### AG District Intent

The “AG” (Agriculture) District is intended to provide a land use category for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Fulton County for farming operations.

Non-agriculture uses that are located within this zoning district may not object to any permitted agriculture use, whether such uses currently exist, are enlarged, or change in the future to another agricultural use.

The Plan Commission and Boards of Zoning Appeals should strive to protect this district from conflicting land uses, non-agriculture oriented businesses, and any use that may inflict significant environmental impacts or be injurious to neighbors.

The Plan Commission and Boards of Zoning Appeals should also strive to promote less than 1 dwelling unit per 10 acres community-wide in the “AG” district.

### Permitted Uses

<table>
<thead>
<tr>
<th>Residential</th>
<th>Agricultural Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>- dwelling, single family</td>
<td>- agricultural crop production</td>
<td>- detached additional living space</td>
</tr>
<tr>
<td>- residential facility for developmentally disabled (small)*</td>
<td>- agricultural seed sales</td>
<td>- residential facility for developmentally disabled (large)</td>
</tr>
<tr>
<td>- residential facility for mentally ill*</td>
<td>- confined feeding operation permitted by IDEM (1200 animal units or less on any one parcel and/or multiple parcels adjoining or contiguously operating or owned parcels and not within one (1) mile of any incorporated limits)</td>
<td>- seasonal cabin</td>
</tr>
<tr>
<td>- child care home (owner occupied home)</td>
<td>- commercial raising of farm and non-farm animals (subject to maximum animal unit limits)</td>
<td>- seasonal farm worker housing</td>
</tr>
<tr>
<td>- bed and breakfast facility</td>
<td>- grazing and pasture land</td>
<td>- hardship and/or temporary second dwelling unit</td>
</tr>
<tr>
<td>- manufactured home</td>
<td>- orchards</td>
<td>- mining or change in the future to another agricultural use</td>
</tr>
<tr>
<td>- mobile home</td>
<td>- plant nursery, with retail</td>
<td>- processing of agricultural products not produced on site</td>
</tr>
<tr>
<td>- flower shop</td>
<td></td>
<td>- storage of agricultural products not produced on site</td>
</tr>
<tr>
<td>- tractor and implement storage</td>
<td>- sales barn for livestock sale</td>
<td>- sales barn for livestock sale</td>
</tr>
<tr>
<td>- mobile home</td>
<td></td>
<td>- semi-trailer(s) to be utilized as animal housing</td>
</tr>
</tbody>
</table>

### Agricultural Uses

- farm equipment sales/service
- processing of agricultural products not produced on site
- storage of agricultural products not produced on site
- sales barn for livestock sale
- semi-trailer(s) to be utilized as animal housing

### Business: General Business

- kennel
- airport/private landing field
- veterinary hospital/boarding
- landscape business

### Business: Recreation

- commercial riding stables

### Business: Auto Sales/Services

- automobile body shop (enclosed)
- automobile repair/major
- automobile repair/minor

### Business: Retail

- antique shop
- bait/tackle shop
- electrical supply shop
- fabric shop
- flower shop

### Special Exception Uses

- furniture store
- gift shop
- hardware store
- heating/cooling/sales service
- jewelry store
- lumber yard
- outdoor commercial recreational enterprise
- plumbing supply store
- variety store

#### Industrial Uses

- gravel/sand/mining**
- liquid fertilizer and distribution
- machine shop
- mini-storage facility
- topsoil removal and storage areas

#### Institutional/Public Facilities

- church
- cemetery
- corporate retreat center
- recycling center
- recycling collection point (no outdoor storage)
- public park/ball fields
- fairgrounds
- lodge/private club
- private camp/campground
- school, public or private
- sculpture park, for public use

#### Communication/Utility

- cellular/communication/radio/television tower
- pipeline pumping station
- utility substation
- public well
- telephone exchange

#### Governmental Use

- fire/police station/correctional institution
- municipal/state maintenance facility

### Miscellaneous

- home occupation #3
- private recreational development
- wind generating and related apparatus and structures over 140 feet in height

*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

**State law permits mining in rural areas (areas with 7 or less homes within a square mile) regardless of local decision making. In these cases, a Public Hearing is primarily to discuss and mitigate traffic impacts, noise, etc.
AG District

4-1.2 “AG” District Standards

Minimum Lot Area:
- 1 acre

Minimum Lot Width:
- 200 feet

Minimum Lot Frontage:
- 80 feet on a Public Street with access from said Public Street (only if used for a building site for primary or secondary structures).

Maximum Lot Depth:
- 3 times the lot width

Minimum Front Yard Setback:
- 75 feet when adjacent to a Primary Arterial Road
- 50 feet when adjacent to a Secondary Arterial Road
- 50 feet when adjacent to a Collector Road
- 50 feet when adjacent to a Local Road

Minimum Side Yard Setback:
- 30 feet or height of structure whichever is more for the Primary Structure
- setback equal to height of Accessory Structure

Minimum Rear Yard Setback:
- 30 feet or height of structure whichever is more for the Primary Structure
- setback equal to height of Accessory Structure

Maximum Lot Coverage:
- square feet of all primary and accessory structures, and impervious surface cannot exceed 20% of the Lot Area.

Minimum Main Floor Area:
- 880 square feet for one story Primary Structures; or
- 14’ x 70’ single wide mobile home; or
- 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

Maximum Structure Height:
- 50 feet for the Primary Structure
- 30 feet for Accessory Structures
- 90 feet for all Agriculture Related Structures

Development Standards that Apply

<table>
<thead>
<tr>
<th>Fulton County</th>
<th>Article 5, Section 1 - pg. 5-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unincorporated County</td>
<td>Article 5, Section 2 - pg. 5-20</td>
</tr>
<tr>
<td>Akron Incorporated Limits</td>
<td>Article 5, Section 8 - pg. 5-85</td>
</tr>
</tbody>
</table>
Article Five

Development Standards
Article Five

Section Two- Agricultural District (AG)

5-2.0 Interpretation
The following development standards listed within Section Two are applicable within the Agricultural (AG) Zone District listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

5-2.1 Accessory Structure Standards (AS)
AS-01: The following Accessory Structures/Buildings Standards apply to the agricultural district(s). Accessory Structures/Buildings shall comply with all Development Standards for the Zoning District.

