

COMPREHENSIVE
MASTER PLAN
ORDINANCES

ZONING ORDINANCE AND ZONE MAPS
●
IMPROVEMENT LOCATION PERMIT ORDINANCE
●
MAJOR STREET OR HIGHWAY PLAN ORDINANCE
●
SUBDIVISION CONTROL ORDINANCE

DEKALB COUNTY
INDIANA

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	G. Heber Haynes	Citizen Member
	Vincent Ruppert	Citizen Member

CONSULTANTS

Metropolitan Planners, Inc.
2070 East 54th Street Building, Room #4
Indianapolis, Indiana 46220

REPORT
LAND USE PLAN

A PART OF THE MASTER PLAN
DEKALB COUNTY, INDIANA

OCTOBER 1964

Second Draft

LAND USE PLAN

DEKALB COUNTY, INDIANA

The Land Use Plan provides an exposition of the policy of the County Plan Commission for the progressive future development of the unincorporated land of the county. It gives consideration not only to the manner in which land would be occupied for dwellings, business enterprises, industries and other activities requiring buildings and structures but also to the land which would be required for roads and streets.

DeKalb County, situated in northeastern Indiana north of the metropolitan community of Fort Wayne and Indiana's largest county, Allen, and south of Steuben County, which has many lakes and recreational facilities, had a population of 28271 in 1960. It ranked 41st in population among the counties of the State. The county gained 8.6% in population during the decade 1950-60 and, while 42 counties had greater rates of increase during the decade, 17 other counties lost population. It is quite evident that DeKalb County is a progressive county and that, while its rate of increase of 8.6% is considerably less than that of Indiana, which had an increase of 18.5%, it exhibits conformation to the national trend of population growth.

DeKalb County contains eight incorporated places with populations within the county as follows:

Ashley 420; Auburn 6350; Altona, which is adjacent to Garrett, 313;
Butler 2176; Corunna 361; Garrett 4364; St. Joe 499; Waterloo 1432.

The U. S. Census has classified all incorporated communities with 2500 or more population as urban places. Under this system DeKalb County had an urban population in 1960 of 10714, which was 37.9% of the population of the county. The two cities, Garrett and Auburn, which had the combined populations of 10714, increased 5.3% between 1950 and 1960. Of the two cities Auburn showed the greater increase, 8%, while Garrett grew only 1.7%.

For planning purposes all of the population centers of the county should be considered, whether they be large or small. Actually 15915 people lived in the eight incorporated cities and towns in 1960, representing 56.3% of the population instead of the 37.9% of urban population reported by the 1960 Census. In 1950 the total for the eight communities was 15047, or 57.8%, of the total county population. The population of all of the incorporated places increased 5.76% which is slightly greater than the growth rate of Auburn and Garrett combined, but considerably less than for Auburn itself.

Considering only population classified by the U. S. Census as urban, the county as a whole had a 5.3% increase in urban dwellers and 10.7% increase in rural population.

If the figure embraced by all of the incorporated places is used the rural population in 1950 was 10976 and had increased in 1960 to 12356. This represents an increase in rural population of 12.57%, whereas the Census showed a rural increase of 10.7%. The 1960 Census showed that 27 of the 92 counties of Indiana lost rural population during the preceding decade. Those which gained rural population did so because non-farm families were locating beyond the limits of cities and towns. The urban population of Indiana increased from 59.9% in 1950 to 62.4% in 1960 and evidently DeKalb County is following the same trend, although much of the non-farm population has not been absorbed by the incorporated cities and towns.

A series of Township Maps were prepared to indicate preliminary suggestions for land use districts in each of the townships and this information was later summarized on the County Map entitled Preliminary Land Use Plan showing Thoroughfares. It is evident that the two cities, Auburn and Garrett, and the Town of Waterloo and the suburban Town of Altona, adjacent to the City of Garrett, form an urban group which, within a few decades will become an urban community unit, although under separate administrative organizations. It is the responsibility of the County Plan Commission to plan the unincorporated territory between and around these communities so that their expansion will be harmonious in every respect.

The Town of Butler will undoubtedly grow also. Each of the four communities has experienced industrial growth, including automotive plants in Auburn, railroad activities in Garrett and other industries in the four communities. This activity has resulted in modest growth, although the trend of railroad managements to consolidate their repair and maintenance facilities has retarded growth in Garrett. It is certain that population expansion in the County will be primarily in the form of peripheral enlargement of the existing cities and towns. How large they will become is a matter for conjecture. However, there are certain national and regional trends in the growth of population which are significant.

