

TITLE XV: LAND USAGE

Chapter

150.GENERAL PROVISIONS

151.FLOOD HAZARD AREAS

152.MOBILE HOMES

153.SUBDIVISION CONTROL

APPENDIX:

CERTIFICATES FOR FINAL PLAT

154.ZONING

CHAPTER 150: GENERAL PROVISIONS

Section

Economic Revitalization Areas

- 150.01 Definitions
- 150.02 Deductions from assessed property value
- 150.03 Standards and requirements

ECONOMIC REVITALIZATION AREAS

§ 150.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NEW MANUFACTURING EQUIPMENT. Any tangible personal property which:

- (1) Was installed during the period beginning _____, 20__, and ending _____, 20__, in an area that is declared an Economic Revitalization Area after _____, 20__, in which a deduction for tangible personal property is allowed;
- (2) Is used in the direct production, manufacturing, fabrication, assembly, extraction, mining, processing, or finishing of other tangible personal property; and
- (3) Was acquired by its owner for the use as described in division (2) of this definition and was before used by its owner for any purpose in the state.

PROPERTY. A building or structure, but the term does not include land.

REDEVELOPMENT. The construction of new structures, in designated Economic Revitalization Areas, either:

- (1) On unimproved real estate; or

(2) On real estate upon which a prior existing structure is demolished to allow for a new construction.

REHABILITATION. The remodeling, repair, or betterment of property in any manner or any enlargement or extension of property.

(Res. 86-3, passed 4-7-86)

§ 150.02 DEDUCTIONS FROM ASSESSED PROPERTY VALUE.

(A) The owner of property which is located in an Economic Revitalization Area may seek certain deductions from the assessed value of redeveloped or rehabilitated property or from the assessed value of new manufacturing equipment if that property or equipment conforms to the above definitions.

(B) In order to obtain a deduction from the assessed value of redevelopment for rehabilitated property or new manufacturing equipment, the owner shall, pursuant to §§ 150.01 and 150.02, submit to the County Auditor a letter from the Mayor verifying the approval of the city application and file any other form as may be required by the County Auditor.

(Res. 86-3, passed 4-7-86)

§ 150.03 STANDARDS AND REQUIREMENTS.

The following general standards and requirements shall be used in finding an area to be an Economic Revitalization Area.

(A) The City Council may find, on its own motion, that a particular area within the city satisfies the general standards and requirements set forth herein and therefore may designate this area as an Economic Revitalization Area.

(B) An owner of real estate may request that the City Council designate that real estate as an Economic Revitalization Area upon submitting an application to the City Clerk and paying an application fee of \$10 to cover the cost of processing and administration.

(C) The real estate proposed to be designated as an Economic Revitalization Area shall meet the following definition.

ECONOMIC REVITALIZATION AREA. An area which is within the corporate limits of the city, which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values of preventing a

normal development of property or property uses. The term ***ECONOMIC REVITALIZATION AREA*** also includes any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.

(D) The owner of property which is located in an Economic Revitalization Area and who seeks a deduction from the assessed value of new manufacturing equipment shall make an application to County Auditor and file any other forms as may be required by the Auditor.
(Res. 86-4, passed 4-7-86)

CHAPTER 151: FLOOD HAZARD AREAS

Section

Statutory Authorization, Findings of Fact, Purpose and Objectives

- 151.01 Statutory authorization
- 151.02 Findings of fact
- 151.03 Statement of purpose
- 151.04 Objectives

General Provisions

- 151.15 Definitions
- 151.16 Lands to which this chapter applies
- 151.17 Basis for establishing regulatory flood data
- 151.18 Establishment of floodplain development permit
- 151.19 Compliance
- 151.20 Abrogation and greater restrictions
- 151.21 Discrepancy between mapped floodplain and actual ground elevations
- 151.22 Interpretation
- 151.23 Warning and disclaimer of liability

Administration

- 151.35 Designation of Administrator
- 151.36 Permit procedures
- 151.37 Duties and responsibilities of the Floodplain Administrator

Provisions for Flood Hazard Reduction

- 151.50 General standards
- 151.51 Specific standards
- 151.52 Standards for subdivision proposals
- 151.53 Critical facility
- 151.54 Standards for identified floodways
- 151.55 Standards for identified fringe
- 151.56 Standards for SFHAs without established base flood elevation and/or floodways/fringes
- 151.57 Standards for flood-prone areas

Variance Procedures

- 151.70 Designation of Variance and Appeals Board
- 151.71 Duties of Variance and Appeals Board
- 151.72 Variance procedures
- 151.73 Conditions for variances
- 151.74 Variance notification
- 151.75 Historic structure
- 151.76 Special conditions

- 151.99 Penalty

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES**§ 151.01 STATUTORY AUTHORIZATION.**

The Indiana Legislature has in I.C. 36-7-4 and I.C. 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the City Council of Covington, Indiana does hereby adopt the following floodplain management regulations. (Ord. 88-10, passed 6-6-88; Ord. 2018-7, passed 8-6-18)

§ 151.02 FINDINGS OF FACT.

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

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately floodproofed, or otherwise unprotected from flood damages. (Ord. 2018-7, passed 8-6-18)

§ 151.03 STATEMENT OF PURPOSE.

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

- (A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (D) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- (F) Make federal flood insurance available for structures and their contents in the city by fulfilling the requirements of the National Flood Insurance Program.
(Ord. 88-10, passed 6-6-88; Ord. 2018-7, passed 8-6-18)

§ 151.04 OBJECTIVES.

The objectives of this chapter are:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (F) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas.
(Ord. 2018-7, passed 8-6-18)

GENERAL PROVISIONS**§ 151.15 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

ADDITION (TO AN EXISTING STRUCTURE). Any walled and roofed expansion to the perimeter of a structure in which the **ADDITION** is connected by a common load-bearing wall other than a firewall. Any walled and roofed **ADDITION**, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

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

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

(1) *Zone A*. Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

(2) *Zones AE and A1-A30*. Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

(3) *Zone AO.* Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

(4) *Zone AH.* Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

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

(6) *Zone A99.* Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). The elevation of the 1% annual chance flood.

BASEMENT. The portion of a structure having its floor sub-grade (below ground level) on all sides.

BOUNDARY RIVER. The part of the Ohio River that forms the boundary between Kentucky and Indiana.

BOUNDARY RIVER FLOODWAY. The floodway of a boundary river.

BUILDING. See **STRUCTURE**.

COMMUNITY. A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY RATING SYSTEM (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

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

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

DEVELOPMENT.

(1) Any man-made change to improved or unimproved real estate including but not limited to:

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

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

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

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

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

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

(g) Storage of materials; or

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

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

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

ELEVATION CERTIFICATE. A certified statement that verifies a structure's elevation information. This certification must be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

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

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. The Federal Emergency Management Agency.

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

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

FLOOD-PRONE AREA. Any land area acknowledged by a community as being susceptible to inundation by water from any source. See also ***FLOOD.***

FLOOD PROTECTION GRADE (FPG). The elevation of the regulatory flood plus two feet at any given location in the SFHA. See also **FREEBOARD**.

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

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

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

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

FLOODPROOFING CERTIFICATE. A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a registered professional engineer or architect.

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

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

FRINGE. Those portions of the floodplain lying outside the floodway.

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

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HISTORIC STRUCTURES. Any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

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

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

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

(1) *Letter of Map Amendment (LOMA).* An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

(2) *Letter of Map Revision (LOMR).* An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

(3) *Letter of Map Revision Based on Fill (LOMR-F).* An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

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

LOWEST FLOOR. The lowest elevation described among the following:

- (1) The top of the lowest level of the structure;
- (2) The top of the basement floor;
- (3) The top of the garage floor, if the garage is the lowest level of the structure;
- (4) The top of the first floor of a structure elevated on pilings or pillars;

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

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

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

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

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a **RECREATIONAL VEHICLE**.

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

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

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

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION. Any structure for which the start of construction commenced after the effective date of the community's first floodplain ordinance. See **START OF CONSTRUCTION**.

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

NON-BOUNDARY RIVER FLOODWAY. The floodway of any river or stream other than a boundary river.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). As adopted in 1993, a vertical control datum used as a reference for establishing varying elevations within the floodplain.

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

ONE-PERCENT ANNUAL CHANCE FLOOD. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See **REGULATORY FLOOD**.

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

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

REGULAR PROGRAM. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in an FIS.

REGULATORY FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The **REGULATORY FLOOD** elevation at any location is as defined in § 151.17. The **REGULATORY FLOOD** is also known by the terms base flood, 1% annual chance flood, and 100-year flood.

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

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

SPECIAL FLOOD HAZARD AREA (SFHA). Those lands within the jurisdiction of the city subject to inundation by the regulatory flood. The **SFHAs** of Covington, Indiana are generally identified as such on the Fountain County and Incorporated Areas Flood Insurance Rate Map dated February 6, 2013 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zones A, AE, A1- A30, AH, AR, A99, or AO).

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

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

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements. See **START OF CONSTRUCTION**.

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

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

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

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

X ZONE. The area where the flood hazard is less than that in the SFHA. Shaded **X ZONES** shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a .2% chance of being equaled or exceeded (the 500-year flood). Unshaded **X ZONES** (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than .2%.

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

ZONE A. See **A ZONE**.

ZONES B, C, AND X. Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (**ZONE X** is used on new and revised maps in place of **ZONES B AND C**.)
(Ord. 88-10, passed 6-6-88; Ord. 2018-7, passed 8-6-18)

§ 151.16 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all SFHAs and known flood-prone areas within the jurisdiction of the City of Covington, Indiana.
(Ord. 2018-7, passed 8-6-18)

§ 151.17 BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.

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

(A) The regulatory flood elevation, floodway, and fringe limits for the SFHAs within the jurisdiction of the city delineated as an A Zone on the Fountain County and Incorporated Areas Flood Insurance Rate Map, dated February 6, 2013, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

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

(C) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA. (Ord. 2018-7, passed 8-6-18)

§ 151.18 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard. (Ord. 2018-7, passed 8-6-18)

§ 151.19 COMPLIANCE.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 2018-7, passed 8-6-18)

§ 151.20 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2018-7, passed 8-6-18)

§ 151.21 DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.

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

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

(C) If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA. (Ord. 2018-7, passed 8-6-18)

§ 151.22 INTERPRETATION.

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

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body;

(C) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 2018-7, passed 8-6-18)

§ 151.23 WARNING AND DISCLAIMER OF LIABILITY.

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

(Ord. 2018-7, passed 8-6-18)

ADMINISTRATION

§ 151.35 DESIGNATION OF ADMINISTRATOR.

The Common Council hereby appoints the Fountain County Emergency Management Coordinator to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

(Ord. 2018-7, passed 8-6-18)

§ 151.36 PERMIT PROCEDURES.

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

(A) Application stage.

- (1) A description of the proposed development.
- (2) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
- (3) A legal description of the property site.
- (4) A site development plan showing existing and proposed development locations and existing and proposed land grades.
- (5) Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
- (6) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
- (7) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See § 151.37(B)(6) for additional information.)

(B) Construction stage.

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

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

(C) *Finished construction.* Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 086-0-33 or any future updates) which depicts the “as-built” lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the Floodplain Administrator. (Ord. 2018-7, passed 8-6-18)

§ 151.37 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

(B) Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

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

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

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to § 151.54 and § 151.56(A), and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment);

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

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

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

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

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

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

(10) Review certified plans and specifications for compliance;

(11) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 151.36;

(12) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with § 151.36;

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

(C) Stop work orders.

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

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

(D) Revocation of permits.

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

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

(Ord. 2018-7, passed 8-6-18)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 151.50 GENERAL STANDARDS.

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

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

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

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

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

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

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

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

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

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

(J) Parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials.

(K) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of one to one) due to the fill or structure.

(1) The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.

(2) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.

(3) The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.

(4) The fill or structure shall not obstruct a drainage way leading to the floodplain.

(5) The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.

(6) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.

(7) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this subchapter. (Ord. 2018-7, passed 8-6-18)

§ 151.51 SPECIFIC STANDARDS.

In all SFHAs, the following provisions are required:

(A) In addition to the requirements of § 151.50, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- (1) Construction or placement of a structure having a floor area greater than 400 square feet;
- (2) Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
- (3) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before-damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;
- (4) Installing a travel trailer or recreational vehicle on a site for more than 180 days;
- (5) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage;
- (6) Reconstruction or repairs made to a repetitive loss structure;
- (7) Addition or improvement made to an existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

(B) *Residential structures.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 151.51(D).

(C) *Non-residential structures.* New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 151.51(D). Structures located in all A Zones may be floodproofed in lieu of being elevated if done in accordance with the following:

(1) A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator as set forth in § 151.37(B)(12).

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

(D) *Elevated structures.*

(1) New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

(2) Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

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

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

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

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

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

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

(g) Openings are to be not less than three inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

(h) Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of this division (D). Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded, along with the deed, in the office of the Fountain County Recorder.

(i) Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds six feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Fountain County Recorder.

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

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

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

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

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

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

(6) Fill shall be composed of clean granular or earthen material.

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

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

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

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

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

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

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

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

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

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

(a) Be on site for less than 180 days;

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

(c) Meet the requirements for manufactured homes as stated earlier in this section.

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

Covington - Land Usage

- (1) Shall not be used for human habitation;
- (2) Shall be constructed of flood resistant materials;
- (3) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (4) Shall be firmly anchored to prevent flotation;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
- (6) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (D) above.

(H) *Above ground gas or liquid storage tanks.* All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.
(Ord. 2018-7, passed 8-6-18)

§ 151.52 STANDARDS FOR SUBDIVISION PROPOSALS.

- (A) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.
- (E) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- (F) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
(Ord. 2018-7, passed 8-6-18)

§ 151.53 CRITICAL FACILITY.

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

(Ord. 2018-7, passed 8-6-18)

§ 151.54 STANDARDS FOR IDENTIFIED FLOODWAYS.

(A) Located within SFHAs, established in § 151.17, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc., undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of a non-substantial addition/improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

(B) No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

(C) No development shall be allowed, acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses. For all projects involving channel modifications or fill (including levees) the city shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.
(Ord. 2018-7, passed 8-6-18)

§ 151.55 STANDARDS FOR IDENTIFIED FRINGE.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.
(Ord. 2018-7, passed 8-6-18)

§ 151.56 STANDARDS FOR SFHAS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS/FRINGES.

(A) *Drainage area upstream of the site is greater than one square mile.*

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

(2) No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

(3) Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a floodplain development permit may be issued provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this subchapter have been met.

(B) *Drainage area upstream of the site is less than one square mile.*

(1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site.

(2) Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met.

(C) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development shall not adversely affect the efficiency or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

(Ord. 2018-7, passed 8-6-18)

§ 151.57 STANDARDS FOR FLOOD-PRONE AREAS.

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

(Ord. 2018-7, passed 8-6-18)

VARIANCE PROCEDURES

§ 151.70 DESIGNATION OF VARIANCE AND APPEALS BOARD.

The Common Council shall hear and decide appeals and requests for variances from requirements of this chapter.

(Ord. 2018-7, passed 8-6-18)

§ 151.71 DUTIES OF VARIANCE AND APPEALS BOARD.

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

(Ord. 2018-7, passed 8-6-18)

§ 151.72 VARIANCE PROCEDURES.

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

(A) The danger of life and property due to flooding or erosion damage;

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

(C) The importance of the services provided by the proposed facility to the community;

(D) The necessity of the facility to a waterfront location, where applicable;

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

(F) The compatibility of the proposed use with existing and anticipated development;

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

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

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

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

(Ord. 2018-7, passed 8-6-18)

§ 151.73 CONDITIONS FOR VARIANCES.

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

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship;

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

(B) No variance for a residential use within a floodway subject to § 151.54 or § 151.56(A) of this chapter may be granted.

(C) Any variance granted in a floodway subject to § 151.54 or § 151.56(A) of this chapter will require a permit from the Indiana Department of Natural Resources.

(D) Variances to the provisions for flood hazard reduction of § 151.51, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

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

(F) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. (Refer to § 151.75.)

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See § 151.74).

(H) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See § 151.74).
(Ord. 2018-7, passed 8-6-18)

§ 151.74 VARIANCE NOTIFICATION.

(A) (1) Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

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

(b) Such construction below the flood protection grade increases risks to life and property.

(2) A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(B) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
(Ord. 2018-7, passed 8-6-18)

§ 151.75 HISTORIC STRUCTURE.

Variations may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.
(Ord. 2018-7, passed 8-6-18)

§ 151.76 SPECIAL CONDITIONS.

Upon the consideration of the factors listed in this subchapter, and the purposes of this chapter, the Common Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
(Ord. 2018-7, passed 8-6-18)

§ 151.99 PENALTY.

(A) Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the City Zoning Code. All violations shall be punishable by a fine not exceeding \$500.

