

Ordinance #: 20-11-24-002

AN ORDINANCE AMENDING, AND TO AMEND THE KOSCIUSKO COUNTY ZONING ORDINANCE, ORDINANCE NUMBER 75-1 Misc. Record 53, Pg. 130

ARTICLE 1 - That the Kosciusko County Zoning Ordinance be amended as follows:

2.14 Uses:

TABLE A:

Environmental

Permitted Uses	Exception Uses
1. Agriculture 2. Game Preserves 3. Public Parks & Playgrounds 4. Recreation 5. Accessory Uses 6. Essential Services 7. Micro Solar Energy System 8. Small Solar Energy System 9. Public Improvement	1. Cemeteries 2. Churches, temples, or other similar places of worship 3. Commercial Recreation 4. Golf Courses 5. Mineral Extraction 6. Riding Stables 7. Single Family Residence 8. Greenhouses & Nurseries (wholesale & retail) 9. Water & Sewage Treatment Plants 10. Campgrounds 11. Home Office

Public Use

Permitted Uses	Exception Uses
1. Churches & Temples 2. Schools 3. Libraries 4. Municipal or Government Buildings 5. Cemeteries 6. Public Parks & Playgrounds 7. Accessory Uses 8. Essential Services 9. Micro Wind System 10. Micro Solar Energy System 11. Small Solar Energy System 12. Medium Solar Energy System 13. Public Improvement	1. Crop Farming 2. Golf Courses 3. Mineral Extraction 4. Airport 5. Public Institutions 6. Hospitals 7. Church Camps 8. Not for profit Camps

Agricultural II

Permitted Uses	Exception Uses
<ol style="list-style-type: none"> 1. Agriculture 2. Public Parks & Playgrounds 3. Single Family Dwelling 4. Accessory Uses 5. Essential Uses 6. Home Office 7. Micro Wind System 8. Micro Solar Energy System 9. Small Solar Energy System 	<ol style="list-style-type: none"> 1. Home occupation 2. Public Utility Buildings 3. Greenhouses & Nurseries (wholesale and retail) 4. Public or Semi-public Swimming Pools 5. Public Use/Improvement Structures

Agricultural

Permitted Uses	Exception Uses
<ol style="list-style-type: none"> 2. Agriculture 3. Churches, temples, or other similar places of worship 4. Public & Parochial Schools 5. Public Parks & Playgrounds 6. Single Family Dwellings 7. Accessory Uses 8. Essential Uses 9. Greenhouses & Nurseries (wholesale) 10. Private Swimming Pools 11. Home Office 12. Micro Wind System 13. Micro Solar Energy System 14. Small Solar Energy System 15. Medium Solar Energy System 16. Large Solar Energy System (When on 3 acres of ground or more) 17. Public Improvement 	<ol style="list-style-type: none"> 1. Animal Kennels 2. Commercial Recreation 3. Cemeteries 4. Fire Stations 5. Golf Courses 6. Hospitals & Clinics 7. Home Occupations 8. Mineral Extraction 9. Mobile Home Parks 10. Municipal Buildings and Libraries 11. Nursery Schools 12. Nursing Homes 13. Public Utility Buildings 14. Planned Unit Development 15. Parking Lots 16. Private Clubs & Camps 17. Private Air Strip 18. Sanitary Landfill 19. Swimming Pools 20. Two Family Dwelling 21. Veterinary Hospital 22. Automobile Graveyard 23. Campgrounds 24. Public or Semi-public Swimming Pools 25. Storage Warehouses 26. Junkyard 27. Scrape Metal Processing Facility

	28. Agricultural Equipment Sales & Service 29. Water & Sewage Treatment Plants 30. Feed Mill 31. Marinas, if the property is adjacent to a lake, river, or stream 32. Public Use Structures 33. Home Based Business 34. Greenhouses & Nurseries (retail) 35. Communication Towers 36. Agricultural Tack Shop 37. Agricultural Related Trucking Operation 38. Agricultural Product Processing 39. Fertilizer Sales, Processing and Storage
--	---