A. The following Accessory Structures/Buildings are permitted, but must abide by all applicable Standards:
   • Agricultural buildings,
   • Antennas or satellite dishes,
   • Bath houses or saunas,
   • Decks,
   • Detached garages,
   • Gazebos,
   • Greenhouses,
   • Hot tubs,
   • Mini barns,
   • Pole barns,
   • Privacy fence,
   • Sheds,
   • Sport courts,
   • Storage buildings, and
   • Swimming pools.

B. Two (2) Dumpsters per lot are permitted.

C. Accessory Buildings are not deemed to include swing sets, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.

D. No Accessory Structures/Buildings shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.

E. All permissible Accessory Structures/Buildings shall abide by the following standards:
   a. An accessory structure shall only be located to the rear or side of the primary structure.
   Gazebos, decks, antennas, satellite dishes are exempt.
   b. No mobile home or manufactured home may be used as an accessory structure in any district.

F. All wind generated energy apparatuses when located within the AG District must comply with the following Development Standards:
   a. On-Site-Use wind systems are defined as, “intended to primarily serve the needs of the consumer” on whose property they are constructed.
   b. On-Site-Use wind systems have a setback of one and one-half times the height of the system, which is measured from the base of the tower to the top of one of the blades in a vertical position.
   c. On-Site-Use wind systems must have a minimum vertical blade tip clearance from ground level of twenty (20) feet. Vertical blade tip is measured from the base of the tower to the top of one of the blades in a vertical position.
   d. If an On-Site-Use wind system is supported by guy wires, the wires should be clearly visible to a height of at least 6 feet above the ground.
The following triangle segment lengths will apply to the determination of a clear sight triangle.

   a. along Primary Arterials  40 feet
   b. along Major Collectors  40 feet
   c. along Minor Collectors  20 feet
   d. along Local Roads  20 feet

VC-02: Any newly proposed entrance onto a Public Road must use the most recent edition of the American Association of State Highway and Transportation Officials’ (ASHTO) Policy on Geometric Design of Highways and Streets as the baseline for any vision clearance measurement (site distance, stopping distance, etc.) from the newly proposed entrance onto a public thoroughfare. For the purposes of this section, a “newly proposed entrance onto a public thoroughfare” is specifically defining any new roads, which intersect an existing public thoroughfare (i.e. existing county, city, or town road, street, or alley), that are created by the standards set forth within the Fulton County Subdivision Ordinance.

A. The developer must submit proof that the newly proposed entrance onto a public thoroughfare, complies with the above stated ASHTO standards. Proof of compliance must clearly cross-reference the ASHTO policy with a topographical survey of the proposed entrance onto a County Road, state the ASHTO policy, as well as, cite the chapter, page number, and edition.

5-2.8 Miscellaneous Standards (MS)

MS-01: All mobile homes must be tied down and have perimeter skirting. In addition they must be placed at a minimum, on a concrete pad, pillars, runners, or ribbons with appropriate footer approved by the Fulton County Building Inspector in applicable jurisdictions.

MS-02: Storage or parking of recreational vehicles is subject to the following conditions:
   A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
   B. A recreational vehicle may be permitted to be parked for visitation for thirty days in any one calendar year.
   C. A recreational vehicle shall not be parked on a parcel without a primary structure.
   D. A recreational vehicle shall not be used solely for the purpose of personal storage.

MS-03: The following information applies to the lots one and one-half (1.5) acres and more. The minimum lot size to be able to have any farm animal on any lot, or combination of lots, is one and one-half (1.5) acres. There will be two (2) animal units permitted per acre as determined from the following chart. Lots measuring over ten (10) acres in size are exempt from the requirement
of two (2) animal units per acre. The plan administrator shall have discretion to determine the minimum acreage for farm animals not listed.

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<tr>
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<td>3.0</td>
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<td>Turkeys and Geese</td>
<td>.02</td>
</tr>
<tr>
<td>Chickens</td>
<td>.01</td>
</tr>
<tr>
<td>Ducks</td>
<td>.015</td>
</tr>
<tr>
<td>Horses</td>
<td>1.7</td>
</tr>
</tbody>
</table>

MS-04: A confined feeding operation must maintain fewer than 1,200 animal units on any parcel adjoining or contiguously operating or owned parcels as determined from the following chart.

<table>
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</tr>
<tr>
<td>Horses</td>
<td>1.7</td>
</tr>
</tbody>
</table>

5-2.9 Temporary Sign Standards (TS)

TS-01: The following signs shall be permitted. No sign shall be located within the vision clearance area. Signs may not be located on the right-of-way.

A. One (1) temporary sign is permitted for a total of two (2) months per year. No illumination is permitted.

B. Any sign that is thirty-two (32) square feet or less does not require a permit. Any sign that is greater than thirty-two (32) square feet requires a permit.

C. A sign advertising a legally permitted event shall be removed ten (10) days after the event has transpired.

5-2.10 Permanent Sign Standards (SI)

SI-01: The following signs shall be permitted– except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. No sign shall be located within the vision clearance area. Signs shall not be located in any public right-of-way.

A. One (1) sign per property. Any sign six (6) square feet or less does not require a permit. Any
### AP District

**4-1.3 “AP” District Intent, Permitted Uses, and Special Exception Uses**

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
</table>
| The “AP” (Agriculture Protection) District is intended to provide a land use category exclusively for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Fulton County exclusively for farming operations. | **Agricultural Uses**  
- agricultural crop production  
- agricultural seed sales  
- confined feeding operation permitted by IDEM (1200 animal units or less on any one parcel and/or multiple parcels adjoining or contiguously operating or owned parcels and not within one (1) mile of any incorporated limits)  
- commercial raising of farm and non-farm animals (subject to maximum animal unit limits)  
- grazing and pasture land  
- orchards  
- plant nursery, with retail  
- processing agriculture crop products (produced on-site and off-site)  
- storage of farm vehicles, equipment, and materials (used in the farming operation - not for sale)  
- tree farms, with retail  
- greenhouse  
- winery  
- cider mill  
- farm market  
**Business: Food Sales/Service**  
- farmer’s market | **Agricultural Uses**  
- processing of agricultural products not produced on site  
**Business: General Business**  
- private landing field  
**Industrial Uses**  
- gravel/sand/mining**  
**Communication/Utility**  
- pipeline pumping station  
- utility substation  
- telephone exchange  
**Miscellaneous**  
- wind generating and related apparatus and structures over 140 feet in height |

Due to the fact this district is completely voluntary by the land owner, the Plan Commission and Boards of Zoning Appeals should strive to maintain the owner’s wish for the land to be protected from future generational zone map amendments. Any zone map amendment requested which would take land out of this district, will need to meet the strict criteria set forth within the Fulton County Comprehensive Plan.