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

(C) The City Common Council shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(D) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
(Ord. 2018-7, passed 8-6-18)

CHAPTER 152: MOBILE HOMES

Section

- 152.01 Definitions
- 152.02 Location restriction; mobile home parks
- 152.03 Enforcement; notice
- 152.04 Exceptions
- 152.05 Application

§ 152.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE HOME. Any vehicle which is so constructed as to permit its being used as a conveyance upon a public highway by either self-propelled or not self-propelled means, which is designed, constructed, or reconstructed in a manner as will permit the occupancy thereof as a dwelling or as a place of human habitation, whether temporary or permanent, and including this type of vehicle placed upon a permanent foundation.

MOBILE HOME PARK. Any mobile home or trailer park licensed by the state as such pursuant to I.C. 16-47-21-18, and any acts amendatory thereto.

PERSON. Any individual, partnership, corporation, association, or body politic, and including trustee, receiver, agent, or representative thereof.

(Ord. 5-64, passed 7-6-64)

Statutory reference:

Definition of mobile home park, see I.C. 16-47-21-18

§ 152.02 LOCATION RESTRICTION; MOBILE HOME PARKS.

(A) A mobile home shall not be termed to be a building under any circumstances whether used or to be used as a temporary or permanent dwelling or place of human habitation.

(B) Except as hereinafter provided, all mobile homes shall be required to be located in mobile home parks, and it shall be unlawful to remove the wheels from a mobile home and set the same upon the ground or otherwise fix the same to the ground in a manner that would prevent the ready removal thereof except in a mobile home park, and it shall be unlawful to otherwise place, locate, or maintain a mobile home within the city except in a mobile home park.

(Ord. 5-64, passed 7-6-64) Penalty, see § 10.99

Cross-reference:

R-1, urban residential district, see § 154.051

Mobile home parks, see § 154.084

§ 152.03 ENFORCEMENT; NOTICE.

(A) Upon a violation of this chapter, the City Council or Board of Public Works shall cause a notice to be served upon the person in possession of the mobile home or responsible therefor, and shall order the removal of the mobile home within ten days from the service of notice and order.

(B) Any person failing to remove the mobile home in compliance with the notice and order shall be required to appear in a court of competent jurisdiction to answer charges of a violation of this chapter.

(C) Provided, however, that no ten-day notice shall be required for any person violating this chapter after the first offense.

(Ord. 5-64, passed 7-6-64) Penalty, see § 10.99

§ 152.04 EXCEPTIONS.

This chapter shall not apply to mobile homes not being used for living quarters or as a place of human habitation, but being temporarily placed, stored, or garaged upon unlicensed premises for storage purposes, and this chapter shall not apply to mobile homes not used for living quarters, but being temporarily used for construction purposes. Provided, however, that nothing herein shall be construed to permit the removal of the wheels from mobile homes or the fixing of the same to the ground in a manner that would prevent the ready removal thereof except in a mobile home park.

(Ord. 5-64, passed 7-6-64)

§ 152.05 APPLICATION.

This chapter shall not apply retroactively to mobile homes which have been located within the corporate limits of the city prior to the enactment hereof as a permanent dwelling or place of human habitation, and nothing herein shall be construed so as to interfere with the licensing and regulation of mobile home parks by the state.

(Ord. 5-64, passed 7-6-64)

CHAPTER 153: SUBDIVISION CONTROL

Section

General Provisions

- 153.01 Definitions
- 153.02 Filing and recording of plats required
- 153.03 Conformance to requirements and standards required
- 153.04 Modification of requirements

General Requirements and Minimum Design Standards

- 153.15 Suitability of land
- 153.16 Natural features
- 153.17 Streets
- 153.18 Alleys
- 153.19 Easements
- 153.20 Blocks
- 153.21 Lots
- 153.22 Public sites and open spaces

Required Improvements

- 153.35 Monuments and markers
- 153.36 Streets and alleys
- 153.37 Curbs and gutters
- 153.38 Sidewalks
- 153.39 Storm drainage
- 153.40 Water supply
- 153.41 Sewage disposal
- 153.42 Utility lines
- 153.43 Street name signs
- 153.44 Completion
- 153.45 Annexation

Plat Approval Procedure

- 153.55 Plat approval procedure
- 153.56 Pre-application meeting
- 153.57 Application materials; preliminary plat; fee
- 153.58 Preliminary plat review; approval
- 153.59 Final plat; application
- 153.60 Final plat approval
- 153.61 Alternate procedure; plan without streets or sewers
- 153.62 Maintenance bond required
- Appendix: Certificates for Final Plat

Cross-reference:

Zoning, see Ch. 154

GENERAL PROVISIONS**§ 153.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions and usages shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The Advisory Plan Commission of the city.

DEVELOPMENT PLAN. The Development Plan for the city, and all amendments thereto, as adopted by the Commission.

PRESENT TENSE. Words used in the present tense include the future tense.

SHALL. The act referred to is mandatory.

STREET. A way for vehicular traffic, whether designated as a street, road, highway, thoroughfare, parkway, boulevard, avenue, lane, drive, or otherwise designated.

(1) **ALLEYS.** Minor ways used primarily to provide vehicular service access to the rear or side of properties otherwise abutting on a street.

(2) **COLLECTOR HIGHWAYS.** Streets so designated on the Development Plan which will carry medium volumes of traffic at relatively fast rates of speed.

(3) **LOCAL ACCESS STREETS.** Local streets which will carry low volumes of traffic and are used primarily to provide access to the abutting properties.

(4) **LOCAL COLLECTOR STREETS.** Streets which will carry intermediate volumes of traffic within the city and from the local access streets to the major and collector highways.

(5) **MAJOR HIGHWAYS.** Streets so designated on the Development Plan which will be used to accommodate large volumes of traffic moving at high rates of speed.

(6) **MARGINAL ACCESS STREETS.** Local streets parallel with and adjacent to major and collector highways and local collector streets which provide access to abutting properties and protection from rapid through traffic.

SUBDIVIDER. Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity who undertakes the subdivision of land as defined herein.

SUBDIVISION. The division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial, or industrial purposes; provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

(Ord. 84-11, passed 11-5-84)

§ 153.02 FILING AND RECORDING OF PLATS REQUIRED.

No person proposing a subdivision shall sell, transfer, lease, or otherwise convey any lot, parcel, or tract in a subdivision, or construct or commence the construction of any building in a subdivision, until the final plat of the proposed subdivision is approved by the Commission and recorded in the office of the County Recorder.

(Ord. 84-11, passed 11-5-84) Penalty, see § 10.99

§ 153.03 CONFORMANCE TO REQUIREMENTS AND STANDARDS REQUIRED.

No plat shall be approved by the Commission unless it conforms to the requirements and standards as set out below in §§ 153.15 through 153.22 and §§ 153.35 through 153.45.

(Ord. 84-11, passed 11-5-84) Penalty, see § 10.99

§ 153.04 MODIFICATION OF REQUIREMENTS.

(A) If the Commission finds that because of unusual or exceptional factors of topography or other physical conditions peculiar to the tract to be subdivided extraordinary hardship may result from strict compliance with this chapter, it may modify the requirements and standards of §§ 153.15 through 153.22 and §§ 153.35 through 153.45 of this code upon written request of the subdivider describing relevant factors or conditions and stating the reasons for modification; provided that the modification will not have the effect of nullifying the intent and purpose of this chapter.

(B) In making any modifications the Commission may require conditions that will, in its judgment, secure the objective of the standards or requirements modified. Any modification made shall be set forth in the minutes of the Commission, along with a description of the conditions or factors, the reasons for the modification, and any conditions imposed.

(Ord. 84-11, passed 11-5-84)

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS**§ 153.15 SUITABILITY OF LAND.**

No land shall be subdivided for residential use if it is determined by the Commission to be unsuitable for this use by reason of periodic flooding, inadequate drainage, adverse topographic or subsurface conditions, or other feature harmful to the health, safety, and general welfare of future residents of the subdivision and the residents of the community, unless the subdivider agrees to make improvements as, in the judgment of the Commission, will render the land acceptable for residential use.

(Ord. 84-11, passed 11-5-84)

§ 153.16 NATURAL FEATURES.

Existing natural features which would add value to the subdivision and the community, such as trees, valleys, watercourses, historic spots, and similar irreplaceable assets, shall be preserved, insofar as possible, by harmonious design of the subdivision.

(Ord. 84-11, passed 11-5-84)

§ 153.17 STREETS.

(A) *Conformity to Development Plan.*

(1) All streets in a proposed subdivision shall conform in general alignment, character, extent, and width to the Development Plan.

(2) The Development Plan shall show existing street center line and proposed center line grades. A typical street cross-section to a scale of one inch equaling five feet shall be shown with street profiles. The typical street cross-section should be shown from property line to property line, including intended width of roadway, location and width of sidewalks, if proposed, and proposed type of street construction including materials and dimensions. Where grading lines deviate from the typical cross-section, elevations at the right-of-way line should be shown in addition to the center line profile.

(3) All underground services shall be located in the easement area adjacent to the street surface. The location of these services shall be shown on the Development Plan.

(B) *Location and arrangement.*

(1) Local streets shall be designed to discourage rapid, through traffic movement.

(2) A proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Commission deems an extension undesirable because of topography or design.

(3) Where it is desirable in the opinion of the Commission to provide street access to adjoining property, proposed streets shall be extended by dedication to the boundary of that property.

(4) If a subdivision abuts or contains an existing or proposed major or collector highway or local collector street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(5) If a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of that right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. This distance shall also be determined with due regard for the requirements of approach grades and future grade separations.

(C) *Minimum right-of-way widths.*

(1) All street rights-of-way, measured from lot line to lot line, shall be as designated on the Development Plan, but if not designated thereon shall be at least:

<i>Street Type</i>	<i>Right-of-Way</i>
Major highway	130 feet
Collector highway	100 feet
Local collector street	70 feet
Local access street	52 feet
Marginal access street	52 feet
Alley	30 feet

(2) Subdivisions platted along both sides of an existing street shall provide the entire minimum right-of-way.

(3) Subdivisions platted along only one side of an existing street shall provide one-half of the minimum right-of-way measured from the center line of the existing street.

(4) Half streets are prohibited, unless determined by the Commission to be essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter or unless the Commission finds it to be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street exists adjacent to a tract to be subdivided, the other half of the street shall be platted within that tract.

(D) *Intersections.*

(1) Streets shall intersect one another as nearly as possible at right angles, and in no case shall the angle of intersection be less than 60 degrees.

(2) Property lines at street and alley intersections shall be rounded with a radius of at least 25 feet. In commercial districts a comparable chord may be used in place of an arc.

(3) Street jogs with center line offsets of less than 125 feet are prohibited.

(4) Intersections involving the junction of more than two streets should be avoided.

(5) The number of intersections of local streets with major streets should be kept to a minimum.

(E) *Street grades.*

(1) Street grades, except under extreme physical conditions, shall not exceed the following:

<i>Street Type</i>	<i>Percent Grade</i>
Local collector street	7
Local access street	7
Alley	7

(2) For adequate drainage, the minimum street grade shall be not less than 0.5%.

(F) *Street alignment.*

(1) A tangent at least 100 feet long shall be introduced between reverse curves on local collector streets.

(2) If a deflection angle of more than ten degrees in the alignment of a street occurs, a curve with the following minimum radius shall be provided.

<i>Street Type</i>	<i>Minimum Radius of Curvature</i>
Local collector street	200 feet
Local access street	100 feet

(3) Every change in grade shall be connected by a vertical curve constructed to provide the following minimum sight distance as measured between points five feet above the center line of the road or street surface.

<i>Street Type</i>	<i>Minimum Sight Distance</i>
Local collector street	300 feet
Local access street	200 feet

(G) *Dead-end streets.*

(1) Dead-end streets, designed to be so permanently, shall not be longer than 600 feet from the nearest intersecting street and shall be provided at the closed end with a cul-de-sac.

(2) Cul-de-sacs shall be terminated with a vehicular turnaround, completely surfaced, and having a minimum of 50 feet and a minimum roadway radius of 39 feet from the center to the back of the curb. The minimum allowable width of the right-of-way leading to the turnaround is 52 feet and the roadway shall be 30 feet back to back of curb.

(H) *Reserve strips.* Reserve strips controlling access to streets are prohibited unless control is placed in the city under conditions approved by the Commission.

(I) *Street names and house numbers.*

(1) Street names shall not be used which will duplicate or be confused with the names of existing or platted streets. Proposed streets in alignment with existing or platted streets shall bear the names of the existing or platted streets.

(2) House numbers shall be assigned by the Commission if and when necessary.
(Ord. 84-11, passed 11-5-84)

§ 153.18 ALLEYS.

(A) Unless provision for adequate service access is made, alleys shall be provided in commercial and industrial districts. Except for unusual and extreme conditions of topography, traffic flow, or access, alleys shall not be provided in residential districts.

(B) The minimum right-of-way width of an alley shall be 30 feet.

(C) Dead-end alleys should be avoided, but if unavoidable, shall be provided with an adequate circular, "T," or "Y" turnaround at the closed end, as approved by the Commission.
(Ord. 84-11, passed 11-5-84)

§ 153.19 EASEMENTS.

(A) Easements across lots or centered on rear or side lot lines shall be provided where necessary for utilities and shall be at least 18 feet wide if electric, telephone, or cable lines are overhead, and at least 25 feet wide if any utilities other than water or sewer are buried. The location of easements shall be determined in conjunction with the appropriate utility.

(B) If a subdivision embraces all or any part of a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially with the lines of the watercourse, and is of adequate width as determined by the Commission.
(Ord. 84-11, passed 11-5-84; Am. Ord. 95-9, passed 11-20-95)

§ 153.20 BLOCKS.

(A) Block lengths shall not exceed 1,800 feet, nor be less than 400 feet.

(B) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth.

(C) Pedestrian crosswalks, not less than ten feet wide, shall be required where deemed essential by the Commission to provide adequate circulation or access to schools, playgrounds, shopping centers, or other community facilities.

(Ord. 84-11, passed 11-5-84)

§ 153.21 LOTS.

(A) Every lot shall abut on a public street or a permanent easement of access at least 20 feet wide which connects to a public street.

(B) Side lot lines shall be approximately at right angles or radial to street lines.

(C) Excessive depth in relation to width should be avoided. The proportion of three to one should not be exceeded.

(D) Double frontage and reverse frontage lots shall be avoided except when essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography and orientation. An easement at least ten feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting major or collector highways.

(E) In any subdivision, the width and area of lots shall conform to the minimum requirements of Chapter 154 of this code for the district in which the subdivision is located.

(F) The width and area of lots designed for commercial or industrial uses shall be adequate to provide for the off-street service and parking facilities required by the type of use and development proposed.

(G) The minimum building setback lines established in Chapter 154 of this code shall be observed for all lots in each subdivision.

(H) Corner lots for residential use shall have sufficient extra width to permit the minimum building setback from the side street.

(I) Residential lots fronting on major or collector highways or local collector streets should have extra depth to permit deeper building setbacks from these traffic arteries.
(Ord. 84-11, passed 11-5-84)

§ 153.22 PUBLIC SITES AND OPEN SPACES.

Whenever a park, recreation area, school site, or other public use shown on the Development Plan is located in whole or in part within the proposed subdivision, that proposed public space, if not dedicated to the appropriate public agency, may be required by the Commission to be reserved for a period of one year for later acquisition by the public agency. If a public agency passes a resolution expressing its intent to acquire the land so reserved within the year, the reservation period shall be extended for an additional year.
(Ord. 84-11, passed 11-5-84)

REQUIRED IMPROVEMENTS

§ 153.35 MONUMENTS AND MARKERS.

(A) All monuments shall be of concrete or stone and not less than four inches square and 36 inches long. The center shall be marked on the top by either a copper dowel, set flush with the top, $\frac{3}{8}$ inches in diameter and $2\frac{1}{2}$ inches long, or by crossed scores at least $\frac{1}{2}$ inch deep.

(B) Monuments shall be set so that the top is level with the adjoining established grade and shall be installed at the following points:

- (1) At the intersection of street and alley right-of-way lines;
- (2) At the intersection of all angles in the subdivision boundary line; and
- (3) At the beginning and ending of all street curves on both right-of-way lines.

(C) The corners of all lots not marked by monuments required above shall be marked by galvanized or wrought iron pipe or iron or steel bars at least three feet in length and not less than $\frac{5}{8}$ inch in diameter, the top of the pipe or bar to be set level with the established grade adjoining it.
(Ord. 84-11, passed 11-5-84)

§ 153.36 STREETS AND ALLEYS.

(A) Streets and alleys shall be graded to the full width of the right-of-way and brought to grades specified on plans, profiles, and cross-sections approved by the Commission in the preliminary plat.

(B) (1) Streets and alleys shall be paved to the following minimum widths:

<i>Street Type</i>	<i>Minimum Width with Curb and Gutter*</i>
Major highway	**
Collector highway	**
Local collector street	36 feet
Local access street	30 feet
Marginal access street	30 feet
Alley	20 feet

Notes to Table:
 * Face to face of curbs.
 ** In accordance with the Development Plan and as approved by the Commission.

(2) The street pavement to be constructed by the subdivider need not exceed 36 feet in width.