It has been estimated that the population of the United States will increase about 20% per decade. Estimates made by the Population and Training Center, University of Chicago, and published in Reader's Digest for February 1962, were as follows:

1960-180,000,000; 1970-215,000,000; 1980-260,000,000; 2000-385,000,000

The 1960 Census reported the population for the Nation as 179,323,175. Annual estimates issued by the Census Bureau have exceeded the above estimates. Indiana has kept pace with national trends, and in view of its location in the center of the Nation, close to markets and raw materials, and with superior transportation facilities and a splendid supply of skilled labor and management personnel, the State is almost certain to grow in pace with the Nation. Another factor of significant importance to DeKalb County is the proximity of northeastern Indiana communities to the Lake Erie Ports where transshipment of

industrial products may be made to vessels plying the St. Lawrence Seaway. It is less than 100 miles from Auburn to Toledo on Lake Erie while it is about 125 miles to the new Indiana Burns Ditch Port. The Lake Erie Port would save over 700 miles of water transportation to Canadian and overseas destinations, which should have a beneficial effect upon industrial operations in the Fort Wayne Metropolitan Area and all of Northeastern Indiana. It would also be beneficial in its effects upon the shipment of farm products, and the receipt of raw materials and other imports.

TRANSPORTATION FACILITIES

Railroads. DeKalb County has excellent railroad transportation facilities which include the Baltimore and Ohio Railroad passing through Saint Joe, Auburn and Garrett on its route from Baltimore to Chicago. The New York Central Railroad passes through Butler, Waterloo and Corunna along its route from New York City and Buffalo to Chicago. The Wabash Railroad passes west of Saint Joe and through Butler along its route from St. Louis and Fort Wayne to Detroit and Buffalo. The old Butler Branch of the Pennsylvania Railroad now terminates at Auburn and connects with the main line of the Pennsylvania at Columbia City and other routes at Logansport. The former Jackson, Michigan, Branch of the New York Central also terminates at Auburn and extends south to Fort Wayne. The railroads are so located as to be able to meet any future needs for their type of transport.

Highways. The County is also well supplied with State and Federal Highways. See the Major Street or Highway Plan which is a part of the Thoroughfare Plan. The most important thoroughfare is Interstate Route 69 which will be completed during the 1964-65 period and extends from Indianapolis, where more Interstate Routes converge than at any other point in the Nation, to a junction with Interstate Route 94 at Battle Creek, Michigan. It also connects with the Indiana East-West Toll Road in Steuben County. The design of the Interstate Route provides for an interchange southwest of Auburn providing access with Highway 427; an interchange with Highway 8-27 and another with U. S. Highway 6. There will also be a partial interchange at the Steuben-DeKalb County Line with Highway 4 just east of Ashley. In addition to the interchanges there are six grade separations with important highways.

U. S. Highway 27 extends north from Fort Wayne to Garrett where it intersects Highway 8 and turns east to Auburn and then north. This highway extends from Miami, Florida, to Mackinaw City, Michigan, and crosses the Straits of Mackinac Bridge to the northern peninsula of Michigan. Highway 427 is an alternate route leading directly from Fort Wayne to Auburn and points north. U. S. Highway 6 traverses the County through Waterloo and Butler and extends from Los Angeles to Cape Cod, Massachusetts. Highway 8 traverses Indiana and connects with Ohio roads. Highway 1 traverses Indiana from north to south and serves the eastern portion of DeKalb County and leads to Fort Wayne. Highway 327 extends north from Garrett and serves the western portion of the County. Highway 4 connects Highway 327 and U. S. Highway 27 along the Steuben-DeKalb County Line. High-

way 3 touches the extreme southwestern corner of the County.

Belt Routes. The Major Street or Highway Plan, as illustrated on the County Map, indicates a series of future Belt Routes around the urban communities. These are generally from one to two and three miles distant from the center of each community. It will be noted that Garrett, Auburn and Waterloo are so close to each other that the two mile belt routes coincide between Waterloo and Auburn and between Auburn and Garrett.

When the land between the three communities is occupied by urban uses it is apparent from the map that the areas would be well served by these circulatory thoroughfares. They should all have rights-of-way of 100 feet so that when the maximum capacity for traffic movement is needed in the future, the right-of-way will be available. Roadways would be developed progressively at widths required for immediate traffic needs.

Insofar as possible the belt routes follow existing thoroughfares and take advantage of grade separations and interchanges with Interstate Route 69. Two additional grade separations would be required as shown on the map. When the time arrives where they are needed there would be no physical obstacle to their construction.

In addition to the above described belt routes, similar belt thoroughfares have been indicated around Saint Joe, Butler and Ashley. Population growth will determine the time when such thoroughfares would be definitely established on the ground, but whenever land is subdivided along their courses, the 100 foot right-of-way should be dedicated.

Primary Arterial Thoroughfares. In addition to the State Highways and the Belt Routes, other Routes following existing highways to large extent have been designated as Primary Arterial Thoroughfares. Openings where connections would be desirable have also been indicated. These Primary Arterial streets should have rights-of-way of 100 feet, too.