*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).  
**State law permits mining in rural areas (areas with 7 or less homes within a square mile) regardless of local decision making. In these cases, a Public Hearing is primarily to discuss and mitigate traffic impacts, noise, etc.*
**AP District**

4-1.4 “AP” District Standards

- **Minimum Lot Area:**
  - 20 acres

- **Minimum Front Yard Setback:**
  - 75 feet when adjacent to a Primary Arterial Road
  - 50 feet when adjacent to a Secondary Arterial Road
  - 50 feet when adjacent to a Collector Road
  - 50 feet when adjacent to a Local Road

- **Minimum Side Yard Setback:**
  - 30 feet or height of structure whichever is more for the Primary Structure
  - setback equal to height of Accessory Structure

- **Minimum Rear Yard Setback:**
  - 30 feet or height of structure whichever is more for the Primary Structure
  - setback equal to height of Accessory Structure

- **Maximum Structure Height:**
  - 90 feet for all structures

- **Development Standards that Apply**

<table>
<thead>
<tr>
<th>Fulton County</th>
<th>Article 5, Section 1 - pg. 5-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unincorporated County</td>
<td>Article 5, Section 2 - pg. 5-3</td>
</tr>
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</table>
Article Five

Development Standards
Article Five

Section Three- Agricultural Protection District (AP)

5-3.0 Interpretation

The following development standards listed within Section Three are applicable within the Agricultural Protection (AP) Zone District listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

5-3.1 Accessory Structure Standards (AS)

AS-01: The following Accessory Structures/Buildings Standards apply to the AP District. Accessory Structures/Buildings shall comply with all Development Standards for the Zoning District.

A. The following Accessory Structures/Buildings are permitted, but must abide by all applicable Standards:
   • Agricultural buildings,
   • Greenhouses,
   • Mini barns,
   • Pole barns,
   • Privacy fence,
   • Sheds,
   • Storage building, and

B. Two (2) Dumpsters per lot are permitted.

C. Accessory Buildings are not deemed to include swing sets, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.

D. No Accessory Structures/Buildings shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.

E. All permissible Accessory Structures/Buildings shall abide by the following standards:
   a. An accessory structure shall only be located to the rear or side of the primary structure.
   b. No mobile home or manufactured home may be used as an accessory structure in any district.

F. All wind generated energy apparatuses when located within the AP District must comply with the following Development Standards:
   a. On-Site-Use wind systems are defined as, “intended to primarily serve the needs of the consumer” on whose property they are constructed.
   b. On-Site-Use wind systems have a setback of one and one-half times the height of the system, which is measured from the base of the tower to the top of one of the blades in a vertical position.
   c. On-Site-Use wind systems must have a minimum vertical blade tip clearance from ground level of twenty (20) feet. Vertical blade tip is measured from the base of the tower to the top of one of the blades in a vertical position.
   d. If an On-Site-Use wind system is supported by guy wires, the wires should be clearly visible to a height of at least 6 feet above the ground.
   e. On-Site-Use wind systems, classified as a permitted use, have a maximum height restriction of sixty (60) feet. Any On-Site-Use wind system taller than the required sixty (60) feet shall be approved by special exception process within the AG District.
   f. On-Site-Use wind systems shall not make, continue, or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner; and such definition of the previous grievances will be by a metered measure consisting of any noise level exceeding 55 decibels on the “A” scale (dB[A]) at the property line. The cost of the metered measurement will be at the property owner’s expense on whose property the windmill is constructed.
B. Curb cuts and drives are permitted when within thirty feet of the crest of a hill unless the Zoning Administrator determines the visibility to be impaired.

C. All intersections must maintain an area (Sight Triangle) where primary or accessory structures, trees, vegetation (other than agriculture crops), or signs (other than road signs) are not allowed to be placed or to project into the area. The Clear Sight Triangle is illustrated below.

The following triangle segment lengths will apply to the determination of a clear sight triangle.

- Along Primary Arterials: 40 feet
- Along Major Collectors: 40 feet
- Along Minor Collectors: 20 feet
- Along Local Roads: 20 feet

VC-02: Any newly proposed entrance onto a Public Road must use the most recent edition of the American Association of State Highway and Transportation Officials’ (ASHTO) Policy on Geometric Design of Highways and Streets as the baseline for any vision clearance measurement (site distance, stopping distance, etc.) from the newly proposed entrance onto a public thoroughfare. For the purposes of this section, a “newly proposed entrance onto a public thoroughfare” is specifically defining any new roads, which intersect an existing public thoroughfare (i.e., existing county, city, or town road, street, or alley), that are created by the standards set forth within the Fulton County Subdivision Ordinance.

A. The developer must submit proof that the newly proposed entrance onto a public thoroughfare complies with the above stated ASHTO standards. Proof of compliance must clearly cross-reference the ASHTO policy with a topographical survey of the proposed entrance onto a County Road, state the ASHTO policy, as well as, cite the chapter, page number, and edition.

5-3.7 Miscellaneous Standards (MS)

MS-01: Storage or parking of recreational vehicles is subject to the following conditions:

- At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping, or housekeeping purposes, except as outlined below.
- A recreational vehicle may be permitted to be parked for visitation for thirty days in any one calendar year.
- A recreational vehicle shall not be parked on a parcel without a primary structure.
- A recreational vehicle shall not be used solely for the purpose of personal storage.
MS-02: The following information applies to the lots one and one-half (1.5) acres and more. The minimum lot size to be able to have any farm animal on any lot, or combination of lots, is one and one-half (1.5) acres. There will be two (2) animal units permitted per acre as determined from the following chart. Lots measuring over ten (10) acres in size are exempt from the requirement of two (2) animal units per acre. The plan administrator shall have discretion to determine the minimum acreage for farm animals not listed.