(C) Streets and alleys shall be constructed to either of the following minimum specifications or to alternate specifications providing equal or better construction, as approved by the Commission:

(1) Flexible paving material:

<i>Pavement Section or Material</i>	<i>Thickness</i>	
	<i>Local Collector Streets</i>	<i>Local and Marginal Access Streets and Alleys*</i>
Surface: Hot asphaltic concrete or bituminous coated	1 inch	1 inch
Binder: Hot asphaltic concrete base or bituminous coated blended aggregate base	2½ inches	2 inches

Covington - Land Usage

<i>Pavement Section or Material</i>	<i>Thickness</i>	
	<i>Local Collector Streets</i>	<i>Local and Marginal Access Streets and Alleys*</i>
Subbase: Crushed stone or gravel	4 inches	4 inches
Total thickness	13½ inches	13 inches

Notes to Table:

* When local access streets, marginal access streets, or alleys serve commercial or industrial development, the local collector street specifications shall be required.

(2) Five inches Portland cement concrete with transverse sawed joints or zip strip at 20-foot intervals;

(3) Concrete must contain 6% ± 1% of entrained air by volume. It must be a six bag or equivalent mix design and have a maximum slump of five inches. This specification must be met in its entirety if not included in division (C)(4) below;

(4) Construction of improvements shall conform to the required specifications of the Indiana Department of Transportation together with all subsequent revisions and supplements. For copies of these standard specifications, contact:

Contract Engineer
Room N730
Indiana Department of Transportation
100 North Senate Avenue
Indianapolis, IN 46204

(5) A more durable type of pavement may be required on major streets, in which case specifications will be either furnished or approved by the City Engineer.

(Ord. 84-11, passed 11-5-84)

§ 153.37 CURBS AND GUTTERS.

Concrete curbs and gutters shall be installed along all streets in the subdivision. Curbs and gutters shall be of vertical face design and the materials and methods of construction must conform to the minimum specifications of the state Highway Department Standard Specifications. All curbs, gutters, or combination curb and gutter shall be constructed of Portland cement concrete. The mix design for curb and gutter shall be the same as the specification for a concrete street except that a 5½-bag mix design is acceptable.

(Ord. 84-11, passed 11-5-84)

§ 153.38 SIDEWALKS.

(A) Concrete sidewalks, at least four feet wide and four inches thick, shall be installed on both sides of each street except where they are deemed unnecessary by the Commission for pedestrian safety and convenience.

(B) Sidewalks shall be located within the street right-of-way one foot from the street right-of-way line.

(Ord. 84-11, passed 11-5-84)

§ 153.39 STORM DRAINAGE.

(A) A stormwater sewer system or a surface drainage system adequate to serve the area being subdivided shall be provided. The system shall be in accordance with the plans and specifications approved by the Commission in the preliminary plat.

(1) When curbs and gutters are provided or when the Commission determines the natural surface drainage to be inadequate, the subdivider shall construct a stormwater sewer system with catch basins appropriately spaced along the streets in the subdivision. Valley gutters extending across the street surface shall not be used.

(2) When topsoil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose materials, the subdivider shall seed or provide other means to prevent the wash from damaging adjacent property, accumulating on street surfaces, or blocking drainage ways.

(B) In the design of a stormwater sewer system for a subdivision, the present and future expected run from the larger drainage area should be considered. For this reason, it may be desirable that larger sewers than those needed to service the immediate subdivision be installed. If this occurs, the Commission may recommend that the city join with the subdivider in the installation of the sewer system.

(Ord. 84-11, passed 11-5-84)

§ 153.40 WATER SUPPLY.

(A) If, in the judgement of the Commission, a public water main is reasonably accessible, a complete water distribution system approved by the state Board of Health, including a connection for each lot and fire hydrants meeting the requirements of the Fire Insurance Underwriters Association, shall be installed.

(B) If a public water main is not reasonably accessible, each lot may be provided with an individual water supply, provided this supply is installed in accordance with the minimum requirements of the state Board of Health.
(Ord. 84-11, passed 11-5-84)

§ 153.41 SEWAGE DISPOSAL.

(A) If, in the judgement of the Commission, a public sanitary sewer is reasonably accessible, a complete sanitary sewer system approved by the state Board of Health, including a lateral connection for each lot in the subdivision, shall be installed.

(B) The Commission may require that a sanitary sewer lift station be installed so that the public sanitary sewer is reasonably accessible.

(C) If, in the judgement of the Commission, a public sanitary sewer main is not reasonably accessible, even by using a lift station, sanitary wastes may be disposed of by one of the following methods, but only as a last resort.

(1) The subdivision may be provided with a complete sanitary sewer system, including a lateral connection for each lot and a package treatment plant, all meeting the approval of the state Board of Health and the state Stream Pollution Control Board.

(2) The subdivider may provide a private sewage disposal system on individual lots consisting of a septic tank and soil absorption field or other approved sewage disposal system, provided these disposal systems are installed in accordance with the minimum standards of the state Board of Health and provided that the soil in the subdivision will properly absorb sewage effluent as determined by percolation tests performed in accordance with the procedure prescribed by the state Board of Health or as determined by some other comparable test approved by the Commission. Regardless of the test used, the following shall apply.

(a) An adequate number of tests, as determined by the Commission, to clearly indicate the soil conditions throughout the subdivision, shall be made by the subdivider.

(b) The tests shall be performed by a licensed engineer, licensed surveyor, or qualified sanitarian.

(c) The location of each test shall be recorded on a map of the subdivision.

(d) The results of the tests shall be keyed to the map and certified as being true, correct, and performed according to the required procedure by the person performing the tests.

(e) No lot shall be used as a building site on which a percolation test indicates a time of 60 minutes or more for the water to fall one inch.

(D) If a sanitary sewer system is to be installed, it may be desirable that sewer mains of a larger size than needed to serve the immediate subdivision be installed. If this occurs, the Commission may recommend that the city join with the subdivider in the installation of the sewer system.

(Ord. 84-11, passed 11-5-84)

§ 153.42 UTILITY LINES.

(A) All underground utility lines installed initially in streets, roads, or alleys shall be constructed prior to the surfacing of the streets, roads, or alleys. Service connections for all underground utility lines shall be extended to a length beyond the surfaced area of any street, road, or alley as will obviate the necessity for disturbing the street, road, alley, or sidewalk improvements when service connections thereto are made. Utility lines should be installed under paved areas of streets, roads, alleys, and sidewalks only when absolutely necessary.

(B) No utility hook-ups will be allowed until street specification is met. The exception to this is a hook-up for construction.

(Ord. 84-11, passed 11-5-84)

§ 153.43 STREET NAME SIGNS.

The subdivider shall install standard street signs at the intersection of all streets in the subdivision. The signs and method of display shall be subject to approval by the Commission.

(Ord. 84-11, passed 11-5-84)

§ 153.44 COMPLETION.

Upon completion of the installation of streets and alleys and storm drainage, water supply, and sewage disposal systems, a copy of the final plans and specifications as built shall be filed with the Commission.

(Ord. 84-11, passed 11-5-84)

§ 153.45 ANNEXATION.

No subdivision or streets shall be annexed to the city until they meet the requirements of these street specifications. The city will have up to one year after the time of presentment of annexation plans to review any completed street's resilience to freezing and thawing weather before it must act on the annexation of that street.

(Ord. 84-11, passed 11-5-84)

PLAT APPROVAL PROCEDURE**§ 153.55 PLAT APPROVAL PROCEDURE.**

A person seeking the approval of a plat shall submit a written application for a certificate of approval together with a copy of the proposed plat to the Commission in accordance with the following procedure.

(Ord. 84-11, passed 11-5-84)

§ 153.56 PRE-APPLICATION MEETING.

A person should, prior to making application for the approval of a plat, arrange to meet with the Commission in order to become familiar with the substantive and procedural requirements of this chapter and to inform the Commission of his or her general intent concerning his or her proposed plat.

(Ord. 84-11, passed 11-5-84)

§ 153.57 APPLICATION MATERIALS; PRELIMINARY PLAT; FEE.

(A) A person seeking approval of a plat shall submit a written application for tentative approval of the plat to the Commission at least ten days before the meeting at which the Commission is expected to consider it.

(B) The application must include or be accompanied by the following in the form prescribed:

(1) *Letter.* A letter of application certifying ownership or interest of applicant in the proposed subdivision;

(2) *Vicinity sketch.* A vicinity sketch with a scale of not less than 1,000 feet equaling one inch, showing the relationship of the plat to its general surroundings and showing the following details:

- (a) Existing streets within 1,000 feet of the subdivision;
- (b) Proposed streets with connections to existing streets;
- (c) Proposed direction of flow for stormwater in relation to natural drainage channels;
- (d) Municipal boundaries within 1,000 feet of the tract; and

(e) Major water and sewer lines within 1,000 feet of the tract. If connection to site is proposed, only those necessary for connection need be shown.

(3) *Preliminary plat.* Three copies of a preliminary plat, prepared by a registered professional engineer or land surveyor in the form, content, and detail prescribed below.

(a) *Preliminary plat.* The preliminary plat shall be clearly and legibly drawn and labeled: Preliminary Plat. The size of the map shall not be less than 12 inches by 18 inches. The map of a subdivision containing six acres or less shall be drawn at a scale of one-inch equals 50 feet. All other subdivisions shall be drawn at a scale of one-inch equals 100 feet, unless otherwise required by the Commission.

(b) *Title, guide information, and approval form.*

- 1. Proposed name of subdivision. The name shall not duplicate, or be the same in spelling or alike in pronunciation with any other recorded subdivision;
- 2. Location by section, quarter section, township, range, county, and state;
- 3. Names and addresses of the owner, subdivider other than the owner, and the engineer or surveyor preparing the plat;
- 4. Scale of plat, north point, and date; and
- 5. Approval statement in the form as shown in division (A) of the appendix.

(c) *Existing site conditions affecting the plat.*

- 1. Boundaries of the subdivision indicated by a heavy line with bearings and distances and the approximate acreage;
- 2. Locations, widths, and names of existing or platted streets, alleys, railroad rights-of-way, easements, parks, permanent buildings, and section and corporate lines within 100 feet of the tract;

Covington - Land Usage

land;

3. Names of adjacent subdivisions and owners of adjoining parcels of subdivided

4. Zoning district boundary lines, if any;

5. Existing contours with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. Elevations are to be based on sea level datum;

6. Drainage channels or pipes, watercourses, culverts, wooded areas, power transmission poles and lines, and any other significant items shall be shown; and

7. The location and sizes of any existing sewers, water lines, fire hydrants, and gas mains on or within 100 feet of the tract, with pipe sizes and grades indicated and invert elevations where necessary.

(d) *Proposed improvements.*

1. Location and width of all proposed streets, roads, alleys, and utility easements;

2. Parks, playgrounds, and other public areas proposed for dedication;

3. Proposed street names;

4. Lot lines and approximate dimensions of lots; and number of lots;

5. Designation of streets, rights-of-way, easements, and other areas proposed to be dedicated or reserved for public use, together with the conditions of the dedications;

6. General drainage plan for stormwater; and

7. Building setback lines with dimensions.

(4) *Other information.*

- (a) Statement of proposed use of lots, stating the type of residential buildings with the number of proposed dwelling units, or the type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, or congestion of population;

- (b) Proposed restrictive covenants;

- (c) If any proposed zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions;

(d) Tentative cross-sections and center line profiles for each proposed street shown on the preliminary plat, showing type of pavement and curb installations;

(e) The plans and profile of proposed sanitary and storm sewers, with manholes, invert elevations, grades, and sizes indicated on plans and, where required, proposed location and type of on-lot sewage disposal facilities;

(f) A plan of the proposed water distribution system, showing pipe sizes and location of valves and fire hydrants, or a plan showing the location of individual wells;

(g) Percolation or other test results and location of each test; and

(h) A report from the county Soil and Water Conservation District which indicates the capabilities of the soils in the proposed subdivision with respect to building development, road construction, drainage, sewage disposal system, erosion control, and other information that might assist the Commission in its review of the preliminary plat.

(5) *Fee.* Fee to pay for checking and verifying the plat, as a certified check or money order, payable to the city in the amount of \$10 plus \$.25 for each lot in the proposed subdivision. (Ord. 84-11, passed 11-5-84)

§ 153.58 PRELIMINARY PLAT REVIEW; APPROVAL.

(A) The Commission shall review the application within a reasonable time, and if it is satisfied that the requirements and standards of the chapter have been met by the applicant, then it shall tentatively approve the application and shall set a date for a hearing, notify the applicant in writing, and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat. The cost of publication shall be met by the applicant.

(B) Following the hearing the Commission shall approve or disapprove the preliminary plat. If it approves the preliminary plat, it shall affix the Commission's seal upon the plat. If it disapproves, it shall set forth its reasons in its own record and provide the applicant with a copy. Approval of the preliminary plat in no way constitutes the approval of the plat required prior to being filed with the County Auditor and recorded by the County Recorder. (Ord. 84-11, passed 11-5-84)

§ 153.59 FINAL PLAT; APPLICATION.

(A) *Filing.* Upon approval of the preliminary plat and upon completion of the required improvements, the applicant may file application for a certificate of approval of a final plat.

(B) *General requirements.*

(1) The final plat shall conform to the approved preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that this portion conforms with all the requirements and standards of this chapter.

(2) The final plat shall be filed not later than 18 months after the approval of the preliminary plat, otherwise this approval shall be void.

(3) Three copies of the plat shall be filed. It shall be prepared by a registered professional engineer or land surveyor.

(C) *Form.* The final plat shall be clearly and legibly drawn on Mylar, linen, or similar materials, in a permanent reproducible form. The size of the map shall not be less than 12 inches by 18 inches. The map of a subdivision containing six acres or less shall be drawn at a scale of 1 inch equals 50 feet. All other subdivisions shall be drawn at a scale of 1 inch equals 100 feet, unless otherwise required by the Commission.

(D) *Content.* The final plat shall contain the following information:

(1) Title, guide information, and approval form:

(a) Name of subdivision;

(b) Location by section, quarter section, township, range, county, and state;

(c) Name and addresses of owner, subdivider if other than the owner, and the engineer or surveyor preparing the plat;

(d) Scale of plat, north point, and date;

(e) Approval statement in the form shown in division (A) of the appendix to this chapter;

and

(f) The following certificates, shown in divisions (B), (C), and (D) of the appendix:

1. Certificate of Dedication;

2. Certificate of Acknowledgement; and

3. Land Surveyor's Certificate.

(2) The full plan of development including boundary lines, street lines, street names, lot lines, building lines, drainage installations, sewage and water facilities, hydrants, and street tree locations;

(3) Areas dedicated or reserved for public use, including streets, pedestrian ways, parks, and the like, with the purpose indicated thereon;

(4) All plat boundaries with length of courses to $1/100$ foot and bearings to half minutes. When required by the Commission, all calculations and field notes shall be submitted;

(5) Sufficient data to determine readily the location, right-of-way width, bearing, and length of every street, lot line, and boundary line, and to reproduce these lines upon the ground;

(6) The length of all street lines, the deflection of angles, radii, length of curves and central angles of all curves, tangent distances, and tangent bearings;

(7) Bearings and distances to the nearest established street lines, section corners, and/or other recognized permanent monuments, which shall be accurately described on the plat;

(8) All easements for rights-of-way provided for public services or utilities and any limitations of these easements;

(9) All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or crosswalkway lines;

(10) Accurate location, size, and type of all monuments;

(11) Building setback lines with dimensions;

(12) When lots are located on a curve or when side lot lines are at angles other than 90 degrees the width of the building lines shall be shown;

(13) Reference to recorded subdivision plat of adjoining platted land by record name, date, and number and the names of owners of adjoining unplatted land;

(14) Restrictive covenants shall be shown on the plat;

(15) The applicant shall provide the Commission with the following: a certificate signed by a registered professional engineer stating that all the improvements have been installed in accordance with the requirements of these regulations and in accordance with the approved preliminary plat; and

(16) Other certificates, affidavits, or endorsements as may be required by the Commission.
(Ord. 84-11, passed 11-5-84)

§ 153.60 FINAL PLAT APPROVAL.

Within a reasonable time after an application for a certificate of approval has been received by the Commission it shall approve or disapprove it. If the Commission is satisfied that the application conforms with all the requirements and standards of this chapter, it shall affix the Commission's seal on the plat together with the certifying signatures of its President and Secretary and the date. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy. (Ord. 84-11, passed 11-5-84)

§ 153.61 ALTERNATE PROCEDURE; PLAN WITHOUT STREETS OR SEWERS.

(A) If a subdivision is of a size or location so that it can be properly developed without the construction of streets, curbs, gutters, or sidewalks, or the installation of sanitary sewer, storm sewer, or water lines, the subdivider may use the following procedure for plat approval.

(B) At a pre-application meeting with the Commission, the subdivider may present a dimensioned sketch plan showing the proposed layout of the subdivision, information regarding the provision of sewage facilities and water supply, and percolation or other test results as determined in accordance with the procedure set forth in § 153.41(C)(2) of this code.