Secondary Arterial Thoroughfares. In order to complete a pattern of major thoroughfares at intervals of approximately one mile throughout the County other existing and proposed roads are shown on the map and classified as Secondary Arterial Thoroughfares. They should have rights-of-way of at least 80 feet.

Feeder Streets. Within the pattern of Arterial Thoroughfares there will be need for many Feeder Streets, which should have rights-of-way of 70 feet, and which would serve inner needs for traffic movement. Some of these are indicated on the map but as land is subdivided there will be need for many more. Their alignments should be integrated with the minor street patterns of the subdivisions.

Summary. The pattern of various types of thoroughfares as shown on the map will provide DeKalb County with an adequate well arranged system of trafficways which will

fully serve the County and its urban communities. The plan will serve as a guide for the subdivision of land so that right-of-way will be provided in advance and the designs of subdivisions will consider county wide as well as local needs when street patterns are designed.

ZONING

Zoning has to do with the determination and designation of land areas which will be needed for the various types of urban land use in the future. The Zoning Ordinance establishes the characteristics and specifications for the various districts. The Zone Map, based upon the Land Use Plan, establishes the boundaries of districts. The Zone Map consists of ten sheets, showing one or more Townships on each sheet.

Industrial Zones. The Zoning Ordinance establishes two types of industrial districts. The C-11 District sets up districts in which industry of all types would be permitted which conforms to the requirements and performance standards set up in the ordinance. In this district business would also be permitted but residences would be excluded in order that the areas may be held primarily for new industries or expansion of existing industry. These districts are shown on the map adjacent to Auburn, Garrett, Waterloo and Butler and at a few other places.

The second type of Industrial District is the C-12 District, shown on the Zone Map and located adjacent to railroads and highways but usually further out from the urban communities. In these districts residential development would be permitted if its need was first demonstrated, but industry conducted within enclosed buildings and without outside operations would be permitted. The two types of industrial districts will provide an abundance of good industrial sites, and since industrial expansion is essential to the progressive development of the County, their location is very important.

Commercial Development. Provision has been made for three types of business locations designated as General Business, Local Business and Roadside Business. They are shown on the Zone Map. General Business is the type of business use usually found in the center of cities and towns. Since most of these districts are within incorporated areas, the only example of this district is the central area of Spencerville, which is unincorporated. Local Business, which permits most types of retail stores and service establishments, is generally located close to the urban areas, as shown on the map. It requires a setback from the property line of the streets of 15 feet.

The Roadside Business district permits retail establishments, service places, and a number of commercial and enclosed industrial activities as provided in the Zoning Ordinance and would require setbacks of 60 feet. Locations shown on the map coincide generally with existing uses of land. As the County grows there will, of course, be need for additional commercial developments and they can be provided for by amendment in conformity with the ordinance.

Residential Development. Practically all of the County is included in the Rural Residential District and meets requirements set up in the Zoning Ordinance. Surrounding the urban communities residential expansion will take place more rapidly and many of these areas have been placed in the Suburban Residential District. Most of the areas in the Prime Residential Growth areas, shown on the map, are on the outskirts of the cities and towns. The Zoning Ordinance provides for a lot approximately 70' x 140' in size in these areas when sanitary sewers and community water supply systems are utilized. These lots would correspond with the least dense residential districts in the towns and generally with existing residential subdivisions. It is assumed that these areas will generally be served by sewage disposal facilities and by public water supply. The smaller lots would then be appropriate. The strictly rural portions of the County would have lots with a minimum area of 20000 square feet and a minimum width of 100 feet. The "A" Residence District which requires lots of approximately 60' x 120' is placed in unincorporated communities and certain existing developments when the existing lots are already quite small in size and narrow in width.

SUBDIVISION CONTROL

The Subdivision Control Ordinance defines a subdivision of land and sets forth the procedures, requirements and improvement standards essential for the approval of well-planned and properly developed subdivisions. The Subdivision Control Ordinance provides, first of all, for the submission of a preliminary plat to the County Plan Commission so that the development and the manner in which it relates to the Master Plan may be discussed and desirable adjustments in the plan may be made before extensive work is done on the final plat. The ordinance provides for the holding of a public hearing on the preliminary plat in order that the neighboring property owners and the general public may be advised of the proposed development. Before the final plat may be officially recorded it must receive the approval of the Plan Commission.

The Subdivision Control Ordinance plays a most important function in the carrying out of the Master Plan. Therefore it is very important that each requirement in the ordinance and each proposal for the subdivision of land be given careful consideration in light of the County's policy of development.