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MS-03: A confined feeding operation must maintain fewer than 1,200 animal units on any parcel adjoining or contiguously operating or owned parcels as determined from the following chart.

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5-3.8 **Temporary Sign Standards (TS)**

TS-01: The following signs shall be permitted. No sign shall be located within the vision clearance area. Signs may not be located on the right-of-way.

A. One (1) temporary sign is permitted for a total of two (2) months per year. No illumination is permitted.

B. Any sign that is thirty-two (32) square feet or less does not require a permit. Any sign that is greater than thirty-two (32) square feet requires a permit.

C. A sign advertising a legally permitted event shall be removed ten (10) days after the event has transpired.

5-3.9 **Permanent Sign Standards (SI)**

SI-01: The following signs shall be permitted—except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within
# IU District

4-1.36 “IU” District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
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</thead>
<tbody>
<tr>
<td><strong>The “IU” (Intensive Use) District</strong> is intended to provide a land use category for intensive uses that may be considered noxious under certain circumstances. This district can be used adjacent to the “IN” industrial district, and agriculture districts where there are not negative effects on the environment. This district should be used sparingly and only when absolutely necessary. Environmental, public safety, public welfare, and protection from all forms of pollution should be the highest priority. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the “IU” District. Buffer yards are mandatory and all outdoor storage shall be screened. Written commitments will likely be asked of by the appropriate legislative body, the Plan Commission, or the appropriate Board of Zoning Appeals to assure that the proposed land use will be the only use of the subject property over time.</td>
<td></td>
<td><strong>Agricultural Uses/Service</strong>&lt;br&gt;• processing of agriculture products&lt;br&gt;• confined feeding operation permitted by IDEM, (over 1200 animal units, but less than 3,600 animal units, on any one parcel and/or multiple parcels adjoining or contiguously operating or owned parcels)&lt;br&gt;<strong>Business: General</strong>&lt;br&gt;• foundries&lt;br&gt;• iron and steel production&lt;br&gt;• liquid fertilizer storage &amp; distribution (commercial)&lt;br&gt;• junkyard&lt;br&gt;• mineral extraction, borrow pit, topsoil removal &amp; storage areas&lt;br&gt;• oil processing, refining &amp; manufacture&lt;br&gt;• penal or correctional facility&lt;br&gt;• petroleum tank farm (commercial)&lt;br&gt;• power plant: thermal electric (utilizing refuse-derived fuels)&lt;br&gt;• power plant: steam (utilizing refuse-derived fuels)&lt;br&gt;• scrap metal yard&lt;br&gt;• recycling collection point (outdoor storage)&lt;br&gt;• recycling facility&lt;br&gt;• resource recovery facility&lt;br&gt;<strong>Business: Recreation</strong>&lt;br&gt;• race track&lt;br&gt;<strong>Communication/Utility</strong>&lt;br&gt;• cellular/communication/radio/television tower&lt;br&gt;• electrical generator&lt;br&gt;• pipeline pumping station&lt;br&gt;• sewage treatment plants&lt;br&gt;• storage tanks nonhazardous&lt;br&gt;• utility substation&lt;br&gt;<strong>Industrial Uses:</strong>&lt;br&gt;• heavy manufacturing&lt;br&gt;• incinerator&lt;br&gt;• flammable/hazardous chemical storage (above ground)&lt;br&gt;• liquid fertilizer storage/distribution&lt;br&gt;• rendering plant&lt;br&gt;• sanitary landfill/refuse dump&lt;br&gt;<strong>Institutional/Public Facilities</strong>&lt;br&gt;• police/fire station</td>
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Minimum Lot Area:
• 3 acres

Minimum Lot Width:
• 225 feet

Minimum Lot Frontage:
• 100 feet on a Public Street with access from said Public Street

Minimum Front Yard Setback:
• 150 feet when adjacent to a Primary Arterial.
• 150 feet when adjacent to a Major Collector.
• 150 feet when adjacent to a Minor Collector.
• 150 feet when adjacent to a Local Road.

Minimum Side Yard Setback:
• 50 feet (plus buffer yard)

Minimum Rear Yard Setback:
• 50 feet for the Primary/Accessory Structure (plus buffer yard)

Maximum Structure Height:
• 50 feet for the Primary Structure
• 30 feet for Accessory Structures

Maximum Lot Coverage:
• square feet of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area.

Minimum Floor Area:
• 1,000 square feet for Primary Structures

Site Plan Requirements
• The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the Intensive Use District prior to the commencement of any site development/construction.

Development Standards that Apply

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<tr>
<th></th>
<th>Fulton County</th>
<th>Unincorporated County</th>
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<tbody>
<tr>
<td>Article 4, Section 1 - pg. 5-3</td>
<td>Article 5, Section 7 - pg. 5-70</td>
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</tbody>
</table>
Article Five
Development Standards
Article Five

Section Seven- Commercial Districts (HD, DC, VC, HC, GC, IN, IU)

5-7.0 Interpretation
The following development standards listed within Section Seven are applicable within the Commercial (HD, DC, VC, HC, GC, IN, IU) Zone Districts listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

5-7.1 Accessory Structure Standards (AS)
AS-01: The following Accessory Structures/Buildings Standards apply to commercial uses/districts. Accessory Structures shall comply with all Development Standards for the Subject Zoning District.
A. Accessory Structures are not allowed on a lot prior to any Primary Structure being constructed and must relate to the Primary Structure and its uses.
B. The following Accessory Structures are permitted, but must abide by all applicable Standards:
• Antennas or Satellite Dishes less than thirty-six (36) inches,
• Decks,
• Gazebos,
• Storage buildings,
• Sheds,
• Dumpsters, and
• similar structures related to the primary use.
C. No Accessory Structures/Buildings shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.
D. All permissible Accessory Structures/Buildings shall abide by the following standards:
   a. An accessory structure shall only be located to the rear or side of the primary structure.
   b. Antennas or Satellite Dishes shall only be permitted to the rear of the primary structure.
   c. Dumpsters shall be enclosed and screened on all four sides.
   d. No mobile home or manufactured home may be used as an accessory structure in any district.