(C) After a review of the plan and information with the Commission, the subdivider may submit a written application for a certificate of approval together with three copies of a final plat of the subdivision. The final plat shall comply in form and content to the requirements of § 153.59(C) and (D) of this code. The application shall include a fee to pay for the cost of checking and verifying the plat in the form of a certified check or money order, payable to the city, in the amount of \$5 plus \$.25 for each lot in the proposed subdivision.

(D) The Commission shall review the final plat within a reasonable time, and if it is satisfied that all the requirements and standards of the chapter have been met by the subdivider it shall tentatively approve the final plat and shall set a date for a hearing, notify the subdivider in writing, and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat. The cost of publication shall be met by the subdivider.

(E) Following the hearing, the Commission shall approve or disapprove the final plat. If it approves the final plat, it shall affix the Commission's seal on the plat together with the certifying signature of its President and Secretary and the date. If it disapproves the final plat, it shall set forth its reasons in its own records and provide the subdivider with a copy. (Ord. 84-11, passed 11-5-84)

§ 153.62 MAINTENANCE BOND REQUIRED.

Prior to any street or other improvement being accepted by the city for public maintenance, the subdivider shall post a maintenance bond and/or other security naming the city as obligee in an amount deemed adequate by the City Council to insure maintenance of the improvement for a period of at least 12 months from the date of acceptance by the city.

(Ord. 84-11, passed 11-5-84)

APPENDIX: CERTIFICATES FOR FINAL PLAT

(A) Certificate of Approval.

CERTIFICATE OF APPROVAL

In accordance with the City of Covington Subdivision Control Ordinance this plat was given final approval by the Covington Advisory Plan Commission at a _____ meeting held on the _____ day of _____, 20_____.

President

Secretary

(B) Certificate of Dedication.

CERTIFICATE OF DEDICATION

We, the undersigned owners of the said real estate shown and described hereon, do hereby, as shown, plat and subdivide said real estate and designate the same as (name). All streets within the plat are dedicated to the public, except as shown. Building setback lines are established as shown on the plat, between which lines and property lines of the street there shall not be erected or maintained any building or structures. Strips of ground are reserved for the use of public utilities for the installation of electric lines, telephone poles, surface water drainage, and sewer mains and subject at all times to proper authorities and to the easements hereon reserved. No structures are to be maintained on said strips and owners of lots shall take title subject to the rights of the public utilities in said strips of ground.

Witness our hands this _____ day of _____, 20_____.

President

Secretary

Covington - Land Usage*(C) Certificate of Acknowledgement.*

CERTIFICATE OF ACKNOWLEDGEMENT

State of Indiana
Fountain County, Indiana

Before me the undersigned, a notary public in and for said county and state aforesaid, personally appeared the said (corporation) by (agent) for the said corporation who acknowledges the execution of the foregoing plat of (name) with the dedications and restrictions thereon expressed to be their voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and notarial seal this _____ day of _____, 20____.

My commission expires _____, 20____.

Notary Public

(D) Land Surveyor's Certificate.

LAND SURVEYOR'S CERTIFICATE

I, _____, hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana, and certify that this plat correctly represents a survey completed by me on _____, 20____, and that all monuments shown actually exist and that their location, type, and material are accurately shown.

Land Surveyor
Ind. Reg. No. _____

(Ord. 84-11, passed 11-5-84)

CHAPTER 154: ZONING

Section

General Provisions

- 154.001 Purpose
- 154.002 Definitions
- 154.003 Amendments; authority and regulation

Administration and Enforcement

- 154.015 Zoning Department created
- 154.016 Zoning Administrator; duties and appointment
- 154.017 Zoning Administrator; absence or vacancy
- 154.018 Administration and enforcement authority; Zoning Administrator
- 154.019 Violations; common nuisance
- 154.020 Violations; injunctive relief
- 154.021 Board of Zoning Appeals; created
- 154.022 Board powers and duties

Zoning Maps and Districts

- 154.035 Establishment of districts
- 154.036 Zoning map; incorporated by reference
- 154.037 Zoning map; entry of amendments
- 154.038 Zoning map; official map as final authority
- 154.039 Zoning map; replacement
- 154.040 District boundaries; rules of interpretation

District Regulations; Use Requirements and Restrictions

- 154.050 Application
- 154.051 R-1, urban residential district
- 154.052 R-2, urban residential district
- 154.053 R-3, urban residential district
- 154.054 B-1, general business district

- 154.055 B-2, central business district
- 154.056 B-3, interchange development district
- 154.057 I-1, industrial district
- 154.058 I-2, industrial district
- 154.059 A, agriculture district

Supplementary District Regulations

- 154.070 Buildings on a lot
- 154.071 Division of lots
- 154.072 Access to public street
- 154.073 Access to business or industrial districts
- 154.074 Visual clearance; corner lots
- 154.075 Fences, walls, and hedges
- 154.076 Accessory buildings, structures, and uses
- 154.077 Essential services
- 154.078 Height modification
- 154.079 Front yards
- 154.080 Projection onto yards
- 154.081 Signs
- 154.082 Compact homes
- 154.083 Recreational vehicle parks
- 154.084 Mobile home parks
- 154.085 Temporary uses of land or structures
- 154.086 Off-street parking
- 154.087 Off-street loading
- 154.088 Planned developments
- 154.089 Flood Hazard Areas
- 154.090 Performance standards and general requirements; industrial districts

Non-Conforming Lots, Structures, and Uses

- 154.100 Buildings under construction; grandfather provision
- 154.101 Non-conforming lots of record
- 154.102 Non-conforming uses of land
- 154.103 Non-conforming structures
- 154.104 Non-conforming uses of structures
- 154.105 Repairs and maintenance

Improvement Location Permits; Certificates of Occupancy

- 154.115 Improvement location permit required
- 154.116 Responsibility to obtain permit

- 154.117 Permit application procedure
- 154.118 Approved permit; posting
- 154.119 Certificate of occupancy requirements
- 154.120 Permit expiration
- 154.121 Construction and use as approved
- 154.122 Actions not requiring permit
- 154.123 Permit fees; expense for notice
- 154.124 Conflict of interest

Variances and Special Exceptions

- 154.135 Special exception; application
- 154.136 Special exception; review and hearing
- 154.137 Special exception; requirements
- 154.138 Special exception; conditions
- 154.139 Variance requests; grounds
- 154.140 Variances; conditions
- 154.141 Variance restrictions; uses prohibited by district regulations
- 154.142 Board of Zoning Appeals; authority

Cross-reference:

Subdivision control, see Ch. 153

GENERAL PROVISIONS

§ 154.001 PURPOSE.

This chapter is in accordance with a Development Plan and is adopted so that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience, and general public welfare may be promoted. This chapter 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 throughout the territory under the jurisdiction of the city.

(Ord. 83-11, passed 12-5-83)

§ 154.002 DEFINITIONS.

(A) For the purpose of this chapter, the following rules and usages shall apply unless the context clearly indicates or requires a different meaning.

Covington - Land Usage

- (1) The present tense includes the future tense.
- (2) The singular number includes the plural and the plural includes the singular.
- (3) **MAY**. The act referred to is permissive.
- (4) **SHALL**. The act referred to is mandatory.
- (5) **USED**. Includes designed to be used or intended to be used.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any words not defined as follows shall be construed in their general accepted meanings as defined by Webster's Dictionary.

ACCESSORY BUILDING, STRUCTURE, OR USE. One which:

- (a) Is subordinate to and serves a principal building or principal use;
- (b) Is subordinate in area, extent, or purpose to the principal building or use served;
- (c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- (d) Is located on the same lot as the principal building or principal use served, with the single exception of those accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

AGRICULTURE. The use of a tract of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses of tenant housing and for packing, treating, or storing the produce; provided, however, that the operation of any of these accessory uses shall be secondary to that of the normal agricultural activities.

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

AIR CONTAMINANT SOURCE. Any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial, and industrial plants, works, shops, and stores; heating and power plants and stations; buildings and other structures of all types, including single- and multiple-family residences, apartments, houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; automobiles, trucks, tractors, buses, and other motor vehicles; garages

and vending and service locations and stations; railroad locomotives; ships, boats, and other waterborne craft; portable fuel-burning equipment; incinerators of all types, indoor and outdoor; refuse dumps and piles; and all stack and other chimney outlets from any of the foregoing.

AIR POLLUTION. Presence in the outdoor atmosphere of one or more contaminants in sufficient quantities and of characteristics and duration so as to be injurious to human, plant, or animal life, or to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

ALLEY. A public right-of-way which normally affords a secondary means of access to abutting property.

BLOCK. A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally-owned lands, railroad rights-of-way, rivers and lakes, and other lines of demarcation.

BOARD. The Board of Zoning Appeals.

BUILDING. A structure built for the support, enclosure, shelter, and protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

BUILDING HEIGHT. The vertical distance from the curb level to the highest point of the underside of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof.

BULK. The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- (a) Size and height of buildings;
- (b) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (c) Gross floor area of buildings in relation to lot area;
- (d) All open spaces allocated to buildings; and
- (e) Amount of lot area and lot width provided per dwelling unit.

BUSINESS. An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered.

COMMISSION. The Advisory Plan Commission of the city.

COMPACT HOME. A portable structure, designed for year-around living, 45 feet or more long, 16 feet or more wide for its entire length, with the four outside walls supported by a permanent foundation.

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

CONFINED FEEDING OPERATION.

(a) Any confined feeding of 50 or more cattle, 200 or more swine or sheep, and 2,000 or more fowl;

(b) Any animal feeding operation utilizing a waste lagoon or holding pit;

(c) Any animal feeding operation where the operator elects to come under the Confined Feeding Control Act, being I.C. 13-18-10-1 *et seq.*; or

(d) Any animal feeding operation as amended, and any valid regulations thereof as determined by the Stream Pollution Control Board.

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

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

DUSTS. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, dulling, demolishing, shoveling, conveying, covering, bagging, sweeping, and the like.

DWELLING. A permanent building, or portion thereof, but not a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

DWELLING, MULTIPLE-FAMILY. A dwelling or portion thereof, containing three or more dwelling units.

DWELLING, SINGLE-FAMILY. A dwelling containing one dwelling unit only.

DWELLING, TWO-FAMILY. A dwelling containing two dwelling units only.

DWELLING UNIT. One or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms are not necessarily provided, but complete single kitchen facilities, permanently installed, shall be included for each **DWELLING UNIT**.

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

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

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

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the private passenger vehicles of the family or families resident upon the premises.

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

GOVERNMENTAL AND PUBLIC UTILITY USES. Electric and telephone substations and distribution centers; filtration plant, pumping station, and water reservoir; public or package treatment plants; fire stations; telephone exchange; radio and television transmitting or relay stations; antenna towers; and other similar governmental and public utility service uses.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

HOME OCCUPATION. An occupation or activity conducted entirely within a dwelling, solely by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and in connection with which:

- (a) There is no outside storage of goods or equipment nor commodity sold on the premises;
- (b) Display of goods or commodities sold on the premises is incidental to the primary purpose of the home occupation;
- (c) Not more than one person not a resident on the premises is employed;
- (d) Not over 25% of the first floor or the dwelling is occupied by this use; and
- (e) No internal or external alterations to the dwelling are required to accommodate the use.

JUNK YARD. An open area where waste or scrap materials or three or more motor vehicles not in running or operable condition or parts thereof are bought, sold, exchanged, stored, baled, packed, disassembled, or handled; but excluding uses established entirely within enclosed buildings.

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

LOT. A tract or parcel of land of at least sufficient size to meet minimum zoning requirements for use and area and to provide yards and other open spaces as are herein required. The **LOT** shall have frontage on a public street or a permanent easement of access, at least 20 feet wide, connecting to a public street.

LOT, CORNER. A lot situated at the intersection of two or more streets.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder; or a parcel of land, the deed to which was recorded in the Office of the County Recorder prior to the adoption of this code of ordinances.

LOT, THROUGH. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. Both street lines shall be deemed front lot lines.

LOT WIDTH. The horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth at the established front building line.

MISTS. Minute liquid particles generated by any of the methods listed for dusts or fumes, or by the spraying of liquids.

MOBILE HOME. A portable structure having a living area of 480 square feet or more and designed or used for year-round living.

MOBILE HOME PARK. An area of land used for the parking of two or more mobile homes.

MOBILE HOME SITE. The area of land in a mobile home park for the parking of one mobile home.

PERFORMANCE STANDARDS. A criterion, established to control noise, smoke, toxic or noxious matter, vibration, or glare or heat generated by, or inherent in, uses of land or buildings.

PLANNED DEVELOPMENT. A tract of land, under single ownership or control, which contains two or more principal buildings and may contain more than one principal use in a unified development where specific requirements of a given zoning district may be modified.

PUBLIC WAY. A sidewalk, alley, street, or limited access way.

RECREATIONAL VEHICLE. A temporary dwelling for travel, recreation, and vacation use, including, but not limited to:

(a) **CAMPING TRAILER.** A canvas, folding structure, built on a chassis with wheels and designed to move on the highway;

(b) **MOTOR HOME.** A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle;

(c) **PICK-UP COACH.** A structure designed to be mounted on a truck chassis or cut-down car;

(d) **TENT.** A collapsible shelter of canvas or other material stretched and sustained by poles and used for camping outdoors; and

(e) **TRAVEL TRAILER.** A vehicle, identified by the manufacturer as a travel trailer, having a living area of less than 480 square feet and designed to move on the highway.

RECREATIONAL VEHICLE PARK. An area of land used for the parking of two or more recreational vehicles.

RINGELMANN CHART. One which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke and smoke density.

RINGELMANN NUMBER. Designation of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission or the light-obscuring capacity of the smoke.

SETBACK. The minimum horizontal distance between the front line of a building or structure and the front property line.

SIGN. A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or tract of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. A **SIGN** shall not include:

(a) The display of official court or public office notices;

(b) The flag, emblem, or insignia of a nation, political unit, school, or religious group;

nor

(c) One located behind window areas intended to be viewed from outside the building.

SIGN, ADVERTISING. A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where the sign is located or to which it is affixed.

SIGN, BUSINESS. A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is affixed.

SIGN, GROSS AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of same. The perimeter shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display.

SMOKE. Small gas and airborne particles consisting essentially of carbonaceous material in sufficient number to be observable.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement having more than one-half its clear floor-to-ceiling height above curb level shall be considered a story.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three feet above the top level of the story below.

STREET. A partially or fully improved public right-of-way which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION. A change, other than incidental repairs, which would prolong the life of the supporting members of a building, columns, beams, girders, or foundations.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, except public utility communication and electrical transmission lines and equipment and facilities supporting the same and/or incidental thereto.

USE. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

VAPORS. The gaseous form of substances which are normally in the solid or liquid state and which can be changed to these states by increasing the pressure or decreasing the temperature.

YARD. An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level upward, except as otherwise permitted.

YARD, FRONT. A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR. A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE. A yard extending along a side lot line from the front yard to the rear yard.
(Ord. 83-11, passed 12-5-83)

§ 154.003 AMENDMENTS; AUTHORITY AND REGULATION.

The City Council may, from time to time, amend, supplement, or change the regulations and districts fixed by this chapter. Any amendments, supplements, or changes thereto shall only be made in accordance with the provisions of I.C. 36-7-4-601 *et seq.*, as amended.
(Ord. 83-11, passed 12-5-83)

ADMINISTRATION AND ENFORCEMENT**§ 154.015 ZONING DEPARTMENT CREATED.**

There is hereby created a department being the Zoning Department, pursuant to I.C. 36-4-9-4.
(Ord. 94-2, passed 5-16-94)

§ 154.016 ZONING ADMINISTRATOR; DUTIES AND APPOINTMENT.

(A) The Zoning Department shall be under the administration of the Zoning Administrator, a person contemplated by §§ 154.018, 154.115, and 154.117 through 154.122 of this code to have certain duties and responsibilities.

(B) The Zoning Administrator should be appointed in a manner as other appointments of department heads are made, as contemplated by I.C. 36-4-9-2.
(Ord. 94-2, passed 5-16-94)

§ 154.017 ZONING ADMINISTRATOR; ABSENCE OR VACANCY.

(A) The duties of the Zoning Administrator may not be delegated by the Zoning Administrator.

(B) However, in the event of the absence or a vacancy in the Office of Zoning Administrator, then the duties and responsibilities of the Zoning Administrator may be filled and performed by the President of the Plan Commission. The President of the Plan Commission shall have no obligation but may perform Zoning Administrator functions in the event of the incapacity, absence, or vacation of office of the Zoning Administrator.

(C) The authority of the President of the Plan Commission to act shall be upon declaration of the Mayor as to the absence or the vacation of the Zoning Administrator.
(Ord. 94-2, passed 5-16-94)

§ 154.018 ADMINISTRATION AND ENFORCEMENT AUTHORITY; ZONING ADMINISTRATOR.

The administration and enforcement of this chapter is the responsibility of the Zoning Administrator.
(Ord. 83-11, passed 12-5-83)

§ 154.019 VIOLATIONS; COMMON NUISANCE.

Any building or structure erected, raised, or converted on land or premises used in violation of any provision of this chapter is hereby declared to be a common nuisance and the owner of the building or structure, land, or premises is liable for maintaining a common nuisance.