SUMMARY

There are several legal devices which have been employed to effectuate the Master Plan, as follows:

1. The Major Street or Highway Plan or Thoroughfare Plan which will assure that new developments which are not classified as "subdivisions" will not interfere with thoroughfare rights-of-way proposed in the Master Plan, and that "subdivisions" will recognize right-of-way proposals by dedications. The Thoroughfare Plan is the

most important feature of the Master Plan and this ordinance will assure compliance with its provisions.

2. The Zoning Ordinance, which will assure compliance with the proper development practices and the land use proposals embraced in the Plan, in residential, industrial and business areas. Also the Zoning Ordinance will tend to discourage blight and will promote orderly growth and development.
3. The Subdivision Control Ordinance, which will assure adherence to the Master Plan in the development of new residential subdivisions and sets forth the policy and procedure for land development.
4. The Improvement Location Permit Ordinance, which requires anyone proposing to erect, construct, reconstruct or alter buildings, or change the use of land, to obtain a permit. This permit cannot be issued unless the proposed "use of land" conforms with the Master Plan and Ordinances.

FINAL REPORT
ZONING ORDINANCE

A PART OF THE MASTER PLAN
DEKALB COUNTY, INDIANA

December, 1964

FINAL REPORT
ZONING ORDINANCE
DEKALB COUNTY, INDIANA
ORDINANCE NO. 1

AN ORDINANCE FOR THE DEVELOPMENT THROUGH ZONING OF THE TERRITORY WITHIN THE JURISDICTION OF THE DEKALB COUNTY PLAN COMMISSION.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DEKALB, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, AND ALL ACTS AMENDATORY OR SUPPLEMENTARY THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA.

Section 1.

ESTABLISHMENT OF DISTRICTS AND ZONE MAP

The territory within the jurisdiction of the Dekalb County Plan Commission is hereby classified and divided into eight (8) Districts designated as follows:

<u>DISTRICT DESIGNATION</u>	<u>TYPE OF DISTRICT</u>
C-RS	Rural Suburban Residence
C-S	Suburban Residence
C-A	Residence
C-LB	Local Business
C-RB	Roadside Business
C-GB	General Business
C-I1	Open Industrial
C-I2	Enclosed Industrial

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

Section 2.

RESIDENTIAL USES & REQUIREMENTS

- A. The residential Uses defined below, including Accessory Buildings and

Uses, are permitted in the Districts indicated in Figure 1 when complying with the requirements listed therein, subject also to the provisions of paragraph B, herein. (See also Section 9, paragraph J.).

1. A Single-family Dwelling is a Detached Building designed for or occupied by one Family, exclusively.
2. A Two-family Dwelling is a Detached Building designed for or occupied by two Families, exclusively.
3. A Multi-family Dwelling is a Building designed for or occupied by three or more Families, exclusively.

B. Other Provisions for Residential Uses are as follows:

1. Use of existing Lots deficient in area or width:

A Single-family Dwelling may be located on any Lot in any District in which Single-family Dwellings are permitted if the Lot was a single parcel in single ownership or a single parcel separately described or included in a deed or Plat which was of record in the Office of the County Recorder of DeKalb County at the time of passage of this ordinance, even though the Lot does not have the minimum Lot Width or the minimum Lot Area specified for the District.

2. Partial Use of Alley for Yard:

One-half of an Alley abutting the rear or the side of a Lot may be included in the required Rear Yard or Side Yard, respectively.

3. Accessory Buildings and Uses

- a. Accessory Buildings are permitted in all Districts, but not prior to the erection of the Principal Building, except for strictly storage purposes, and not for human occupancy.
- b. No detached Accessory Building or Swimming Pool shall be located closer to a Side or Rear Lot Line than five (5) feet; nor exceed eighteen (18) feet in height, and shall be set back at least fifty (50) feet from the Building Line.
- c. Accessory Uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, fences,

lamp posts, bird baths, and structures of a like nature are permitted in any required Yard, and without the issuance of any permit. Fences, latticework screens, hedges or walls, not more than seven (7) feet in height, and private swimming pools surrounded by a fence at least five (5) feet high, maintained so as to prevent the intrusion of small children or animals, may be located in the required Side or Rear Yard, in accordance with the provisions of paragraph B.3.b., above; and a hedge or fence, maintained so as not to exceed three and one-half (3 1/2) feet in height, may be located in any Front Yard, except that vision clearance on corner lots shall be provided. Trees, shrubs, flowers, or plants shall be permitted in any required Yard, except that Vision Clearance on Corner Lots shall be provided when required.