5-7.2 Fences and Walls (FN)
FN-01: All fences and walls shall:
A. Present the non-structural face outward.
B. Be permitted up to the property line.
C. Not be greater than eight (8) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
D. Not be closer than two (2) feet to any public right-of-way.
E. Not be placed within the clear vision triangle.

5-7.3 Temporary Use/Structure Standards (TU)
TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.
A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
C. Permit: All temporary uses/structures will be required to have a temporary Location Improvement Permit and will be subject to fees as adopted, unless otherwise noted in this article.
D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.

E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-02: Temporary Structures/Uses permitted include:
A. Construction trailers (permit may be renewed one time by the Plan Administrator with reason. The construction trailer shall be situated at the construction site and occupied by only persons directly engaged in the supervision of the construction of the structure or development.
B. Roadside sales vehicles or structures,
C. Tents for sales and business events. Maximum duration (time limit) is fifteen (15) days with permit.

5-7.4 Buffer Yard Standards (BY)
BY-01: A general purpose of zoning is to protect conflicting land uses (zoning districts) from being adjacent to one another. The need for Buffer Yard Standards stems from the periodic occurrence of two (2) adjacent zoning districts conflicting or have the potential of conflicting.

A. If a property in an IN or IU District is adjacent to any other district other than the IN or IU districts, a buffer shall be installed on the property located in the IN or IU district. The following buffer standards shall apply:
   a. The developer or owner of the subject property is responsible for installing the Buffer Yard.
   b. The adjacent property owner shall not have to participate in installing the Buffer Yard.
   c. An additional thirty feet (30’) of setback shall be required in addition to the normal setback.
   d. A row of deciduous canopy trees must be planted twenty (20) feet apart from one another.
   e. Additionally, a five foot (5’) tall fence, or five foot (5’) tall undulating berm, or a row of needled evergreen trees twelve (12) feet apart will also need to be placed parallel to the property line and at least five feet (5’) from the deciduous canopy trees.
   f. All trees must be planted within ten (10) to thirty (30) feet from the property line and within the subject property.
   g. An irregular line or row of trees is preferred.
   h. All trees must have at least a one to two inch (1-2”) caliper, be properly maintained, and be replaced if the tree dies, is diseased, or damaged.

B. In addition, an IU district must be a minimum of twelve-hundred (1200) feet from any residential district and at least 600 feet from any existing residence, other than that of the applicant.

C. Any new dwelling, other than quarters provided for hired help connected with the IU District, or any new church, business, school, recreational area (public or private), or public building shall have a separation distance of not less than 600 feet from any IU District. An exception to this may be asked for by requesting a Development Standard Variance. If, or when, such a variance is granted by the Board of Zoning Appeals, the party obtaining the variance shall be required to attach to the recorded deed a covenant protecting the IU District’s operating use, or if no legal transfer of ownership is contemplated at the time of the variance, then the petitioner will incorporate a similar recorded covenant to be cross-referenced with an affidavit in aid of title. Said covenants shall read as follows:
   “In accepting this deed, grantees do hereby acknowledge that the surrounding land is an IU District; and grantees, and their successors in interest, are precluded from complaining and/or attempting to enjoin any IU District operation within 600 feet because of nuisances which might result from said operation.”

BY-02: A general purpose of zoning is to protect conflicting land uses (zoning districts) from being adjacent to one another. The need for Buffer Yard Standards stems from the periodic occurrence
of two (2) adjacent zoning districts conflicting or have the potential of conflicting. If a property in a VC district is adjacent to any other district other than the VC District, an additional ten (10) feet of setback shall be required in addition to the normal setback on the yard(s) abutting the other zoning district.

BY-03: A general purpose of zoning is to protect conflicting Zoning Districts from being adjacent to one another. The need for Buffer Yard Standards stems from the periodic occurrence of two adjacent Zoning Districts conflicting or have the potential of conflicting. The following Buffer Yard Standards only apply along the property lines where two conflicting Zoning Districts meet.

If a GC or HC District is adjacent to SR, RR, R1, R2, R3, or MP. A buffer shall be installed on the property located in the GC or HC district. The following buffer standards shall apply:

A. The developer or owner of the subject property is responsible for installing the Buffer Yard.
B. The adjacent property owner shall not have to participate in installing the Buffer Yard.
C. An additional twenty (20) feet of setback shall be required in addition to the normal setback.
D. One (1) deciduous canopy tree and two (2) needled evergreen trees must be planted for every twenty (20) feet of contiguous boundary with conflicting district.
E. All trees must be planted within five (5) to fifteen (15) feet from the property line.
F. An irregular line or row of trees is preferred.
G. All trees must have at least a one (1”) to two inch (2”) caliper, be properly maintained, and be replaced if the tree dies, is diseased, or is damaged.

5-7.5 Landscaping Standards (LS)

LS-01: Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, heat build-up, following general standards apply.

A. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without the written permission from the agency that established the right-of-way or easement.
B. No trees may be planted within five (5’) feet of sidewalks, streets, curbs, gutters, drainage tile, or other infrastructure, unless approved otherwise by the planning commission.
C. The species of trees and plants for proposed landscape plan may be subject to approval of plan commission or its designees.
D. All landscaping must be properly maintained (i.e. pruning, replacing plants and/or trees that have died, is diseased or damaged, etc.)
B. Maximum height: tower 180 feet - accessory structure 15 feet.
C. Minimum number of antenna sites for a 180 feet tower is 4; if tower is less than 180’ refer to TF-01K.
D. Tower shall be placed no closer than five hundred (500) feet to any residential structure.

5-7.12 Adult Uses Standards (AU)
AU-01: Adult bookstores or adult entertainment businesses shall be sited a minimum of twenty-five-hundred (2500) feet from churches, parks or schools.

5-7.13 Miscellaneous Standards (MS)
MS-01: IN and IU Districts only. Junkyards and Scrap Metal Yards shall have an eight (8) foot opaque fence enclosing the junkyard and/or scrap metal yard area.