(Ord. 83-11, passed 12-5-83) Penalty, see § 10.99

§ 154.020 VIOLATIONS; INJUNCTIVE RELIEF.

The Commission, the Board, or the Zoning Administrator may institute a suit for injunction in the Circuit Court of the county to restrain an individual or a governmental unit from violating the provisions of this chapter. The Commission or the Board may also institute a suit for a mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this chapter.

(Ord. 83-11, passed 12-5-83)

§ 154.021 BOARD OF ZONING APPEALS; CREATED.

(A) In accordance with state law, a Board of Zoning Appeals shall be appointed, which Board may adopt rules to govern its procedure.

(B) The Board of Zoning Appeals shall hold meetings, keep minutes, and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law.

(Ord. 83-11, passed 12-5-83)

§ 154.022 BOARD POWERS AND DUTIES.

(A) The Board of Zoning Appeals shall hear and determine appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator.

(B) The Board shall permit and authorize special exceptions to the district regulations in the classes of cases or in particular situations specified in this chapter. The special exception procedure is described in §§ 154.135 through 154.138 of this code.

(C) The Board shall authorize upon appeal in specific cases a variance from the terms of this chapter that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. The variance procedure is described in §§ 154.139 through 154.141 of this code.

(D) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the Zoning Administrator.
(Ord. 83-11, passed 12-5-83)

ZONING MAPS AND DISTRICTS

§ 154.035 ESTABLISHMENT OF DISTRICTS.

The city is hereby divided into the following districts, shown on the city Zoning Map:

- (A) R-1: Urban residential district;
- (B) R-2: Urban residential district;
- (C) R-3: Urban residential district;
- (D) B-1: General business district;
- (E) B-2: Central business district;
- (F) B-3: Interchange development district;
- (G) I-1: Industrial district;
- (H) I-2: Industrial district; and
- (I) A: Agriculture district.

(Ord. 83-11, passed 12-5-83)

§ 154.036 ZONING MAP; INCORPORATED BY REFERENCE.

(A) The city Zoning Map, together with all explanatory matter thereon, is incorporated into and made a part of this code of ordinances.

(B) The Zoning Map shall be identified by the signature of the Mayor of the city and the seal of the city under the words: "I hereby certify that this is the Zoning Map referred to in § 154.036 of the 2002 Code of Ordinances," together with the date of the adoption of this code.

(Ord. 83-11, passed 12-5-83)

§ 154.037 ZONING MAP; ENTRY OF AMENDMENTS.

(A) If any changes are made in the district boundaries or any other matter portrayed on the Zoning Map, these changes, together with the following statement, shall be made on the Zoning Map promptly after the amendment has been approved by the City Council:

“On (date), by official action of the City Council the following (change) changes (was) were made in the Zoning Map: (brief description of nature of change).”

(B) The entry shall be signed by the Mayor of the city and bear the seal of the city.

(C) No amendment to this chapter involving anything portrayed on the Zoning Map shall become effective until after the change has been made on the Map.

(Ord. 83-11, passed 12-5-83)

§ 154.038 ZONING MAP; OFFICIAL MAP AS FINAL AUTHORITY.

Regardless of the existence of copies of the official Zoning Map which may from time to time be made or published, the official Zoning Map which shall be located in the City Building is the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

(Ord. 83-11, passed 12-5-83)

§ 154.039 ZONING MAP; REPLACEMENT.

(A) In the event the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a replacement which shall replace the drafting or other errors or omissions in the replaced Zoning Map, but may not amend this zoning chapter.

(B) The new Zoning Map shall be identified by the signature of the Mayor of the city and the seal of the city, along with the date of the resolution, under the following words:

“I do hereby certify that this Zoning Map supersedes and replaces the Zoning Map adopted

(date of adoption of map being replaced) as part of ordinance No. ____.”

(Ord. 83-11, passed 12-5-83)

§ 154.040 DISTRICT BOUNDARIES; RULES OF INTERPRETATION.

(A) The following rules shall be used in interpreting the Zoning Map.

(1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, rivers, or other bodies of water shall be construed as following those center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines.

(3) Boundaries indicated as approximately following corporate, township, or county lines shall be construed as following those lines.

(4) Boundaries indicated as parallel to or extensions of features indicated in divisions (A)(1) through (A)(3) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

(B) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not covered by division (A) above, the Board of Zoning Appeals shall interpret the district boundaries.
(Ord. 83-11, passed 12-5-83)

DISTRICT REGULATIONS; USE REQUIREMENTS AND RESTRICTIONS**§ 154.050 APPLICATION.**

(A) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations specified in this chapter for the district in which it is located.

(B) No yard or lot existing at the time of passage of this code of ordinances shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements established by this chapter. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.
(Ord. 83-11, passed 12-5-83)

(C) The regulations established by this chapter are the minimum requirements for the promotion of the public health, safety, comfort, morale, convenience, and general public welfare. Whenever the requirements of this chapter are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

(Ord. 87-3, passed 4-6-87)

§ 154.051 R-1, URBAN RESIDENTIAL DISTRICT.

(A) Permitted uses and structures.

- (1) Single-family dwellings;
- (2) Public parks, playgrounds, recreation areas, and public golf courses and country clubs;
- (3) Public or private elementary, junior high, and high schools, and buildings for town, city, county, state, and federal government use;
- (4) Churches and community buildings;
- (5) Planned development, residential, or tracts of land of five acres or more in area in accordance with § 154.088 of this code;
- (6) Mobile home when located in a mobile home park;
- (7) Temporary real estate offices for sale or rental of real estate on the premises;
- (8) Temporary buildings and structures incidental to construction work, only for the period of that work;
- (9) Storage of a continually unoccupied recreational vehicle in a private garage or rear or side yard;
- (10) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses; and
- (11) Home occupations as defined in § 154.002 of this code.

(B) Uses permitted as special exceptions by the Board of Zoning Appeals.

- (1) Private clubs and religious and charitable institutions;

Covington - Land Usage

(2) Nursery schools;

(3) Nursing homes, rest homes or assisted living facilities;

(4) Governmental and public utility uses;

(5) Mobile home parks in accordance with, I.C. 16-41-27 *et seq.* as amended, and § 154.084 of this code of ordinances, when located adjacent to a major or collector highway or local collector street;

(6) Hospitals and medical clinics;

(7) Two-family dwellings; and

(8) Uses, buildings, and structures customarily accessory and clearly incidental to the above uses.

(C) *Minimum lot size.*

<i>Type of Dwelling</i>		<i>Area Per Dwelling Unit (Square Feet)</i>	<i>Lot Width (Feet)</i>
Single-family	With sanitary sewers	9,000	80
	Without sanitary sewers	17,500	100
Two-family	With sanitary sewers	6,000	90
	Without sanitary sewers	11,000	110

(D) *Minimum yard size.*

(1) Front yard: 35 feet along major and collector highways and 25 feet along all other streets;

(2) Rear yard: 20 feet; and

(3) Side yard: 7 feet (each side).

(E) *Maximum height of structures.* For single-family and two-family dwellings: Two and one-half stories or 35 feet, whichever is lower.

(F) *Minimum off-street parking requirements.*

<i>Use</i>	<i>Parking Requirements</i>
Home occupations	One space in addition to residence requirements
Hospitals and nursing and rest homes	One space per three beds and one for each two employees on the maximum working shift
Meeting halls and private clubs	Spaces equal to 30% of the maximum number of people that can be accommodated in accord with design capacity
Mobile home parks	One space for each mobile home site, plus one space for each four sites for guest parking
Planned developments	At least the total number of spaces on the basis of the required spaces for each individual use
Public elementary or junior high schools	One space for each three faculty members and other full-time employees
Public utility and public service uses	One space for each two employees, plus adequate spaces as determined by the Board to serve the visiting public
Recreational and community centers	One space for each three employees, plus adequate spaces as determined by the Board to serve the visiting public
School and institutional auditoriums and churches	One space for each two persons employed on the premises, and one additional space for each six seats based on maximum seating capacity, including fixed and movable seats
Single-family dwelling and mobile homes	One space for each dwelling
Two-family dwellings	One and one-half spaces for each dwelling unit
Other permitted or special exception uses	Spaces as determined by the Board

(G) *Limitations on signs.* For each use, no sign intended to be read from off the premises shall be permitted except non-flashing signs in accordance with the following provisions.

(1) *Nameplate and identification signs.*

(a) For residential uses, not more than one nameplate not exceeding one square foot in area, for each dwelling unit, indicating the name or address of the occupant or permitted occupation, shall be permitted.

(b) For other uses, not more than one identification sign, not exceeding 16 square feet in area, which indicates only the name and address of the building or use, shall be permitted.

(c) On a corner lot, two of this type of sign, one facing each street, shall be permitted.

(d) No sign shall be closer than 15 feet to a lot line adjoining a street.

(e) No sign shall project higher than one story or 15 feet above curb level, whichever is lower.

(f) These signs shall be non-flashing and illuminated with white light only.

(2) *For sale and to rent signs.*

(a) Not more than one sign per lot, not exceeding 12 square feet in area and no closer than eight feet to any other lot, shall be permitted.

(b) During the construction and sale of lots in a subdivision containing at least ten acres, a temporary sign may be erected along each side of the subdivision fronting on the street, provided each sign contains not more than 120 square feet of surface area.

(c) On a corner lot, two of this type of sign, one facing each street, shall be permitted.

(d) No sign shall project beyond the property line into the public right-of-way.

(e) No sign shall project higher than one story or 15 feet above curb level, whichever is lower.

(3) *Signs accessory to parking areas.*

(a) For non-residential uses, signs designating entrances or exits are limited to one sign for each entrance or exit and to a maximum size of two square feet each. One sign per parking area designating the identity or conditions of use and limited to a maximum size of nine square feet shall be permitted.

(b) On a corner lot, two of this type of sign, one facing each street, shall be permitted.

(c) No sign shall project beyond the property line into the public right-of-way.

(d) No sign shall project higher than seven feet above curb level.

(Ord. 83-11, passed 12-5-83; Am. Ord. 93-14, passed 12-6-93; Am. Ord. 2001-01, passed 3-19-01; Am. Ord. 2008-6, passed 10-6-08)

§ 154.052 R-2, URBAN RESIDENTIAL DISTRICT.

(A) *Permitted uses and structures.*

(1) The uses permitted and as regulated in §§ 154.051(A)(1), (A)(3), (A)(4), (A)(5), (A)(8), (A)(9), and (A)(11) above, for R-1 urban residential districts;

(2) Public parks and playgrounds;

(3) Two-family dwellings; and

(4) Uses, buildings, and structures customarily accessory and clearly incidental to those above.

(B) *Uses permitted as special exceptions by the Board of Zoning Appeals.*

(1) The special exceptions permitted and regulated in §§ 154.051(B)(1), (B)(2), (B)(3), (B)(4), (B)(6), and (B)(7) above, for R-1 urban residential districts;

(2) Compact homes in accordance with § 154.082 of this code;

(3) Multiple-family dwellings (maximum of four units); and

(4) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.

(C) *Minimum lot size.*

<i>Per Dwelling Unit</i>	<i>Single-Family</i>	<i>Two-Family</i>	<i>Multiple-Family</i>
Minimum lot area	5,000 square feet	3,500 square feet	2,500 square feet
Minimum lot width	50 feet	60 feet	70 feet

(D) *Minimum yard size.*

- (1) Front yard: 20 feet;
- (2) Rear yard: 15 feet; and
- (3) Side yard: 6 feet (each side).

(E) *Maximum height of structures.*

(1) Single-family and two-family dwellings: Two and one-half stories or 35 feet, whichever is lower.

(2) Multiple-family dwellings: Three stories or 35 feet, whichever is lower, except this height may be increased provided that for each one foot of building height over 35 feet (to a maximum of 45 feet) each required side and rear yard shall be increased by two feet.

(F) *Minimum off-street parking and loading requirements.* Same as in R-1 urban residential district.

(G) *Limitations on signs.* Same as in R-1 urban residential district.
(Ord. 83-11, passed 12-5-83; Am. Ord. 93-14, passed 12-6-93)

§ 154.053 R-3, URBAN RESIDENTIAL DISTRICT.(A) *Permitted uses and structures.*

(1) The uses permitted and regulated in §§ 154.051(A)(1), (A)(3), (A)(4), (A)(5), (A)(8), (A)(9), and (A)(11), for R-1 urban residential districts;

- (2) Public parks and playgrounds;
- (3) Two-family dwellings;
- (4) Multiple-family dwellings; and

(5) Uses, buildings, and structures customarily accessory and clearly incidental to those above.

(B) *Uses permitted as special exceptions by the Board of Zoning Appeals.*

(1) The special exceptions permitted and as regulated in §§ 154.051(B)(1), (B)(2), (B)(3), (B)(4), and (B)(6), for R-1 urban residential districts;

(2) Compact homes in accordance with § 154.082 of this code; and

(3) Uses, buildings, and structures customarily accessory and clearly incidental to those above.

(C) *Minimum lot size.* Same as R-2 urban residential district.

(D) *Minimum yard size.* Same as R-2 urban residential district.

(E) *Maximum height of structures.* Same as R-2 urban residential district.

(F) *Minimum off-street parking and loading.* Same as R-1 urban residential district.

(G) *Limitations on signs.* Same as R-1 urban residential district.

(Ord. 83-11, passed 12-5-83; Am. Ord. 87-3, passed 4-6-87; Am. Ord. 93-14, passed 12-6-93)

§ 154.054 B-1, GENERAL BUSINESS DISTRICT.

(A) *Permitted uses and structures.*

(1) Retail businesses and customary accessory service activities;

(2) Personal, business, financial, and professional services;

(3) Governmental and public utility uses;

(4) A dwelling unit or lodging room as an accessory use in the principal building;

(5) Temporary buildings and structures incidental to construction work, only for the period of that work;

(6) Planned developments, business, on tracts of land of four acres or more in area in accordance with § 154.088 of this code of ordinances;

(7) Recreational vehicle parks in accordance with the minimum requirements of § 154.083 of this code of ordinances;

(8) Amusement establishments such as bowling alleys, pool halls, dance halls, amusement parks, and other outdoor amusement facilities;

Covington - Land Usage

(9) Automobile service stations; boat sales, rentals, storage, and repair; greenhouses, retail; machinery sales; monument sales; motor vehicles sales; plumbing and heating showrooms and shops; restaurants and taverns; second-hand stores and rummage shops, excluding building materials or salvage goods; theaters, indoor; trailer sales and rental, for use with private passenger cars; mobile home sales; and drive-in food establishments;

(10) Animal hospitals; auction rooms; blue-printing and photostating establishments; cartage and express facilities; frozen food lockers; motels; laboratories, medical and dental; laundrettes; model homes or garage displays; schools, music, dance, trade, or business; undertaking establishments; and farm service centers;

(11) Clubs and lodges, non-profit; convention and meeting halls; exhibition halls; charitable institutions; and parking lots, open and other than accessory and subject to the provisions of § 154.086 of this code;

(12) Building material sales, retail, but not including processing or manufacture of millwork; contractors or construction offices and shops, without outside storage; dry cleaning establishments; fuel and ice sales, provided liquid fuels in excess of 120 gallons are stored in underground tanks; garages for storage, repair, and servicing of motor vehicles; printing; publishing; radar installations and towers; and storage, warehousing, and wholesale establishments;

(13) Storage of a continually unoccupied mobile home or recreational vehicle; and

(14) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

(B) Uses permitted as special exceptions by the Board of Zoning Appeals.

(1) Theaters, drive-in, provided: vehicular entrance and exit points are on thoroughfares located within a business or manufacturing district; no building or structure shall be set back from the property line or a residence district boundary line less than 40 feet; artificial lighting shall be arranged so that direct rays of light shall not beam upon adjoining properties and streets; and off-street reservoir parking spaces are installed, equal in number to 10% of the vehicle capacity of the theater;

(2) Highway maintenance garages and yards; and

(3) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

(C) Minimum lot size. None required.

(D) *Minimum yard size.*

(1) Front yard: 25 feet;

(2) Rear yard: 20 feet;

(3) Side yard: Not required along an interior lot line, but if provided, shall be not less than five feet. On a corner lot adjoining a street: 25 feet; and

(4) Transitional yard: Along a side lot line which coincides with a side or rear lot line of a lot in a residence district, a yard shall be provided equal in width to the side yard required for a lot in the residence district.

(E) *Maximum height of structures.* Three stories or 45 feet.

