
 - 2. Servicing or repair of motor vehicles, boats, trailers, lawnmowers, or any similar equipment.

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- b. All mini-warehouse rental contracts shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for uses other than dead storage.

SECTION 80.17: GB GENERAL BUSINESS DISTRICT

This district provides sites for heavier types of business and commercial uses.

(A) Permitted Uses.

- (1) Agricultural uses.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling, by Special Exception only.
- (5) Manufactured home.
- (6) Local business uses.
- (7) Roadside business uses.
- (8) General business uses specifically stated or applied in the following categories:
 - (a) Local business uses.
 - (b) Roadside business uses.
 - (c) Storage warehouse.
 - (d) Wholesale establishment.
 - (e) Deleted
 - (f) Truck service center.
 - (g) Any business use not specifically stated or implied elsewhere in this Chapter.
- (9) Special exceptions set forth in Sec. 80.24.
- (10) Contingent uses set forth in Sec. 80.23
- (11) Accessory uses set forth in Sec. 80.33.
- (12) Temporary uses set forth in Sec. 80.34.

(B) Other requirements for the GB District.

- (1) For general business uses, each lot shall have at least fifty (50) feet of frontage on a street.
- (2) See Figure 1 for yard requirements and Sec. 80.25 for front yard or setback and additional yard requirements.
- (3) For residential uses the lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. The requirements for residential uses in the GB District are the same as those in the LB District.
- (4) Additional height requirements are set forth in Sec. 80.31.
- (5) Off-street parking space requirements are set forth in Sec. 80.36.
- (6) See Sec. 80.26 for Fence requirements.
- (7) See Sec. 80.37 for Sign requirements
- (8) See Sec. 80.32 for Supplementary Business Standards.