Residential

Permitted Uses	Exception Uses
1. Churches, temples, or other similar places of worship 2. College Buildings & Grounds 3. Public & Parochial Schools 4. Public Parks & Playgrounds 5. Single Family Dwellings 6. Two-Family Dwellings 7. Accessory Uses 8. Essential Uses 9. Private Swimming Pool 10. Grain Farming 11. Home Office 12. Micro Wind System 13. Micro Solar Energy System	1. Agriculture 2. Multi-Family Dwellings 3. Cemeteries 4. Fire Station 5. Funeral Homes 6. Home Occupations 7. Mobile Home Parks 8. Municipal Buildings & Libraries 9. Nursery Schools 10. Nursing Homes 11. Parking Lots 12. Planned Unit Developments 13. Private Clubs 14. Public Utility Buildings 15. Rooming Houses 16. Public or Semi public Swimming Pools 17. Water & Sewage Treatment Plants 18. Marinas, when this property is adjacent to a lake, river, or stream 19. Accessory uses located on a lot or tract separate from the principal use. 20. Commercial Warehousing 21. Public Use Improvement/Structure

Commercial

Permitted Uses	Exception Uses
<ol style="list-style-type: none"> 1. Cleaning & Laundry Plant 2. Eating & Drinking Establishments 3. Fire Station 4. Offices & Banks 5. Parking Lots 6. Personal Services 7. Printing Shops 8. Private Clubs 9. Private Parks & Playgrounds 10. Public Utility Buildings 11. Retail Businesses 12. Accessory Uses 13. Essential Services 14. Greenhouses & Nurseries (Wholesale & Retail) 15. Micro Wind System 16. Micro Solar Energy System 17. Small Solar Energy System 18. Public Improvement 	<ol style="list-style-type: none"> 1. Animal Kennels 2. Motorized Vehicle Sales, Service, & Repair 3. Churches, temples, or other similar places of worship 4. Commercial Recreation 5. Commercial Schools 6. Drive-In Businesses 7. Farm Implement Sales & Services 8. Funeral Homes 9. Hotels & Motels 10. Hospitals & Clinics 11. Livestock Auctions 12. Mobile Home Parks 13. Multi-Family Dwellings 14. Planned Unit Development 15. Public & Parochial Schools 16. Public Transportation Terminals 17. Research Laboratory 18. Single Family Dwellings 19. Theaters 20. Wholesale Businesses 21. Warehouses 22. Veterinary Hospital 23. Campgrounds 24. Marina 25. Sexually Oriented Business 26. Communication Towers * 27. Home Office 28. Manufactured Homes Sales & Service 29. Manufacturing 30. Medium Solar Energy System

Limited Industrial

Permitted Uses	Exceptional Uses
<ol style="list-style-type: none"> 1. Fabricating 2. Manufacturing 3. Processing 4. Wholesaling 5. Warehousing 6. Ancillary Related Offices 7. Micro Wind System 	<ol style="list-style-type: none"> 1. Motels 2. Planned Unit Developments 3. Restaurants 4. Agriculture 5. Airports 6. Communication Towers * 7. Manufactured Homes Sales & Service

8. Micro Solar Energy System 9. Small Solar Energy System 10. Medium Solar Energy System 11. Large Solar Energy System 12. Public Improvement	8. Motorized Vehicle Service and Repair 9. WECS Large
---	--

Light Industrial “I-2”

Permitted Uses	Exceptional Uses
1. Fabricating 2. Manufacturing 3. Processing 4. Wholesaling 5. Warehousing 6. Ancillary Related Offices 7. Micro Wind System 8. Micro Solar Energy System 9. Small Solar Energy System 10. Medium Solar Energy System 11. Large Solar Energy System 12. Public Improvement	1. Motels 2. Planned Unit Developments 3. Restaurants 4. Agriculture 5. Airports 6. Salvage Yards 7. Communication Towers * 8. Manufactured Homes Sales & Service 9. Motorized Vehicle Service and Repair 10. WECS Large

Heavy Industrial “I-3”

Permitted Uses	Exceptional Uses
1. Heavy Fabricating 2. Manufacturing 3. Processing 4. Extraction 5. Heavy Repair & Dismantling Industries including open land operations 6. Ancillary Related Offices 7. Ready Mix Concrete Plant or Asphalt Plants 8. Micro Wind System 9. Micro Solar Energy System 10. Small Solar Energy System 11. Medium Solar Energy System 12. Large Solar Energy System 13. Public Improvement	1. Planned Unit Developments 2. Restaurants 3. Airports 4. Mineral Extraction 5. Salvage Yards 6. Manufacturing & Processing of Explosive Materials 7. Scrape Metal Processing Facility 8. Agriculture 9. Communication Towers * 10. Manufactured Homes Sales & Service 11. WECS Large 12. Commercial Solar Energy System Farms

* See section 3.25 communication towers.