(F) *Minimum off-street parking and loading requirements.*

(1) *Off-street parking.* Same as in R-1 urban residential district, and as follows:

<i>Use</i>	<i>Parking Requirements</i>
Auto laundries	One space for each three employees, plus one space for the owner or manager and reservoir parking spaces equal in number to five times the maximum capacity of the auto laundry
Automobile service stations	One space for each employee, plus two spaces for each service stall
Banks	One space for each 300 square feet of floor area
Bowling alleys	Seven spaces for each alley, plus additional spaces as may be required herein for affiliated uses
Business, professional, and public administration or service office buildings	One space for each 750 square feet of floor area
Cartage, express, parcel delivery and freight terminal establishments	One space for each two employees based upon the maximum number of persons employed on the premises, plus one space for each vehicle maintained on the premises
Furniture and appliance stores	One space for each 750 square feet of floor area

<i>Use</i>	<i>Parking Requirements</i>
Gymnasiums, health salons, swimming pools, skating rinks, and dance halls, commercial	One space for each three persons based upon maximum design capacity, plus one space for each three employees
Medical and dental clinics	Three spaces for each examining or treatment room, plus one space for each doctor and each employee in the building
Motels	One space for each dwelling unit
Motor vehicle sales and wholesale stores	One space for each 750 square feet of floor area
Private clubs and lodges	One space for each lodging room and one space for each six seats in accordance with design capacity of the main meeting room
Restaurants and taverns	One space for each three persons based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity
Schools, commercial, trade, music, dance, or business	One space for each two employees, plus one space for each five students based on the maximum design capacity
Undertaking establishments	Eight spaces for each chapel or parlor, plus one space for each funeral vehicle maintained on the premises
Warehouse, storage, and mail order establishments	One space for each two employees based upon the maximum number of persons employed or the premises
Other business and commercial establishments	One space for each 750 square feet of gross floor area
Other permitted or special exception uses	Spaces as determined by the Board

(2) *Off-street loading and unloading.*

<i>Use</i>	<i>Gross Floor Area</i>	<i>Number of Berths</i>	<i>Size of Each Berth</i>
Business or commercial uses	5,000 to 10,000 sq. ft.	1	10 ft. x 25 ft.
	10,000 to 25,000 sq. ft.	2	10 ft. x 25 ft.
	25,000 to 40,000 sq. ft.	2	10 ft. x 50 ft.
	40,000 to 100,000 sq. ft.	3	10 ft. x 50 ft.
	Each additional 200,000 sq. ft. or fraction thereof over 100,000 sq. ft.	1	10 ft. x 50 ft.
Planned developments, business		The total of the required berths for each individual use	

(G) *Limitations on signs.*

(1) For each use, no sign intended to be read from off the premises shall be permitted except in accordance with the following provisions.

(2) Business and advertising signs are permitted in accordance with the following provisions.

(a) The gross surface area in square feet of all signs on a lot shall not exceed six times the lineal feet of frontage of the lot. Each side of the lot which adjoins a street shall be considered a separate frontage.

(b) The gross surface area of all advertising signs shall not exceed one-half the gross surface area of all signs permitted on a lot. Each side of the lot which adjoins a street shall be considered a separate frontage.

(c) A business sign when affixed to a building shall not project therefrom more than eight feet. A business sign not affixed to a building shall be no nearer than five feet to a street right-of-way line.

(d) A business sign affixed to a building shall project no higher than six feet above building height. A business sign not affixed to a building shall project no higher than 30 feet.

(e) Advertising signs affixed to a building wall shall not project therefrom more than two feet, nor project higher than the building height. Freestanding advertising signs shall be located no closer than 40 feet to a street right-of-way line, 20 feet to a rear property line, five feet to a side lot line, and 100 feet to a residence district boundary line, nor project higher than 20 feet above the mean elevation of the finished grade of the adjoining ground or pavement.

(f) Any sign not affixed to a building and located within three feet of a driveway or parking area or within 50 feet of the intersection of two or more streets shall have its lowest elevation at least nine feet above the mean elevation of the finished grade of the adjoining ground or pavement.

(g) Signs may have constant or flashing illumination, provided that where a sign is illuminated by light reflected upon it the direct rays of light shall be shielded from residential buildings and the street.

(Ord. 83-11, passed 12-5-83; Am. Ord. 99-, passed - -99)

§ 154.055 B-2, CENTRAL BUSINESS DISTRICT.

(A) Permitted uses and structures.

(1) The uses permitted and regulated in §§ 154.054(A)(1), (A)(2), (A)(4), (A)(5), and (A)(11) above, for B-1 general business districts;

(2) Fire and police stations, public buildings, parks, and public and private utility uses, but not including outside service or storage yards;

(3) Amusement establishments such as bowling alleys, pool halls, dance halls, theaters, and other indoor amusement uses;

(4) Automobile, implement, and boat sales and service; plumbing and electrical showrooms and shops; restaurants and taverns; second-hand and rummage stores, excluding building materials or salvage goods; hotels; and commercial schools; and

(5) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

(B) Uses permitted as special exceptions by the Board of Zoning Appeals.

(1) Churches;

(2) Blue-printing and photostating, automobile service stations, dry cleaning and laundry establishments, printing and publishing, and garages for repair and servicing; and

(3) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

(C) *Minimum lot size.* None required.

(D) *Minimum yard size.*

(1) Front yard: None required;

(2) Rear yard: None required;

(3) Side yard: Not required along an interior lot line, but, if provided, shall be not less than five feet; and

(4) Transitional yard: Along a side lot line which coincides with a side or rear lot line of a lot in a residence district, a yard shall be provided equal in width to the side yard required for a lot in the residence district.

(E) *Maximum height of structures.* Three stories or 45 feet.

(F) *Minimum off-street parking and loading requirements.* Same as in B-1 general business district.

(G) *Limitations on signs.* Business signs as permitted and regulated in §§ 154.054(G)(2)(a), (G)(2)(c), (G)(2)(d), (G)(2)(f), and (G)(2)(g), for B-1 general business districts. (Ord. 83-11, passed 12-5-83)

§ 154.056 B-3, INTERCHANGE DEVELOPMENT DISTRICT.

(A) *Permitted uses and structures.* The uses listed below are permitted, provided all storage, servicing, or processing shall be conducted within completely enclosed buildings, except for the following: drive-in establishments offering goods or services directly to customers waiting in parked motor vehicles, auxiliary storage to the principal use when it occupies not more than 20% of the gross lot area, storage of merchandise on display for sale to the public, and off-street parking and loading, and in accordance with division (C) below:

(1) Motels, hotels, and restaurants;

(2) Establishments of the carry-out or drive-in type offering goods or services directly to customers waiting in parked motor vehicles;

(3) Commercial amusement establishments;

Covington - Land Usage

(4) Sales and rental of automobiles, campers, mobile homes, and boats, provided all servicing and maintenance shall be carried on within enclosed buildings;

(5) Automobile service stations, farm machinery sales, and service garages for repair and servicing of motor vehicles;

(6) Professional office uses, including medical and dental clinics and financial institutions;

(7) Gift shops, antique stores, furniture and appliance stores, farm service centers, and laundrettes;

(8) Recreational vehicle parks in accordance with the requirements of § 154.083 of this code;

(9) Planned developments, business, or manufacturing, on tracts of land of four acres or more in area in accordance with § 154.088;

(10) The uses permitted and regulated in §§ 154.057(A)(1), (A)(2), (A)(4), (A)(5), and (A)(6) of this code below, for I-1 industrial district; and

(11) Other similar or comparable uses to those set forth in this division.

(B) *Uses permitted as special exceptions by the Board of Zoning Appeals.*

(1) Extraction of gravel, sand, stone, and other raw materials;

(2) Auditorium, community center, stadium, armory, gymnasium, and other similar places for public events;

(3) Public utility transformer stations, filtration and sewage disposal plants, pumping stations, and water reservoirs;

(4) Radio and television transmitting or antenna towers and related facilities;

(5) Mortuaries and funeral homes;

(6) Nursery school or day nursery;

(7) Public or private parking lots; and

(8) Outdoor theaters.

(C) *Approval of site plan.*

(1) No building or structure shall be erected or altered, or land used, unless and until a site plan of development for that building, structure, or use has been presented to and approved by the Commission.

(2) An application for an improvement location permit in a B-3 interchange development district shall be accompanied by a detailed site plan showing the proposed use of buildings, structures, or land; the arrangement of all buildings and structures; the location of streets and driveways (existing and proposed) and proposed ingress and egress points; utility lines and easements, sewerage and water facilities, and drainage; parking and loading areas; buffer landscaping or screening; final grade and topography at a contour interval of five feet or less; and other pertinent information as required by the Commission.

(3) In approving a site plan, the Commission shall determine that it conforms to all applicable provisions of this chapter, that the safety and convenience of the public are properly provided for, and that adequate protection and separation are provided for contiguous and nearby properties. The Commission may attach to its approval of a site plan any reasonable conditions, limitations, or requirements which are found necessary, in its judgment, regarding, among other things, the following:

(a) Access to major thoroughfares. Ingress and egress for all uses should be by marginal access or service roads. Each site plan should make provisions for the immediate or future installation of this type of road. If immediate construction is impractical for an individual use, temporary ingress and egress points may be permitted until road construction can be accomplished. Access should be to and from minor roads wherever possible. Ingress and egress points should be 150 feet or more from the right-of-way line of two intersecting roads;

(b) The provision of adequate sewage disposal and water supply;

(c) Compatibility with adjoining and nearby uses. Wider spacing, buffering, or screening (by plantings, fencing, or grading) may be needed to minimize the effects of undesirable land use features such as outside storage yards, truck loading areas, and parking lots; and

(d) Adequate internal circulation for vehicles and pedestrians.

(4) Alterations to existing residential dwellings and erection or alteration of buildings and structures customarily accessory and clearly incidental to the existing residential use shall not require an improvement location permit, provided the land use does not change from residential use.

(D) *Minimum lot size.*

- (1) Lot area: 1 acre; and
- (2) Lot width: 150 feet.

(E) *Minimum yard size.*

- (1) Front yard: 100 feet;
- (2) Rear yard: 20 feet; and
- (3) Side yard: 20 feet (each side) when adjoining an interior lot line; 30 feet when adjoining a street; and 50 feet where a side lot line coincides with a side or rear lot line in an adjacent residential or agriculture district.

(F) *Maximum height of structures.* 45 feet.

(G) *Minimum off-street parking and loading requirements.* Same as in I-1 industrial district.

(H) *Limitations on signs.* Business signs as permitted and regulated in § 154.054(G)(2)(a), (G)(2)(c), (G)(2)(d), (G)(2)(f), and (G)(2)(g), for B-1 general business district, except no maximum height limitation shall be required.
(Ord. 83-11, passed 12-5-83)

§ 154.057 I-1, INDUSTRIAL DISTRICT.

(A) *Permitted uses and structures.*

(1) The following uses, provided the principal use is conducted within a completely enclosed building and conforms to the performance standards and general requirements of § 154.090 of this code of ordinances:

(a) Light manufacturing, including processing, refining, fabricating, assembling, cleaning, testing, or repairing of goods, materials, or products;

(b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis;

(c) Wholesaling, warehousing, packaging, storage, or distribution facilities;

(d) General offices associated with an industrial use, including service facilities for employees or guests; and

(e) Printing, lithographing, publishing, or photography establishments.

(2) Governmental and public utility uses;

(3) Planned developments, manufacturing, on tracts of land of 20 acres or more in area in accordance with § 154.088 of this code;

(4) Lumber yards, building materials, millwork, storage and sale; contractor's storage yard;

(5) Vehicle and implement repair and painting shops; and

(6) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use, including recreational areas for employees, and lodging facilities for owners, guards, or caretakers.

(B) *Uses permitted as special exceptions by the Board of Zoning Appeals.*

(1) Storage and use of explosive materials, bulk fuel storage;

(2) Trucking terminals;

(3) Grain elevators and supply yards; and

(4) Uses, buildings, and structures customarily accessory and clearly incidental to those above.

(C) *Minimum lot size.* None required.

(D) *Minimum yard size.*

(1) Front yard: 20 feet;

(2) Rear yard: 10 feet, except where abutting a railroad right-of-way; and

(3) Side yard: 15 feet (each side), when adjoining an interior lot line; 25 feet when adjoining a street; and 50 feet where a side lot line coincides with a side or rear lot line in an adjacent residential or business district.

(E) *Maximum height of structures.* 45 feet.

Covington - Land Usage

(F) *Minimum off-street parking and loading requirements.*(1) *Off-street parking.*

(a) Same as in B-1 general business district; and

(b) For the uses of manufacturing, fabricating, processing, assembly, disassembly, cleaning, servicing, testing, or repairing of materials, goods, or products: One parking space for each three employees based upon the working period when the maximum number of persons are employed on the premises.

(2) *Off-street loading and unloading.* Same as in B-1 general business district, and as follows:

<i>Use</i>	<i>Gross Floor Area</i>	<i>Number of Berths</i>
Any manufacturing, fabricating, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products	5,000 to 40,000 sq. ft.	1
	40,000 to 100,000 sq. ft.	2
	Each additional 100,000 sq. ft. or fraction thereof	1
Planned developments, industrial		The total of the required number of berths for each individual use

(G) *Limitations on signs.* For each use, no sign intended to be read from off the premises shall be permitted except in accordance with the following provisions:

(1) Business signs and advertising signs as permitted and regulated in the B-1 general business district; and

(2) For industrial parks, one additional sign on each street frontage, other than those regulated in division (G)(1) above, shall be permitted, subject to the following.

(a) These signs shall advertise only the name and location of the park and the name and type of business of each occupant of the park.

(b) The gross area in square feet of the additional sign shall not exceed three times the lineal feet of frontage of the lot.

(c) The sign shall be set back at least 15 feet from the front lot line of the park.

(d) No sign shall project higher than 30 feet above curb level.
(Ord. 83-11, passed 12-5-83)

§ 154.058 I-2, INDUSTRIAL DISTRICT.

(A) Permitted uses and structures.

(1) The uses permitted in the I-1 industrial district, and the following uses, provided they conform to the performance standards and general requirements of § 154.090 of this code of ordinances:

(2) Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages;

(3) Manufacture and assembly of glass, plastic, paper, cloth, jewelry, and leather products;

(4) Manufacture of colors, dye, paint, and other coatings (excluding tar products);

(5) Machine, welding, tool and die shops, and electroplating operations;

(6) Manufacture of pharmaceutical, biological, medical, cosmetic, and candy products;

(7) Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical goods, and farm machinery;

(8) Manufacture and assembly of marine, office, and household furniture and appliances; communication and automobile equipment; air conditioning, heating, and refrigeration equipment;

(9) Can and container manufacture and processing and milling of forest products;

(10) Canning, bottling, processing, and packaging of food and beverages; grain elevators; grain processing and starch manufacture;

(11) Dyeing and cleaning works; and services such as freight movers, communication, and canteen operations;

(12) Upholstering and feather goods manufacture;

(13) Trucking terminals;

(14) Vehicles and implement repair and painting shops;

(15) Lumber yards, building materials, millwork, storage and sale; contractor's storage yard.

Covington - Land Usage

(B) *Uses permitted as special exceptions.* The following uses are permitted as special exceptions by the Board of Zoning Appeals, provided they conform to the performance standards and general requirements of § 154.090 of this code:

- (1) Storage, use, or manufacture of explosive materials;
- (2) Creosote manufacturing and treatment;
- (3) Bulk storage of petroleum products;
- (4) Foundries, smelting operations, metal forging, rolling, and stamping plants;
- (5) Manufacture of detergents and soaps;
- (6) Monument works and stone cutting;
- (7) Concrete mixing, production of concrete blocks, cinder blocks, and similar building materials;
- (8) Cement, lime, and gypsum manufacturing; oil processing, refining, and manufacturing;
- (9) Fat rendering and fertilizer manufacturing; stock yards, slaughtering, and allied food processing; leather curing and tanning;
- (10) Tar, tar paper, and tar products manufacturing and processing; manufacture of matches and fireworks;
- (11) Production of emulsified asphalt and asphaltic concrete paving material;
- (12) Manufacture of chemicals and gases, poisons and insecticides;
- (13) Storage or processing of salvage, scrap, or junk; and
- (14) Uses, buildings, and structures customarily accessory and clearly incidental to the above uses.

(C) *Minimum lot size.*

- (1) Lot area: 1 acre; and
- (2) Lot width: 150 feet.

(D) *Minimum yard size.*

- (1) Front yard: 40 feet;
- (2) Rear yard: Same as I-1 industrial district; and
- (3) Side yard: Same as I-1 industrial district (each side).

(E) *Maximum height of structures.* Same as I-1 industrial district.

(F) *Minimum off-street parking and loading requirements.* Same as I-1 industrial district.

(G) *Limitations on signs.* Business and advertising signs as permitted and regulated in the I-1 industrial district.

(Ord. 83-11, passed 12-5-83)

§ 154.059 A, AGRICULTURE DISTRICT.

(A) *Permitted uses and structures.*

- (1) Agriculture uses other than confined feeding operations;
- (2) Single-family dwellings;
- (3) Public parks, playgrounds, recreation areas, and public golf courses and country clubs;
- (4) Public or private elementary, junior high, and high schools, and buildings for town, city, county, state, and federal governmental use;
- (5) Churches and cemeteries;
- (6) Community buildings and offices for agriculture and conservation public agencies;
- (7) Governmental and public utility uses when located 100 feet or more from a residential lot or district boundary line;
- (8) Nurseries, greenhouses, and orchards; roadside stands, provided all produce sold is produced on the premises;
- (9) Home occupations;

Covington - Land Usage

(10) Temporary buildings and structures incidental to construction work, only for the period of that work;

(11) Storage of a continually unoccupied recreational vehicle in a private garage or rear or side yard;

(12) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.