4. Building Lines

- a. Where 25% or more of the Lots in a Block Frontage are occupied by Buildings the average setback of such Buildings determines the location of the Building Line for the Block Frontage, but the Front Yard dimension need not exceed forty (40) feet in any case, except in the C-RB and C-12 Districts the Front Yard dimension need not exceed sixty (60) feet.
- b. Building Lines established in a recorded subdivision shall establish the setback of Buildings in such subdivisions, except when such Building Lines may be less restrictive than provided in this ordinance.
- c. On Through Lots a Building Line is required on each Street.

5. Tapered Yard Formula

Where an Interior Lot fronts on a side Street in the rear of a Corner Lot which interior Lot may or may not be separated from the Corner Lot by an Alley, an Accessory Building located on the Rear Lot Line of the Corner Lot shall set back from the side Street as far as the Dwelling on said Interior Lot. For each foot that such Accessory Building is placed from the Rear Lot Line toward the Front Lot Line of the

Corner Lot, the Accessory Building may be set 4 inches closer to the Front Lot Line along the side Street, but in no case closer than the Building Set Back Line along the Side Street required by this Ordinance.

6. Building Height

In the Districts limiting Building Height to 25 feet, a Dwelling may be increased in height not to exceed 35 feet, provided that each Side Yard is increased an additional foot for each foot such Building exceeds 25 feet in Height.

Section 3.

BUSINESS USES AND REQUIREMENTS

The Business Uses defined below are permitted in the Districts indicated in Figure 2, when complying with the requirements specified in Figures 2, 3 and 4, and subject to the provisions of paragraph D, herein.

- A. A Local Business Use is one which is primarily of a retail or service nature and is specifically classified or implied in the following categories of uses:
 - 1. Automobile Service - including:
 - a. Filling Station
 - b. Public Garage, but not including major repair or body work
 - c. Public Parking Area
 - d. Sales Room
 - 2. Business Service - including:
 - a. Bank
 - b. Office Building
 - c. Postal Station
 - d. Telegraph Office
 - e. Telephone Exchange
 - f. Utility Company Business Office
 - 3. Clothing Service - including:

- a. Laundry Agency
 - b. Self-service Laundry
 - c. Dry Cleaning Establishment using not more than two clothes-cleaning units, neither of which shall have a rated capacity of more than 60 lbs. using cleaning fluid which is non-explosive and non-flammable.
 - d. Dressmaking
 - e. Millinery
 - f. Tailor and Pressing Shop
 - g. Shoe Repair Shop
4. Equipment Service:
- a. Radio or Television Shop
 - b. Electric Appliance Shop
 - c. Record Shop
5. Food Service - including:
- a. Grocery
 - b. Meat Market
 - c. Supermarket
 - d. Restaurant
 - e. Delicatessen
 - f. Cold Storage Lockers, for individual Use
 - g. Bakery, provided floor area used for production shall not exceed seven hundred fifty (750) square feet
 - h. Roadside Sales Stand
6. Personal Service - including:
- a. Barber Shop
 - b. Beauty Shop
 - c. Reducing Salon
 - d. Photographic Studio
7. Retail Service, Retail Stores Generally - including:
- a. Drug Store
 - b. Hardware or Paint Store
 - c. Stationer
 - d. Newsdealer

- e. Show Room and Sales Area for articles to be sold at retail
 - f. Commercial Greenhouse not exceeding 1,000 square feet in area
 - g. Apparel Shop
 - h. Flower Shop
 - i. Antique Shop
 - j. Shoe Store
 - k. Variety Store
 - l. Toy Store
 - m. Jewelry Store
8. Business Recreational Uses - including:
- a. Billiard Room
 - b. Dancing Academy
 - c. Tavern or Night Club, only in conformity with requirements of laws or ordinances governing such use.
9. Private Club or Lodge
10. Advertising Sign or Billboard
11. Accessory Building or Use customarily incident to the above Uses which may not have more than forty (40) percent of its floor area devoted to storage purposes, and provided that not more than five (5) persons are employed at one time or on any one shift in connection with such incidental Use.

Local Business Uses, categories 2 through 9 inclusive, and 11, shall be conducted within Buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the Building.

- B. A Roadside Business Use is one which normally requires drive-in facilities related to a street or highway, and is primarily of a retail or service nature specifically stated or implied in the following categories:
- 1. Local Business Uses
 - 2. Automobile, Truck or Trailer Rental and Sales Area
 - 3. Automobile and Truck Repair, entirely within enclosed Buildings
 - 4. Indoor Theater
 - 5. Bowling Alley or Roller Rink, entirely within enclosed Buildings
 - 6. Department Store
 - 7. Hotel or Motel

8. Veterinary Hospital for Small Animals
9. Kennel
10. Radio and Television Studios
11. Newspaper Publishing
12. Motor Bus or Railroad Passenger Station
13. Storage Warehouse
14. Wholesale Establishment
15. Accessory Buildings or Use customarily incidental to the above Uses.