MS-02: All roof mounted heating, air conditioning, ventilation, or other mechanical equipment shall be screened with materials that are complementary and aesthetically appealing to the structure on which they are affixed. From any location within four hundred (400) feet of the structure, the screening must hide or disguise the above listed equipment.

MS-03: All side property lines must be within ten (10) degrees of perpendicular to the street center line or radial on curve.

MS-04: All outdoor storage of materials, products for sale, construction materials, trash containers, etc. shall be fenced with a six (6) foot privacy fence on all sides.

MS-05: Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.

MS-06: The following information applies to lots one and one-half (1.5) acres and more. The minimum lot size to be able to have any farm animal on any lot, or combination of lots, is one and one-half (1.5) acres. There will be two (2) animal units permitted per acre as determined from the following chart. Lots measuring over ten (10) acres in size are exempt from the requirement of two (2) animal units per acre. The plan administrator shall have discretion to determine the minimum acreage for farm animals not listed.

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>Units</th>
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<tbody>
<tr>
<td>Calves (150-750 lbs.)</td>
<td>.7</td>
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<tr>
<td>Feeder cattle (750-1,200 lbs.)</td>
<td>1.5</td>
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<tr>
<td>Cows</td>
<td>3.0</td>
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<tr>
<td>Nursery pigs (15 to 50 lbs.)</td>
<td>.08</td>
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<tr>
<td>Grower/feeder pigs (50-280 lbs.)</td>
<td>.4</td>
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<tr>
<td>Sow and litter</td>
<td>.5</td>
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<tr>
<td>Boars</td>
<td>.5</td>
</tr>
<tr>
<td>Sheep and Goats</td>
<td>.4</td>
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<tr>
<td>Turkeys and Geese</td>
<td>.02</td>
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<tr>
<td>Chickens</td>
<td>.01</td>
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<tr>
<td>Ducks</td>
<td>.015</td>
</tr>
<tr>
<td>Horses</td>
<td>1.7</td>
</tr>
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MS-07: A confined feeding operation must maintain fewer than 1,200 animal units on any parcel adjoining or contiguously operating or owned parcels as determined from the following chart.

<table>
<thead>
<tr>
<th>Animal Type</th>
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<tr>
<td>Calves (150-750 lbs.)</td>
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<tr>
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<tr>
<td>Horses</td>
<td>1.7</td>
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5-7.14 **Temporary Sign Standards (TS)**

**TS-01**: The following temporary signs shall be permitted. No freestanding sign shall be located within the vision clearance area. Free standing signs shall be a minimum of ten (10) feet from right-of-way. A temporary Sign permit is required unless otherwise specified.

A. One noncommercial freestanding sign no larger than thirty-two (32) square feet. Signs for an event of public interest (e.g. county fair or church event) are considered noncommercial for the purpose of this article in addition to all other noncommercial signs. No permit is required.

B. Pennants, Banners or similar devices are permitted for grand openings or special promotions.

C. Portable signs are permitted for grand openings or special promotions under the following conditions.
   a. Such sign shall not be used for a time to exceed three (3) months in a twelve (12) month period.
   b. Such sign shall not exceed thirty-two (32) square feet
   c. One portable sign is permitted per street frontage.

D. Construction signs are permitted only during the following conditions.
   a. Such sign shall not exceed thirty-two (32) square feet in area.
   b. Such sign shall be permitted for the duration of the construction period only.

5-7.15 **Permanent Sign Standards (SI)**

**SI-01**: HD, DC, and VC Districts only. All signs require a permit unless otherwise specified. The following signs shall be permitted—except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT.

A. Total sign area allowed per lot - The length of building that faces the road = the amount of signage allowed per lot. For example: If a building is 100 feet wide than 100 square feet of signage would be allowed for the lot. Any combination of signs permitted under this section may be used as long as they do not exceed the total area allowed per lot. In addition, the following maximums apply.
   a. Under no circumstance may a ground sign exceed eighty (80) square feet
   b. Under no circumstance shall the total square footage of all other signs exceed one-hundred (100) square feet.

B. Wall sign - Wall signs shall be flushed to the building.

C. Awning sign

D. Marquee sign

E. Projecting sign

F. Ground sign - One ground sign per lot not to exceed 9 feet in height. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of ten (10) feet from the right-of-way.
Article Seven
Processes, Permits and Fees
and required supportive information within thirty (30) days of the decision which is subject to the appeal. Supportive information shall include, but not be limited to the following:

a. Copies of all materials submitted to the Technical Review Committee upon which the decision being appealed was based.
b. Copies of any written decisions or findings of fact which are the subject of the appeal.
c. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to Fulton County upon which the appeal is based.

7. Notification for a scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of this Ordinance.

8. The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the appeal and supportive information.

a. Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Commission.
b. The Commission shall consider a report from the Plan Director, testimony from the entity making the appeal, and testimony from any interested parties at the public hearing.
c. The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Commission.
d. Upon hearing the appeal, the Plan Commission may approve, approve with modifications, deny, or table the Site Development Plan application consistent with the approval procedure for applications referred to the Commission by the Technical Review Committee as described in this Article.

F. Certificate of Occupancy: The following procedures apply to Certificates of Occupancy/Compliance.

a. It shall hereby be declared unlawful and in violation of the provisions of this ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:
   1. Legally obtaining a Location Improvement Permit,
   2. Passing a final inspection; and
b. The Staff shall, within fourteen (14) days of a request for Certificate of Occupancy, inspect the premises for compliance with the provisions of this Ordinance and the Location Improvement Permit.
c. A Temporary Certificate of Occupancy/Compliance may be issued by the Staff if the proposed Building, Structure or Use complies with the provisions of this ordinance, except that certain external site features (e.g., finish coat for asphalt Parking Areas or landscaping) have not been completed due to ground or weather conditions which are not immediately suitable for permanent installation. The duration of the Temporary Certificate of Occupancy/Compliance shall be specified on the Temporary Certificate of Occupancy/Compliance, provided, however, in no case shall a Temporary Certificate of Occupancy/Compliance exceed six (6) months in duration. In cases of extreme hardship or weather conditions, and for good cause shown, the Plan Commission may grant a one (1) time extension of not to exceed three (3) months. Where pertinent, a Certificate of Occupancy/Compliance may be issued without all the required landscaping installed if a landscape bond is provided. The landscape bond shall be one and half times (1 1/2) the cost of the planting and installation cost. In order to determine the bond amount, a quote of the actual cost will be provided by the developer’s landscape contractor.