(B) Uses permitted as special exceptions by the Board of Zoning Appeals.

(1) Public or private airports and landing strips;

(2) Private clubs and religious and charitable institutions;

(3) Skeet or trap shooting when located 1,320 feet or more from a residential lot or district boundary line;

(4) The following uses, provided the principal building, structure, or use is 200 feet or more from a residential lot or district boundary line: dog kennels, veterinarian office and animal hospital, sanitary landfills, livestock auction barns and yards, commercial riding stables, sawmills, farm service centers, commercial fishing or hunting areas (unlighted), outdoor archery range, and square dance barn;

(5) Mobile home when located on a lot which adjoins a public thoroughfare and in accordance with § 154.084 of this code of ordinances;

(6) Compact homes in accordance with § 154.082 of this code;

(7) Recreational vehicle parks in accordance with § 154.083 of this code; and

(8) Uses, buildings, and structures customarily accessory and clearly incidental to those above.

(C) Minimum lot size.

(1) Lot area: 1 acre; and

(2) Lot width: 150 feet at the building setback line.

(D) Minimum yard size.

(1) Front yard: 50 feet;

(2) Rear yard: 25 feet; and

(3) Side yard: 25 feet (each side).

(E) *Maximum height of structures.* None.

(F) *Minimum off-street parking requirements.*

<i>Use</i>	<i>Parking Requirements</i>
Gymnasiums, stadiums, and grandstands	One space for each six seats based on maximum seating capacity, including fixed and movable seats
Home occupations	One space in addition to residence requirements
Meeting halls and private clubs	Spaces equal to 30% of the maximum number of people that can be accommodated in accordance with design capacity
Public elementary or junior high schools	One space for each three faculty members and other full-time employees
Public high schools	One space for each seven students in accordance with design capacity of building
School and institutional and auditoriums and churches	One space for each two persons employed on the premises, and one additional space for each six seats based on maximum seating capacity, including fixed and movable seats
Single-family dwelling and mobile homes	One space for each dwelling
Other permitted or special exception uses	Spaces as determined by the Board

(G) *Limitations on signs.* For each use, no sign intended to be read from off the premises shall be permitted except non-flashing signs in accordance with the following provisions.

(1) *Nameplate and identification signs.*

(a) Agricultural use: Not more than one nameplate for each principal farm dwelling shall be permitted.

(b) Non-agricultural use: Not more than one identification sign, indicating only the name and address of the building, shall be permitted.

(c) On a corner lot, two nameplates or identification signs, one facing each street, shall be permitted.

(d) No sign shall be closer than 15 feet to a lot line adjoining a street.

(e) No sign shall project higher than two stories or 25 feet above curb level, whichever is lower.

(2) *For sale and to rent signs.*

(a) Not more than one sign per lot, not exceeding 12 square feet in area, and no closer than eight feet to any other lot, shall be permitted.

(b) On a corner lot, two of this type of sign, one facing each street, shall be permitted.

(c) No sign shall project beyond the property line into the public right-of-way.

(d) No sign shall project higher than one story or 15 feet above curb level, whichever is lower.

(3) *Roadside stand signs.*

(a) Not more than two signs, located only on the same lot as the roadside stand, not exceeding 12 square feet in area, and no closer than 50 feet to any other lot, shall be permitted.

(b) No sign shall project beyond the property line into the public right-of-way.

(c) No sign shall project higher than 15 feet above curb level.

(Ord. 83-11, passed 12-5-83; Am. Ord. 2001-01, passed 3-19-01)

SUPPLEMENTARY DISTRICT REGULATIONS

§ 154.070 BUILDINGS ON A LOT.

Except as otherwise provided, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot, and in no case shall there be more than one of this type of building on a lot.

(Ord. 83-11, passed 12-5-83)

§ 154.071 DIVISION OF LOTS.

No lot improved with a building or buildings shall hereafter be divided into two or more lots, and no portion of any thus improved lot shall be sold, unless all improved lots resulting from each division or sale shall conform with all bulk regulations of the zoning districts in which the property is located. (Ord. 83-11, passed 12-5-83)

§ 154.072 ACCESS TO PUBLIC STREET.

Each principal building hereafter erected shall be on a lot which adjoins a public street or a permanent easement of access, at least 20 feet wide, connecting to a public street. (Ord. 83-11, passed 12-5-83)

§ 154.073 ACCESS TO BUSINESS OR INDUSTRIAL DISTRICTS.

No land which is located in a residential district shall be used for driveway or vehicular access purposes to any land which is located in a business or industrial district. (Ord. 83-11, passed 12-5-83)

§ 154.074 VISUAL CLEARANCE; CORNER LOTS.

On a corner lot in any residential district nothing shall be erected, placed, planted, or allowed to grow in a manner which materially impedes vision between a height of 2½ feet and 10 feet above the center line grades of the intersecting streets, in the area bounded by the street right-of-way lines of the corner lot and a line joining two points on the street right-of-way lines 35 feet from the point of their intersection. (Ord. 83-11, passed 12-5-83)

§ 154.075 FENCES, WALLS, AND HEDGES.

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided all other provisions of this chapter are complied with. (Ord. 83-11, passed 12-5-83)

§ 154.076 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

(A) Notwithstanding other provisions of this chapter, walks, driveways, curbs, retaining walls, latticework screens, trees, shrubs, flowers, plants, mailboxes, nameplates, lampposts, birdbaths, benches, and structures of a like nature are permitted in any required front, side, or rear yard, provided they do not violate the requirements of § 154.074 of this code.

(B) Accessory buildings, structures, and uses, other than those set forth in division (A) above, shall be permitted in any required rear yard, provided they are no closer than five feet to any property line.

(C) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
(Ord. 83-11, passed 12-5-83)

§ 154.077 ESSENTIAL SERVICES.

The regulations of this chapter shall not be interpreted so as to limit or interfere with the construction, installation, operation, and maintenance for public utility purposes of water and gas pipes, mains, and conduits; electric light and electric power transmission and distribution lines; telephone and telegraph lines; oil pipelines; and sewer mains.
(Ord. 83-11, passed 12-5-83)

§ 154.078 HEIGHT MODIFICATION.

Church spires, belfries, and domes, silos, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, flagpoles, television and radio towers, masts, and aerials, cooling towers, elevator bulkheads, scenery lofts, tanks, skylights, or mechanical appurtenances necessary to the building may be erected above the height limits herein specified.
(Ord. 83-11, passed 12-5-83)

§ 154.079 FRONT YARDS.

Where 25% or more of the lots on one side of the street within a block or within a distance of 1,800 feet, whichever is less, are occupied by buildings on the effective date of this code of ordinances, no building or other structure shall be erected, reconstructed, altered, or moved so as to project closer to the right-of-way line of the street on which it faces than the average building setback line established by those buildings. Where no front yard line has been thus established, the front yard requirements set forth in the district regulations, §§ 154.051 through 154.059, shall be complied with.
(Ord. 83-11, passed 12-5-83)

§ 154.080 PROJECTION ONTO YARDS.

Every part of a required yard shall be open and unobstructed, except for accessory buildings and uses.

(Ord. 83-11, passed 12-5-83)

§ 154.081 SIGNS.

Signs erected by governmental agencies are exempt from the regulations set forth under the divisions regarding limitations on signs in the district regulations, §§ 154.051 through 154.059.

(Ord. 83-11, passed 12-5-83)

§ 154.082 COMPACT HOMES.

In any district in which compact homes are permitted, the following minimum requirements shall apply.

(A) Each compact home shall be located on a lot and shall be the only principal building on the lot.

(B) A compact home shall comply with the minimum lot size, minimum yard sizes, and other single-family dwelling requirements of the district in which it is located.

(C) The wheels shall be removed from each compact home.

(D) All compact homes shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage as approved by the Zoning Administrator.

(E) Each compact home shall be oriented on the lot in a manner as is most compatible with other dwellings in the immediate neighborhood.

(Ord. 83-11, passed 12-5-83)

§ 154.083 RECREATIONAL VEHICLE PARKS.

In any district in which recreational vehicle parks are permitted, the following requirements shall apply.

(A) Recreational vehicle parks shall have direct access to a major or collector highway or local collector street with sufficient frontage thereon for the proper construction of entrances and exits. The entrances and exits shall be designed for safe movement of recreational vehicles into and out of the park.

Covington - Land Usage

(B) Conditions of soil, groundwater level, drainage, geologic structure, and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding, or severe erosion.

(C) The density of a park shall not exceed 17 recreational vehicle spaces per acre of gross site area.

(D) Recreational vehicles shall be separated from each other and from other park buildings or structures by at least ten feet.

(E) In addition to complying with any required side or rear yard provisions of the district in which the park is located:

(1) No recreational vehicle space shall be nearer than 50 feet to the right-of-way line of a major or collector highway or nearer than 25 feet to the right-of-way line of a local collector street; and

(2) Where the boundary line of a recreational vehicle park coincides with that of a residential district other than along a thoroughfare or alley, a yard of at least 25 feet in width shall be required.

(F) At least one centrally located recreation area equal in size to 8% of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.

(G) Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.

(H) A dense greenbelt of evergreen trees and/or shrubs, not less than three feet high after one full growing season and which at maturity is not less than ten feet high, shall be located and effectively maintained at all times along all park boundary lines where deemed necessary by the Board to protect occupants from adverse influences outside the park or nearby neighbors from adverse effects of the park.

(I) Recreational vehicle spaces shall be rented by the day or week only and each recreational vehicle occupying a space shall remain in the same park no longer than 120 days.
(Ord. 83-11, passed 12-5-83)

§ 154.084 MOBILE HOME PARKS.

In any district in which mobile home parks are permitted, the following minimum requirements shall apply.

(A) The minimum area of a mobile home park shall be five acres.

(B) No mobile home site shall be rented in any park except for periods of 30 days or longer.

(C) No mobile home shall be nearer than 100 feet to the right-of-way line of any major or collector highway.

(D) A dense greenbelt of evergreen trees and/or shrubs, not less than three feet high after one full growing season and which at maturity is not less than ten feet high, shall be located and effectively maintained at all times along all park boundary lines where deemed necessary by the Board.

(E) (1) Each park shall provide a recreational area or areas equal in size to at least 8% of the area of the park.

(2) Streets, parking areas, and park service facility areas shall not be included in the required recreational area.

(F) Coin-operated laundries, laundry and dry-cleaning pickup stations, and other commercial convenience establishments may be permitted in mobile home parks, provided:

(1) They are subordinate to the residential character of the park;

(2) They are located, designed, and intended to serve only the needs of persons living in the park;

(3) The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park; and

(4) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

(G) Each park shall provide either one central waterproof structure available to all mobile home sites or a single waterproof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.

(H) All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

(I) Mobile home sites shall be a minimum of 3,600 square feet in area.

(J) Each mobile home site shall have a minimum width of 40 feet.

(K) The minimum distance between a mobile home and another mobile home or structure shall be 15 feet. Each mobile home shall be located at least ten feet from the greenbelt.

(L) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

(Ord. 83-11, passed 12-5-83)

§ 154.085 TEMPORARY USES OF LAND OR STRUCTURES.

A permit for temporary uses such as carnivals, revival meetings, and uses of a similar nature may be issued by the Zoning Administrator provided the following conditions are adhered to.

(A) The use is, in fact, temporary and will terminate at a specific time.

(B) The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire and other emergency vehicles.

(C) Adequate parking, off-street and on-street, is available within 1,400 feet of the proposed site.

(D) Outdoor lighting will be shielded or directed away from adjoining residential property and streets.

(E) The sign regulations as given in the district regulations, §§ 154.051 through 154.059, for the district in which the temporary use is located, shall be observed.

(Ord. 83-11, passed 12-5-83)

§ 154.086 OFF-STREET PARKING.

The off-street parking provisions of this chapter shall apply as follows.

(A) All buildings and structures erected and all uses of land established after the adoption of this code of ordinances shall be provided with off-street parking and loading spaces as set forth for each district in §§ 154.051 through 154.059 and in this section.

(B) When the intensity of use of any building, structure, or premises is increased by additional dwelling units, floor area, seating capacity, or employment, off-street parking and loading spaces shall be provided for that increase in intensity of use.

(C) Accessory off-street parking facilities in existence on the effective date of this code of ordinances and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this chapter.

(D) All off-street parking spaces required by this chapter shall be provided on the same lot with the building, structure, or use unless the Board of Zoning Appeals approves a detached location.

(E) A required off-street parking space shall be at least 9 feet in width and 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas.

(F) Off-street parking spaces may be located in any yard except a front yard.

(G) The required off-street parking spaces for any number of separate buildings, structures, or uses may be provided collectively on one lot, provided the total number of these spaces shall not be less than the sum of requirements for the various individual buildings, structures, or uses computed separately in accordance with §§ 154.051 through 154.059.

(H) When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.

(I) All off-street parking areas required by this chapter shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees, and shall not be used for any kind of loading, sales, servicing, or continuous storage of a vehicle for more than 48 hours.

(J) Every parcel of land hereafter used as a public or private off-street parking area capable of accommodating five or more vehicles shall be developed and maintained in accordance with the following requirements.

(1) Each required off-street parking space shall have direct access to an aisle or driveway and all required off-street parking areas shall have vehicular access to a street or alley so designed to minimize interference with pedestrian and traffic movement.

(2) All required off-street parking areas shall be paved with bituminous, concrete, or other all-weather, dustproof surfacing and shall be provided with bumper guards or barrier curbs where needed.

(3) Any lighting used to illuminate a required off-street parking area shall be shielded from residential properties.

(4) All open off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height.

(Ord. 83-11, passed 12-5-83)

§ 154.087 OFF-STREET LOADING.

The off-street loading provisions of this chapter shall apply as follows.

(A) All required loading berths shall be located on the same lot as the use served. No permitted or required loading berth shall be located within 40 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard.

(B) Unless otherwise specified, a required off-street loading berth shall be at least 10 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.

(C) All open off-street loading berths shall be improved with a cement concrete pavement or a comparable hard surface pavement.

(D) No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

(E) Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(F) Uses for which off-street loading space is required herein but which are located in buildings of less floor area than the minimum prescribed for the required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.

(Ord. 83-11, passed 12-5-83)

§ 154.088 PLANNED DEVELOPMENTS.

(A) The Commission may authorize the unified development of tracts of land when those tracts:

(1) Are to be developed by a single owner or a group of owners acting jointly;

(2) Meet the minimum acreage requirements set forth for planned developments in the district regulations, §§ 154.051 through 154.059; and

(3) Are located in an R-1, R-2, R-3, B-1, B-2, B-3, I-1, or I-2 district.

(B) In exercising this authority, the Commission may vary the strict application of the district regulations within the planned development on the basis of an approved and recorded plan and program for development as follows.

(1) *Use exceptions.* The Commission may permit in the planned development, and for the duration of that development, specified uses not permitted by the use regulations of the district in which the development is located, provided that the Commission shall find:

(a) The uses permitted by the exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;

(b) Any business or manufacturing uses permitted by the exception are not of a nature or so located as to create a detrimental influence on surrounding residential areas, both within and outside of the planned development;

(c) Not more than 20% of the ground area or of the gross floor area of the development shall be devoted to the uses permitted by the exception; and

(d) In a manufacturing planned development, the additional uses allowed by exception shall conform with the performance standards set forth herein, applicable to the industrial district where the development is located.

(2) *Bulk regulation exceptions.* The Commission may permit exceptions to the applicable bulk regulations of this chapter within the boundaries of planned developments, provided that the Commission shall find:

(a) The exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of the development as well as the neighboring property, than would be obtained under the bulk regulations of this chapter for buildings developed on separate lots;

(b) The minimum lot area per dwelling unit and the minimum lot width requirements of this chapter may be reduced by the Plan Commission in any development containing residential uses, and permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in addition to the amount of public open space required by the subdivision regulations;

(c) The average density of dwelling units in the total unit plan shall not be higher than that permitted in the district in which the plan is located; and

(d) Along the periphery of these planned developments, yards shall be provided as required by the regulations of the district in which the development is located.

(C) The proponent of a planned development permit shall submit an application for permit to the Secretary of the Plan Commission, together with a plat of the area involved in the application which shall show at least the following within the planned development area and within 300 feet thereof:

Covington - Land Usage(1) *Existing conditions.*

- (a) Accurate boundaries of the planned development area;
- (b) Existing zoning;
- (c) Rights-of-way of existing streets, roads, and easements;
- (d) Existing water, sewer, electrical, and other utility lines, facilities, and easements;
- (e) Existing buildings and structures and land and building use; and
- (f) Topography at a contour interval of five feet or less, and other physical features such as streams, drainage ways, and other water areas, and wooded areas.