C. A General Business Use including Accessory Buildings and Uses includes the Uses, specifically stated or implied, as follows:

1. Local Business Uses
2. Roadside Business Uses
3. Any Business Use not specifically stated or implied elsewhere in this ordinance
4. Accessory Buildings or Use customarily incidental to the above Uses.

D. Other Provisions and Requirements for Business Uses are as follows:

1. Parking Spaces shall be provided on the Lot, or as a Special Exception within three hundred (300) feet thereof, as indicated in Figure 3.
2. Loading and Unloading Berths shall be provided on the Lot as indicated in Figure 4.
3. Parking Space may not be required in a block frontage contained in a Business District in which the ground floor area of Business or Industrial Structures, including their Accessory Buildings, existing at the time of passage of this ordinance, equaled fifty (50) percent or more of the entire area of the Block Frontage.
4. Groups of Uses requiring Parking Space may join in establishing Private Parking Area with capacity aggregating that required for each participating Use.
5. One-half of an Alley abutting the rear of a Lot may be included in the Rear Yard, but such Alley space shall not be included for Loading and Unloading Berths.
6. Where twenty-five (25%) or more of the Lots in a Block Frontage are occupied by Business Buildings, the setback of such Buildings shall determine the location of the Building Line.
7. Loading and Unloading Berths shall not be required for Business Uses which demonstrably do not receive or transmit goods or wares by truck delivery.

8. Parking Spaces and Accessory Uses are permitted in the required Front Yard in the C-LB, C-RB, C-GB and C-11 Districts, on Lots where Business is located.
9. On a through lot, front yards shall be provided on each Street in the C-LB, C-RB, C-GB and C-11 Districts, on Lots where Business is located.
10. On a corner lot, the Side Yard dimension shall be sixty (60) feet along the side street line in the C-RB District, and off-street parking space & accessory uses are permitted in such a side yard.
11. Business Uses shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.
12. Business Uses shall not include open storage use on the lot, except for the temporary storage of automobiles or trailers for retail sale on a lot devoted to "Open Automobile or Trailer Sales Area" use, and for the temporary parking of vehicles in off-street parking space permitted for such use.
13. The emission of smoke, dust, gas, fumes, odors, noise or vibrations, which is noxious or offensive, in the judgement of the Building Commissioner, beyond the confines of the building, is not permitted.
14. The maximum Building Height requirement in Figure 2 may be increased if Buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum Building Height requirements.
15. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, distribution poles and lines, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

Section 4.

SHOPPING CENTER PLAN, REQUIREMENTS AND PROCEDURES

A Shopping Center Plan may be permitted by the Board as a Special Exception, and subject to compliance with the following requirements and procedure in accordance with Section 7.

- A. The Local Business Uses in Section 3, also Bowling Alley or Roller Rink and Department Stores, are permitted on the tract of land proposed for a Shopping Center, provided that the proposed plan includes at least four (4) separate types of Business Uses as are specifically classified or implied in the Local Business Use categories in Section 3, and provided further that not

more than one of which shall be an automobile service, as set forth in Section 3.

- B. The tract of land proposed for a Shopping Center Plan shall be of an area of not less than four (4) acres and the tract shall have a reasonable configuration for its intended uses.
- C. The Board may order an Improvement Location Permit issued for a Shopping Center Plan in accordance with the procedure and provisions of this ordinance and upon an affirmative finding by the Board that the following requirements have been met by the owner or owners, or developers of the tract of land proposed for a Shopping Center Plan:
 - 1. A Market Analysis
 - a. To determine the number, size and type of stores which could be expected to operate with a reasonable margin of profit in the proposed center.
 - b. To evidence the advisability of locating the proposed center (where the developers propose to locate it) so as to serve an existing and potential customer demand.
 - 2. Financial Report
 - a. To include a statement of financial responsibility which demonstrates the ability of the developer of the center to proceed with and complete construction and development.
 - 3. Traffic Study
 - a. To include a comparative analysis of present capacity of street(s) adjacent to the proposed center with potential capacity volumes, taking into consideration the effect the proposed center will have upon engendering additional traffic.
 - b. To include a circulation plan for all streets (existing and proposed) which will show recommendations for controlling, signalizing, channelizing, storing and warning traffic.
 - 4. Development Plan - to include the following additional requirements:

- a. A Plan of landscape development which shall include, among other considerations, an area of at least ten (10) feet in width along all streets, with the exception of approved entrances, which border the proposed center, to be planted and maintained with trees and shrubbery to serve as a screen for the parking area(s).
 - b. A planting screen, consisting of suitable shrubbery, maintained at a six (6) foot height by six (6) foot width, to be planted wherever the proposed center would abut residential use.
 - c. Provision for one off-street parking space (at least 270 square feet in area) per sixty (60) square feet of sales area in the center.
 - d. No buildings or paved areas (other than access drives) may be located closer than fifty (50) feet to any area or zoned for residential purposes, in order to create a greenbelt, and such greenbelt shall be maintained as lawn together with appropriate landscape development and screen planting hereinbefore specified.
 - e. An adequate number and proper arrangement of loading and unloading berths shall be shown in the development plan and provided by the developer.
5. Other Authority Approval
- a. Any other authority approval required when applicable, such as State Board of Health, State Highway Department, etc., shall accompany the application.
6. Outdoor Signs and Lighting
- a. The location, effect and arrangement of all outdoor advertising signs proposed to be erected shall be subject to the approval of the Board.
7. Architectural Control
- a. Architectural plans of the building and structures proposed to be constructed shall be subject to the approval of the Board. The Board's approval shall be based on the architectural plans creating a unified design which will be in character and proper relationship to the surrounding areas, provided that the plans need not be detailed, but complete enough for the Board to render a judgment.

Section 5.

INDUSTRIAL USES AND REQUIREMENTS

The Industrial Uses defined below, including Accessory Buildings and Uses, are permitted in the Districts indicated in Figure 5, in accordance with the requirements of this section.

No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically licensed by the Board of County Commissioners, and then only in the C-11 District. Such activity shall be conducted in accordance with the rules promulgated by the Indiana State Fire Marshal. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The restrictions of this Section shall not apply to (1) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the Lot Line; (2) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products; (3) conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (4) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

- A. An Enclosed Industrial Use is one which is conducted entirely within enclosed Buildings of any size provided they meet the yard requirements and conform to the standards in Paragraph C, below.
- B. An Open Industrial Use is one which requires both buildings and open area for manufacturing, fabricating, processing extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes; and land and/or buildings in Districts permitting an Open Industrial Use; and shall be used so as to comply to the standards in Paragraph C.
- C. Standards for Enclosed and Open Industrial Uses.

1. Smoke - For Enclosed Industrial Use the emission of more than seventy (70) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one (1) hour during any twenty-four (24) hour period, this rate may be increased to eighty (80) smoke units per stack up to and including Ringelmann No. 3 for the purging, soot blowing and fire cleaning.

For Open Industrial Use the emission of more than ninety (90) smoke units per hour per stack and emission in excess of Ringelmann No. 3 are prohibited, except that for a one (1) hour period during the twenty-four (24) this rate may be increased to one hundred twenty (120) smoke units per hour per stack, still at Ringelmann No. 3, for purposes of process purging, soot blowing and fire cleaning.

2. Particulate Matter - The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds per 1,000 pounds of effluent gas for Enclosed Industrial Use, nor 0.2 pounds per 1,000 pounds of effluent gas for Open Industrial Use. For Enclosed Industrial Use and Open Industrial Use not more than fifty percent (50%) by weight of particles larger than 44 microns (325) mesh shall be allowed.
3. Odor - Any Enclosed or Open Industrial Use activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest Residence or Suburban District boundary line.
4. Poisonous and Injurious Fumes and Gases - The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of ten percent (10%) for an Enclosed Industrial Use, and twenty-five (25%) for an Open Industrial Use, of the threshold limit as set for the fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana State Board of Health, from the American Conference of Government Hygienists, latest issue.

The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.

5. Glare and Heat - No Enclosed or Open Industrial Use operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any Residence, Suburban or Business District boundary.
6. Vibration - Any Enclosed or Open Industrial Use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a Residence or Suburban District boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet, from a Business District boundary.

Earth-shaking vibrations at the industrial property line shall not be in violation of this ordinance as long as the vibration is not perceptible without the aid of instruments.

7. Noise - At no point 125 feet from the boundary of an I-2 District, or any District which permits an Enclosed Industrial Use, shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this ordinance) exceed the decibel limits in the octave bands designated herein:

ENCLOSED INDUSTRIAL USE

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence or Suburban District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Busi- ness District Boundaries
0 to 75	75	80
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1200	53	58
1200 to 4800	48	53
2400 to 4800	48	49
Above 4800	41	46

OPEN INDUSTRIAL USE

Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence or Suburban District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Busi- ness District Boundaries
0 to 75	75	81
75 to 150	70	76
150 to 300	66	72
300 to 600	62	68
600 to 1200	57	63
1200 to 2400	53	59
2400 to 4800	49	55
Above 4800	45	51

Sound levels shall be measured with a sound level meter and associated octave band analyzer or filter, manufactured in compliance with standards prescribed by the American Standards Association.