G. Zoning Map Amendments
The following procedure applies to Zoning Map Amendment Petitions
a. Submit an application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Plan Commission meeting.
1. Any application requesting a zoned map amendment, from any district to an IU District, must be accompanied by a Third Party Review, which could contain recommendations that are applicable to the sited operation and, any and all, land utilized within/for the operation. Any recommendations included in the Third Party Review will be taken into account and may become a condition of the approval for the Zone Map Amendment. The petitioner shall bear the burden of expense for the Third Party Review.

2. The Third Party Review shall consist of a review of the compatiblity of the proposed facility with the soil types existing on the proposed facility site, a review of the soil types of any land utilized within/for the proposed operation, a review of any and all setbacks dictated by a state or federal agency and their effectiveness in conjunction with any existing waterways located at the proposed site and/or on any land utilized within/for the proposed operation, and a review of any and all additional environmental concerns regarding sensitive areas contained at the proposed site and/or on any land utilized within/for the proposed operation.

b. The Plan Commission will then review the application and required supportive information. When considering an amendment to the zoning map, the Plan Commission may require or allow the petitioner to submit written commitments, as specified in IC 36-7-4-615, that restrict the use(s) of the proposed zoning district.

1. Initial Rezoning - Written commitments may be initiated by the Plan Commission, the petitioner, or by the legislative bodies.
   a. In approving written commitments, the legislative bodies may stipulate that the Plan Commission without the legislative bodies' consent may not modify such commitments. In making the stipulation, the legislative bodies shall be deemed to be modifying the written commitments.
   b. If the legislative bodies wishes to initiate or modify the written commitments recommended by the Plan Commission, the legislative bodies shall refer the new commitments or modifications to the Plan Commission for consideration. The legislative bodies or the Plan Commission may require notice and a public hearing if either body regards such notice and hearing to be needed to afford adequate opportunity for public input.
   c. After considering the new or modified conditions, the Plan Commission must agree or disagree with the legislative bodies’ action.
   d. If the Plan Commission agrees with the new or modified commitments, they take effect immediately.
   e. If the Plan Commission disagrees with the new or modified commitments, the Plan Commission shall forward them to the legislative bodies with the reasons for disagreement. The commitments shall take effect only if the legislative bodies again vote to require said modified commitments.

2. Modifications or termination of commitments after initial zoning - The Plan Commission may modify or terminate written commitments after notice is provided in accordance with the legislative bodies’ rules of procedure. The modification may be initiated by the owner of the property, by the Plan Commission, or by the legislative bodies. The commitments to be modified are subject to the legislative bodies' stipulation included in Section 5.3 (E)(a) (1). In such a case such modification must be certified to the legislative bodies for review and approval. The Plan Commission per year can approve only one modification to the written commitments.

3. Modifications or termination of commitments involving permitted uses may be allowed only through the same procedure as the initial rezoning.

4. The written commitments shall be recorded in accordance with the I.C. 36-7-4-615. Record-
ed commitments are binding on the owner of the parcel, a subsequent owner of a parcel, and any person who acquires an interest in the parcel. An ordinance amending the zoning map, which includes written commitments, shall not be effective until the commitments are recorded. After the ordinance is adopted and the commitments are recorded, the zoning map shall be amended to indicate the new district designation with the letter “C” appended to indicate that commitments accompany the district designation. The commitments must be recorded within 90 days after the legislative body adopts the amendment, unless the Plan Commission grants an extension. In the event the commitments are not recorded within the specified time, the ordinance shall not take effect and shall be considered null and void.

5. A zoning compliance certificate shall not be issued for any property subject to written commitments unless the use and/or development on the property complies with the recorded written commitments.

6. Any violations associated with written commitments are subject to the standards of Article 7, Enforcement and Penalties, within the Fulton County Zoning Ordinance.

c. If the petition has not been tabled, it will then be forwarded to the legislative bodies for review. The legislative bodies will then review the application, required supportive material and Plan Commission recommendation. The legislative bodies may approve the recommendation as given by the Plan Commission, approve with additional/revised commitments, deny, table, or render no decision on the petition. (I.C. 36-7-4-606)

1. The petitioner may be required to bear a certain percentage of the financial responsibility, as set by the legislative bodies, for the cost of any materials to upgrade infrastructure associated with a proposed operation.

d. Upon reviewing a zoning map amendment the following should be considered:

1. The most recently adopted Comprehensive Plan.
2. Current conditions and character of structures and uses in each district.
3. The most desirable use for which the land in each district is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible development and growth.
6. The public health, safety and welfare.

F. Administrative Appeal: The following procedure applies to Administrative Appeals.

a. Submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.

b. The administrative official or body from which the appeal is taken, shall transmit to the Board all documents, plans and papers constituting the record of action.

c. Administrative appeals require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4.

d. At their next regularly scheduled public meeting, the BZA shall then review:

1. The written statement and supportive material by the petitioner,
2. The record of action supplied by the administrative official or body from which the appeal is taken.
3. Testimony of the petitioner, and
4. Testimony of the administrative official or body from which appeal is taken.
5. Testimony by members of the public.

G. Sign Permit Review for Permanent Signs: The following procedure applies to Permanent Sign Permit Review.

a. Application: Application for a permit shall be filed with the Plan Commission office and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the Fulton County Zoning Ordinance, including:

1. Name and address of the property owner of the premises on which the sign is located or is to be located.
2. Description of the sign.
3. Material to be used in the construction of the sign.
4. Location and dimensions of the sign.
5. Height and setback from property lines.
6. Method of support.
7. Any other information required by the Plan Commission.
Article Ten
Board of Zoning Appeals
10-1.8 **Appearances**

A. The petitioner or the petitioner’s agent must appear in person or by counsel to present petition or remonstrance to the Board and for the Board to consider the case. If no person appears on behalf of a petition, the petition may be tabled until the following meeting or dismissed under B.