(2) *Proposed future conditions.* The plat or plan of development shall also show the following:

- (a) Proposed zoning;
- (b) Final grade and topography at a contour interval of five feet or less, and all proposals for surface drainage including addition, alteration, or relocation of streams, other drainage ways, lakes, and other water areas;
- (c) Abandonment or relocation of existing utility lines and provision of new water, sewer, electrical, and other utility lines and easements;
- (d) Location and height of proposed buildings and building groups and the proposed use of each;
- (e) Proposed street and lot layout including right-of-way and pavement, showing the abandonment or relocation of existing streets and alleys and the provision of new streets, alleys, and easements for pedestrian and vehicular access; also the location, capacity, and proposed access and circulation of off-street parking areas;
- (f) The location of proposed parks, playgrounds, schools, and other common or public open space; and
- (g) Proposed points of ingress and egress for the planned development.

(3) *Additional information.* The proponent of a planned development shall also submit:

- (a) Evidence of financial ability to carry out that development;

(b) Copies of proposed agreements for permanent unified control such as deed restrictions, covenants, or other instruments by which development, improvements, or uses are regulated or limited; and

(c) A realistic timetable within which the improvements contained in the planned development proposal can reasonably be expected to be completed.

(D) The proposed planned development shall conform to the procedures and standards for subdivision approval as set forth in Chapter 153 of this code, regarding subdivision control.

(E) The Commission shall review the proposed planned development. Following review, the Commission may approve or reject the proposal. In rejecting, the Commission may recommend modifications or changes in the planned development which shall be a condition of subsequent approval. The effect of approval is as follows.

(1) In the event that no rezoning is necessary to carry out the planned development, Commission approval shall constitute approval of a preliminary and final plat of development.

(2) In the event that a change in zoning is necessary to carry out the planned development, Commission approval shall constitute approval of a preliminary plat of development and a favorable recommendation to the City Council for the rezoning of the planned development area or areas proposed for rezoning. Final plat approval, in this case, is effective upon adoption of an ordinance by the City Council approving the proposed rezoning.

(F) Upon final approval of a planned development, it shall be recorded in the Office of the Recorder and shall be binding upon the applicants and owners of all areas contained within the planned development, and their successors, heirs, and assigns, and shall limit and control the issuance and validity of all certificates of occupancy, improvement location permits, construction or reconstruction, location or relocation, use, and activity in all land, buildings, and structures located within the planned development area.

(G) Any proposed modifications or amendments to the approved and recorded planned development shall be referred to the Commission and may be approved in the same manner as the original approval of the planned development and through the same procedures.

(H) Failure of the applicant to develop a planned development reasonably within the time schedule submitted and approved as a part of the planned development program, or failure to develop in accordance with the approved and recorded plan, shall void the permit for a planned development. (Ord. 83-11, passed 12-5-83)

§ 154.089 FLOOD HAZARD AREAS.

(A) Flood Hazard Areas are shown on the Zoning Maps.

(B) An improvement location permit for a use or structure, including filling and construction or other improvement intended to reduce the danger of flood, otherwise permitted on a lot located in a zoning district but within the Flood Hazard Area, shall not be issued unless and until the Zoning Administrator:

(1) (a) Receives a written report from the Flood Control and Water Resources Commission, based upon a thorough study of the land, use, or structure involved, which determines:

1. The proposed use, structure, or fill would not impede the flow of water or increase flood heights; and

2. The proposed use or structure would not endanger life or property.

(b) The request for a written report from the Flood Control and Water Resources Commission shall be made by the Zoning Administrator. A scale drawing identifying the location, dimensions, and elevations related to the United States Geological Survey (USGS) datum of the land for which the improvement location permit is sought shall be a part of the request and shall be provided to the Zoning Administrator by the applicant for the permit.

(2) Finds that buildings and structures proposed to be located in the Flood Hazard Area are designed, constructed, and placed on the lot so as to create minimum obstruction to the flow of water;

(3) Finds the foundations of all proposed buildings and structures are designed to withstand flood conditions at the site; and

(4) Finds all buildings and structures proposed to be located in the Flood Hazard Area will be securely anchored to the ground, and equipment, materials, and wastes stored outside buildings will have a specific gravity substantially heavier than water or will be otherwise secured against flooding away.

(C) The boundaries of the Flood Hazard Areas are based upon the extent of floodplains as identified by the U.S. Geographical Survey of 1958 as showing the 500 foot contour line. (Ord. 83-11, passed 12-5-83)

Cross-reference:

Flood hazard areas, see Ch. 151

**§ 154.090 PERFORMANCE STANDARDS AND GENERAL REQUIREMENTS;
INDUSTRIAL DISTRICTS.**

(A) The storage or manufacture of materials or products which decompose by detonation are permitted only when specifically approved by the Board of Zoning Appeals. Storage or manufacture of this type of materials shall not be located within 1,000 feet of the boundary line of any zoning district.

(B) Any use, hereafter established in an industrial district requiring conformance with performance standards, shall be operated in a manner so as to conform with the regulations set forth in division (A) above, other provisions of this chapter, and applicable performance standards set forth below. No use lawfully established on the effective date of this code of ordinances shall be so altered or modified as to conflict with these regulations.

(1) *Noise.* No use shall produce noise in such a manner as to be objectionable because of volume, frequency, or beat. Noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, that fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

(2) *Vibration.* No industrial operation or activity shall cause at any time or at any point along the nearest adjacent lot line earth-borne vibrations which are detectable without the aid of instruments.

(3) *Air contaminants.*

(a) No person shall cause, let, permit, suffer, or allow to be discharged from any air contaminant source whatsoever any air contaminant for more than three minutes in any hour at the emission point which is:

1. Greater than the density that is designated as No. 2 smoke on the Ringelmann Chart as published in the U.S. Bureau of Mines Information Circular 6888 and its amendments; or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in division (B)(3)(a)1. above.

(b) The following exceptions to the above provisions of this section shall be permitted:

1. Smoke the shade or appearance of which is equal to but not darker than No. 3 of the Ringelmann Chart for a period or periods aggregating six minutes in any one hour, when cleaning a fire or when building a new fire; or when breakdown of equipment occurs so as to make it evident that the emission was not reasonably preventable; or

2. Where the presence of uncombined water is the only reason for failure of an emission to meet the limitation of (B)(3)(a)2. above, the limitation shall not apply. The burden of proof that water is the only cause of violation shall rest with the person violating this chapter.

(c) 1. The discharge into the outdoor atmosphere of air contaminants so as to cause air pollution and create a public nuisance is contrary to the public policy of the city and the provisions of this chapter.

2. No use shall discharge from any air contaminant source whatsoever air contaminants in sufficient quantities and of characteristics and duration so as to cause an injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger or may tend to endanger the comfort, repose, health, or safety of any persons or the public, or which cause or have a natural tendency to cause injury or damage to business or property. The escape of this type of material, in addition to constituting a violation of this chapter, is also declared to be a public nuisance, and action to abate the same may be taken by the Zoning Administrator.

(4) *Glare and heat.* Any operation producing intense glare or heat shall be performed within a completely enclosed building in a manner so as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the Zoning Administrator.

(Ord. 83-11, passed 12-5-83)

NON-CONFORMING LOTS, STRUCTURES, AND USES

§ 154.100 BUILDINGS UNDER CONSTRUCTION; GRANDFATHER PROVISION.

(A) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been diligently carried on.

(B) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ACTUAL CONSTRUCTION. Includes the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, that demolition or removal shall be deemed to be ***ACTUAL CONSTRUCTION*** provided that work shall be diligently carried on until completion of the building involved.

(Ord. 83-11, passed 12-5-83)

§ 154.101 NON-CONFORMING LOTS OF RECORD.

(A) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot as shown in the records in the office of the County Recorder on the effective date of adoption or amendment of this code. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located.

(B) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this code, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of the parcel shall be used which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves a remaining lot with width or area below the requirements stated in this chapter.

(Ord. 83-11, passed 12-5-83)

§ 154.102 NON-CONFORMING USES OF LAND.

If at the effective date of adoption or amendment of this code of ordinances, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, that use may be continued subject to the following provisions.

(A) No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code of ordinances.

(B) No non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this code of ordinances.

(C) If any non-conforming use of land ceases for any reason for a period of more than six consecutive months, any subsequent use of the land shall conform to the regulations specified by this chapter for the district in which the land is located.

(Ord. 83-11, passed 12-5-83)

§ 154.103 NON-CONFORMING STRUCTURES.

If a lawful structure exists at the effective date of adoption or amendment of this code of ordinances that could not be built under the terms of this chapter by reason of restrictions on area, height, yards, or other characteristics of the structure or its location on the lot, the structure may be continued subject to the following provisions.

(A) No non-conforming structure may be enlarged or altered in a way which increases its non-conformity.

(B) If a non-conforming structure is destroyed by any means to an extent of more than 60% of its replacement cost at time of destruction, it may not be reconstructed except in conformity with the provisions of this chapter.

(C) If a non-conforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Ord. 83-11, passed 12-5-83)

§ 154.104 NON-CONFORMING USES OF STRUCTURES.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of the adoption or amendment of this code of ordinances, that would not be allowed in the district under the terms of this chapter, that use may be continued subject to the following provisions.

(A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

(B) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this code of ordinances, but no such use shall be extended to occupy any land outside that building.

(C) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting this type of change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(D) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which the structure is located, and the non-conforming use may not thereafter be resumed.

(E) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(F) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
(Ord. 83-11, passed 12-5-83)

§ 154.105 REPAIRS AND MAINTENANCE.

(A) On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this code of ordinances shall not be increased.

(B) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of that official.
(Ord. 83-11, passed 12-5-83)

IMPROVEMENT LOCATION PERMITS; CERTIFICATES OF OCCUPANCY

§ 154.115 IMPROVEMENT LOCATION PERMIT REQUIRED.

No building or other structure may be erected, moved, added to, or structurally altered unless an improvement location permit has been issued by the Zoning Administrator in accordance with the provisions of this chapter. A permit may be issued only if the building or structure for which the permit is sought will comply in all respects with this and all other applicable laws.
(Ord. 83-11, passed 12-5-83)

§ 154.116 RESPONSIBILITY TO OBTAIN PERMIT.

The property owner will be responsible for the improvement location permit being obtained.
(Ord. 91-1, passed 1-7-91)

§ 154.117 PERMIT APPLICATION PROCEDURE.

(A) Application for an improvement location permit must be made in duplicate and accompanied by a dimensional drawing, showing the dimensions and the shape of the lot to be built upon; the size and location of existing buildings; and the location and dimensions of the proposed building or alteration. The application must include any other information that is necessary for the administration and enforcement of this chapter, including but not limited to existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; and conditions existing on the lot.

(B) One copy of the application shall be returned to the applicant by the Zoning Administrator after he or she has indicated his or her approval or disapproval on it. The second copy, similarly marked, shall be retained by the Zoning Administrator. If an application is not approved, the Zoning Administrator shall state the reasons for his or her action on the application.

(Ord. 83-11, passed 12-5-83; Am. Ord. 87-3, passed 4-6-87)

§ 154.118 APPROVED PERMIT; POSTING.

If the application for an improvement location permit is approved, the applicant shall post the permit in a conspicuous location on the site of the new or altered building or structure, or addition, or building or structure moved from another location.

(Ord. 83-11, passed 12-5-83)

§ 154.119 CERTIFICATE OF OCCUPANCY REQUIREMENTS.

(A) It is unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy has been issued by the Zoning Administrator stating that the proposed use conforms to the requirements of this chapter.

(B) A non-conforming structure or use may be maintained, renewed, changed, or extended only after a certificate of occupancy has been issued by the Zoning Administrator, stating specifically how the non-conforming use differs from the provisions of this chapter.

(C) A temporary certificate of occupancy may be issued for a period not exceeding six months during alteration or partial occupancy of a building. The Zoning Administrator may require as a condition precedent safeguards that will reasonably protect the safety of the occupants and the public. (Ord. 83-11, passed 12-5-83) Penalty, see § 10.99

§ 154.120 PERMIT EXPIRATION.

(A) If the work described in an improvement location permit has not been started within 90 days from the date it was issued, the permit shall expire and written notice thereof shall be given to the persons affected.

(B) If the work described in any improvement location permit has not been substantially completed within one year of the date it was issued, the permit shall expire and written notice thereof shall be given to the persons affected, together with notice that all work shall cease until a new permit has been obtained.

(Ord. 83-11, passed 12-5-83; Am. Ord. 87-3, passed 4-6-87)

§ 154.121 CONSTRUCTION AND USE AS APPROVED.

Improvement location permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in those approved plans and applications, and no other use, arrangements, or construction.

(Ord. 83-11, passed 12-5-83)

§ 154.122 ACTIONS NOT REQUIRING PERMIT.

No permit shall be required for:

(A) Routine maintenance, repair, or remodeling of existing structures not involving any change of use, additional lot coverage, or building size;

(B) Public utility uses set forth in § 154.077 of this code of ordinances;

(C) Lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, play equipment, and landscaping, provided they do not violate the requirements of § 154.074 of this code;

(D) Signs with a surface area of less than four square feet; and

(E) Buildings and structures, except dwellings, customarily used as accessories to an agricultural operation as defined in § 154.059 of this code, so long as the structure does not exceed 10,100 sq. ft. or a maximum capacity of 43,300 bushels.

(Ord. 83-11, passed 12-5-83)

§ 154.123 PERMIT FEES; EXPENSE FOR NOTICE.

(A) Each application for an improvement location permit shall be accompanied by a check payable to the city in an amount as follows:

- (1) For improvement up to \$5,000: \$10;
- (2) For improvement up to \$10,000: \$20;
- (3) For improvement up to \$50,000: \$50; and
- (4) For improvement over \$50,000: \$100.

(B) The applicant shall bear the expense of any notice required to be published.
(Ord. 83-11, passed 12-5-83; Am. Ord. 87-3, passed 4-6-87)

§ 154.124 CONFLICT OF INTEREST.

(A) *Conflict of interest; avoidance.* Any party with a conflict of interest will declare his or her involvement and remove himself or herself from the decision-making process.

(B) *Improvement location permit approval; conflicts of interest.*

(1) *Zoning Administrator.* The Commission President or another Commission member will replace the Zoning Administrator in connection with the approval signature requirement.

(2) *Electric Department Superintendent or Street, Water, Sewer Department Superintendent.* Another member of the Department will replace the Superintendent in the approval signature requirement.

(Ord. 97-13, passed 11-17-97)

Cross-reference:

Public works, see Title V

VARIANCES AND SPECIAL EXCEPTIONS**§ 154.135 SPECIAL EXCEPTION; APPLICATION.**

A written application for a special exception shall be filed with the Zoning Administrator. The application shall include a dimensioned sketch plan of the proposed special exception showing the existing condition, utility and street facilities, and use of the proposed site and the adjoining properties, the boundaries of the proposed site, and the dimensions, kind, and location of improvements proposed for the site.

(Ord. 83-11, passed 12-5-83)

§ 154.136 SPECIAL EXCEPTION; REVIEW AND HEARING.

Prior to a hearing on the special exception by the Board of Zoning Appeals, a copy of the application shall be forwarded to the Commission for its review as to the effect of the application upon the Development Plan of the city. The Commission may present its recommendations thereto to the Board.

(Ord. 83-11, passed 12-5-83)

§ 154.137 SPECIAL EXCEPTION; REQUIREMENTS.

Before a special exception is granted, the Board shall find:

(A) The special exception will not endanger the public health, safety, morals, comfort, or general welfare;

(B) The special exception will not be injurious to the use and enjoyment of other property in the vicinity nor diminish and impair property values within the neighborhood;

(C) The special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(D) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided; and

(E) Ingress and egress points are so designed as to minimize traffic congestion in the public streets.

(Ord. 83-11, passed 12-5-83)

§ 154.138 SPECIAL EXCEPTION; CONDITIONS.

In granting an authorization for a special exception, the Board may prescribe a time limit as a condition within which the action for which the exception is requested shall be started or completed or both, and additional conditions and safeguards as it deems appropriate in order to achieve the intent of this chapter. Failure to comply with these conditions, or the conditions applicable to each use, made a part of the terms under which the special exception is authorized, shall void the permit granted and is a violation of this chapter.

(Ord. 83-11, passed 12-5-83) Penalty, see § 10.99

§ 154.139 VARIANCE REQUESTS; GROUNDS.

(A) An appeal to the Board of Zoning Appeals requesting a variance shall demonstrate:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) The special conditions and circumstances do not result from the actions of the applicant;
and

(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(B) No non-conforming use of neighboring land, structures, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(Ord. 83-11, passed 12-5-83)

§ 154.140 VARIANCES; CONDITIONS.

In granting a variance, the Board may prescribe conditions and safeguards as it deems appropriate in order to achieve the intent of this chapter. Failure to comply with these conditions and safeguards, when made a part of the terms under which a variance is granted, shall void the variance granted and is a violation of this chapter.

(Ord. 83-11, passed 12-5-83) Penalty, see § 10.99

§ 154.141 VARIANCE RESTRICTIONS; USES PROHIBITED BY DISTRICT REGULATIONS.

Under no circumstances may the Board grant a variance to allow a use not permitted in §§ 154.051 through 154.059 of this code of ordinances, for the district involved.
(Ord. 83-11, passed 12-5-83)

§ 154.142 BOARD OF ZONING APPEALS; AUTHORITY.

In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the Zoning Administrator.
(Ord. 83-11, passed 12-5-83)