3.25 Communication Towers

3.25.1 Communication towers, both private and public, may be permitted by exception before the Board of Zoning Appeals in those districts as listed in Table

A. For those locations which require exception approval through the Board of Zoning Appeals petitions shall include and be accompanied by;

3.25.1.1 A specific site plan illustrating the fall radius of the tower, the height of the tower, all accessory structures to accompany the tower, and all additional structures located on the property.

3.25.1.2 Should include all future structures to be located on site.

3.25.1.3 Must provide a legal description for both the entire tract of ground and where applicable the leased area.

3.25.1.4 Should describe any screening or security measures to be taken on the site.

3.25.1.5 Should provide a map and/or list of the nearest towers to the proposed location and/or alternative sites that have been considered along with detailed reasons these sites/towers will not be sufficient.

3.25.1.6 Additional information may be required by the Board of Zoning Appeals.

3.25.2 All towers, except those defined by this ordinance as constituting public improvement, must maintain a setback radius from all right-of-ways, easements, access roads, electric transmission tower and lines a distance equal to the height of the tower. If this radius crosses an adjoining property there must be proof of consent from the adjoining property owner in a form as may be established by the Board of Zoning appeals from time to time.

3.25.3 Towers and accessory structures for said towers, except those defined as public improvements, may be located no closer than a distance equal to the height of the tower to any structure not associated with the tower itself or on the same property as the tower so long as written consent from the property owner is provided. Towers and accessory structures for said towers defined as public improvements must meet the required district setbacks as defined under Tables b and c of this ordinance.

3.25.4 For all Tower accessory structures located on leased land within a larger tract, minimum setbacks (with exception of fall radius requirements) shall be taken from the property lines not the lease land lines.

3.25.5 No new towers, except those defined as public improvements, may be constructed within two (2) miles of an existing tower, without approval from the Board of Zoning Appeals (this excludes electric transmission towers).

3.25.6 All Towers, accessory facilities, and other structures associated with said tower should be fenced and secured in a manner to prevent climbing or damage and ensure public safety.

3.25.7 All towers shall be either monopole or self-support lattice towers. No guyed wires shall be permitted.

3.25.8 All approvals and permits issued for said towers will be conditioned upon state and federal approvals and standards.

3.25.9 Collocation on existing towers does not require additional hearings, however it may require improvement location permits.

3.25.10 Replacement of existing towers or towers previously approved will be permitted without a hearing before the Board of Zoning Appeals on the condition that;

3.25.10.1 All conditions placed on the use by the Board of Zoning Appeals for that site are maintained.

3.25.10.2 Replacement towers are constructed in a manner as to facilitate collocation for up to four (4) carriers.

3.25.10.3 The replacement of the tower does not pose a threat to public health or safety.

3.25.10.4 The replacement tower must meet all other regulations of this section.

3.25.10.5 The replacement of the tower does not violate any local, state, or federal regulations or ordinances.

3.25.10.6 A valid Improvement Location Permit must be obtained prior to any construction.

3.25.11 All towers, when required under federal law to be lit, shall be lit in such a fashion that the lighting is non-obtrusive which may include but is not limited to alternating lighting; white light during daylight, red light at night.

3.25.12 All towers approved under this section are subject to the height requirements as specified under section 3.14.2 of the Kosciusko County Zoning Ordinance and must present documentation illustrating that the tower can comply at the time of approval.

ARTICLE 9 - DEFINITIONS

9.1 General: Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; and the word "shall" is mandatory and not permissive.

Public Improvement: Any improvement, facility, or service together with its associated site, accessories, or right-of-way necessary to provide transportation, communication, drainage, utilities, or similar essential services and facilities and that are solely owned and operated by a governmental agency.

ARTICLE 2: Adoption

Section 1. This Ordinance shall be in full force and effective on the 24th day of November, 2020 and is intended to replace and amend those sections referenced within and related. Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on this the 24th day of November 2020.

BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA

I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document, unless required by law.

Teresa Pence

Brad Jackson
Robert Conley
Cary Groninger

Michelle L. Puckett
Attest: Kosciusko County Auditor
Michelle Puckett