B. The Board’s secretary or staff must be informed in writing prior to the meeting if the petitioner requests a time extension. The chairman will determine whether the petitioner’s reasons warrant an extension. If the petitioner or the petitioner’s agent fail to appear at the meeting for which the extension was given without sufficient reason, the petition may be dismissed.

10-1.9 **Order of Business**

A. The order of business for a regular meeting shall be:
   a. Call to Order;
   b. Determination of quorum;
   c. Consideration of minutes of previous meeting;
   d. Old Business (tabled or continued items);
   e. New Business;
   f. Report of officers and Committees;
   g. Communications, Bills, and Expenditures;
   h. Adjournment; and
   i. Executive Meeting (subject to the regulations of the Indiana open door Statutes).

B. The order of business for special meetings shall be:
   a. Call to Order;
   b. Roll Call and determination of quorum;
   c. The business for which the special meeting was called; and
   d. Adjournment.

10-1.10 **Official Action**

A. A majority of the members of a division of the Board who are qualified to vote shall constitute a quorum. Action of a division of the Board shall not be official unless it is authorized at a regular or properly-called special meeting. All actions must be authorized by a majority of the entire membership of a division of the Board.

B. Voting by a division of the Board shall be by roll call vote of the members. All members present shall vote on every question unless they are permitted to abstain by the presiding officer.

C. On all decisions on petitions before a division of the Board of Zoning Appeals, a division of the Board shall adopt written findings of fact and a written decision.

D. Pursuant to IC 36-7-4-909, a member of a division of the Area Board of Zoning Appeals may not participate in a hearing or decision of a division of the Board concerning a zoning matter in which he has a direct or indirect financial interest. The division of the Board shall enter in its records the fact that its member has such a disqualification.

10-1.11 **Appeals**

Every decision of a division of the Board of Zoning Appeals shall be subject to review by a writ of certiorari as prescribed in IC 36-7-4-1000 series.

10-1.12 **Special Exceptions**

There shall be no cases or application therefore, nor any particular situation in which these rules authorize special exceptions without the approval of a division of the BZA. Further, no previous applications shall set a precedence for any other application before a division of the BZA.
A. A division of the Board may grant a special exception for a use in a district if, after a hearing under, it makes findings of facts in writing, that:

a. the proposal will not be injurious to the public health, safety, morals, and general welfare of the community;

b. the requirements and development standards for the requested use as prescribed by this Ordinance will be met;

c. granting the exception will not subvert the general purposes served by this Ordinance and will not, permanently injure other property or uses in the same district and vicinity; and,

d. the proposed use will be consistent with the character of the district therein and the Fulton County Comprehensive Plan.

B. When considering a Special Exception a division of the Board of Zoning Appeals may examine the following items as they relate to the proposed use:

a. topography and other natural site features

b. zoning of the site and surrounding properties;

c. driveway locations, street access and vehicular and pedestrian traffic;

d. parking, amount, location, design;

e. landscaping, screening, buffering;

f. open space and other site amenities;

g. noise production and hours of operation;

h. design, placement, architecture, and building material of the structure;

i. placement, design, intensity, height, and shielding of lights;

j. traffic generation; and,

k. general site layout as it relates to its surrounding.

C. A division of the Board may impose such reasonable conditions upon its approval as it deems necessary to find that Section 10.11 above will be served.

D. A division of the Board may require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under IC 36-7-4-921 and have such commitment recorded in the Fulton County Recorder's Office.

E. A division of the Board may limit special exceptions to a specific individual and/or a specific time period and for a specific use.

F. A use authorized by special exception may not be expanded, extended, or enlarged unless reauthorized by a division of the Board under the procedures set forth in these rules for granting a special exception.

G. A special exception, granted for a specific use ceases to be authorized and is void if that use is not established within a twelve (12) month period of the date the special exception was granted and all commitments met.

H. If a division of the Board grants the special exception, it shall direct the applicant to apply for a Location Improvement Permit and/or a Building Permit. If such application complies with all Ordinances and rules, an Location Improvement Permit and/or a Building Permit for the use authorized by special exception shall be issued.

I. A special exception may be terminated by a division of the Board of Zoning Appeals under the following conditions:

a. Upon the filing of a complainant application by an interested person or a member of the staff, a public hearing is held with notice to the property owner; and,

b. At the public hearing a finding is made by a division of the Board that one or more of the following has not been complied with:

1. The terms of this Ordinance,

2. Conditions of approval,
3. Written Commitments.
   c. A complainant may not file for the same cause within the twelve (12) months.

10-1.13 Development Standards Variances
   A. A division of the Board may grant a variance from the development standards of the zoning ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:
      a. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
      b. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
      c. the strict application of the terms of this Ordinance will result in a Practical Difficulty.
   B. A division of the Board may require the owner of a parcel of property to make written commitments and record it in the Fulton County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
   C. A developmental standards variance granted by a division of the Board shall run with the parcel until such time as: (1) the use of the variance ends, or (2) the property conforms with the Ordinance as written.
   D. A division of the Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.

10-1.14 Appeals of Administrative Decisions
   A. A division of the Board shall hear and decide appeals where it is alleged there is error in any of the requirements, decisions or determination made by an administrative official or body charged with the administration and enforcement of this Ordinance.
   B. An appeal concerning interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the administrative official or body charged with the administration and enforcement of this Ordinance.

10-1.15 Exclusion
   Nothing in these rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate the power of eminent domain by the State of Indiana or by any state agency. Nor shall they be deemed to authorize any unit of government, legislative body, plan commission, or board of zoning appeals to restrict or regulate the power of eminent domain by the State of Indiana or a state agency.

As used in this section, the term “state agency” shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

10-1.16 Amendments
   Amendments to these rules of procedure may be made by a division of the Board at any regular meeting upon the affirmative vote of a majority of the members of a division of the Board. The suspension of any rule may be ordered at any meeting by a two-thirds (2/3rds) vote of the entire division of the Board.

10-1.17 Approval
   Rules of Procedure of a division of the Fulton County Board of Zoning Appeals must be approved by an affirmative vote of all members of said division of the Board of Zoning Appeals at a regularly scheduled meeting of the division of the Board.