8. Fire Hazards - The storage, utilization or manufacture of solid materials, or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met:
 - a. For Enclosed Industrial Use and Open Industrial Use said materials shall be stored, utilized or manufactured in such a manner and protected by such means as approved by the Indiana State Fire Marshal.
 - b. For Enclosed Industrial Use and Open Industrial Use the storage, utilization or manufacture of flammable liquids or gases* which produce flammable or explosive vapors shall be permitted in accordance with the following table (exclusive of storage of finished products in original sealed containers). Distances shown are to nearest adjoining property lines which may be built upon.

*When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S. R. P.) permitted shall not exceed 300 times the quantities listed above.

FLAMMABLE LIQUID STORAGE

Capacity of Tank (Gallons)	Class of Flammable Liquid	Distance (Feet)
0 to 275	III	0
275 to 750	III	5
0 to 750	I & II	10
751 to 12000	III	10
751 to 12000	I & II	15
12001 to 24000	I, II, III	15
24001 to 30000	I, II, III	20
30000 to 50000	I, II, III	25

Tanks in excess of 50000 gallons, and those for storage of Crude Petroleum shall be at a distance of 3 times the greatest dimension of the diameter or height of tank, except that distance shall not be less than 20 feet and need not exceed 350 feet.

***N. F. P. A. Classes of Flammable Liquids**

Class I Flash Point below 20 degrees F

Class II Flash Point below 70 degrees F

Class III Flash Point above 70 degrees F

D. Other Provisions and Requirements for Enclosed Industrial Use and Open Industrial Use are as follows:

1. Each Use shall provide one Parking Space for each 2 employees, on combined employment of the two largest successive shifts, located on the same lot as the Use, or as a Special Exception within three hundred (300) feet thereof.
2. Groups of Uses requiring Parking Space may join in establishing a Private Parking Area with capacity aggregating that required for each participating Use.
3. Each Use shall provide Loading and Unloading Berths, located on the same Lot as the Use, as specified in Figure 5.
4. The disposal of wastes discharged into public streams and sewage systems shall meet the requirements of the Stream Pollution Control Law of the State of Indiana (Chapter 214, Acts of 1943, as amended).

5. One-half of an Alley abutting the rear of a Lot may be included in the Rear Yard, but such alley space shall not be included for Loading and Unloading Berths.
6. In all Districts permitting Enclosed Industrial Use or Open Industrial Use, it is permissible to erect more than one Principal Building devoted to Enclosed Industrial Use or Open Industrial Use on a Lot.
7. Buildings may be erected higher than the normal maximum height of seventy-five (75) feet in the C-11 and C-12 Districts, provided that Buildings shall be set back from the required side yard lines and rear yard lines one (1) foot for each two (2) feet of height above forty-five (45) feet.
8. Chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

Section 6.

CONTINGENT USES AND REQUIREMENTS

Contingent Uses defined herein, including Accessory Buildings and Uses, are permitted in the Districts indicated in Figure 7, subject to the provisions herein.

- A. A Contingent Use is one which is likely or liable, but not certain, to occur and which is not inappropriate to the principal Uses of the District in which it may be located. When so located it shall conform to the requirements of the District in which the Contingent Use is permitted, except that the number of Parking Spaces to be provided shall conform to the requirements of Figure 7. The required number of Parking Spaces shall be provided on the same Lot with the Use, or as a Special Exception within three hundred (300) feet thereof.
- B. The Building Height for Contingent Uses shall be as provided in Figure 8.
- C. Other Provisions and Requirements for Contingent Uses are as follows:
 1. The Building Height requirements in Figure 8 may be increased if Buildings are set back from front and rear property lines, one foot for each two feet of additional height above the Building Height requirement.

2. In all Districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
3. A church or temple requiring Private Parking Area at times when nearby Uses do not need their parking facilities, may by agreement approved by the Board, utilize such facilities in lieu of providing their own private parking facilities.
4. In C-RS and C-I2 Districts only one Outdoor Advertising Structure or Sign as defined and regulated herein shall be permitted on a Lot or tract of land having a frontage of one thousand (1000) feet or less. One additional Outdoor Advertising Structure or Sign shall be permitted for each additional one thousand (1000) feet of frontage, and signs shall not be closer together than one thousand (1000) feet along the frontage on each side of a highway even though individual ownerships shall have less than one thousand (1000) feet of frontage. An Improvement Location Permit shall be issued by the Building Commissioner for Outdoor Advertising Structures or Signs in Districts, where permitted to be built, up to the established Front Yard or Building Line or existing front yard or building line, whichever is closer to the right-of-way. Such permit shall require the relocation or removal of the sign or structure within sixty (60) days notice by the Building Commissioner that the land upon which said Structure or Sign is located is to be used for residential occupancy within 100 feet of the Sign or Structure or the plat of such land is recorded as a residential subdivision, and provided further that no Outdoor Advertising Structure or Sign may be located closer than one hundred (100) feet to an adjacent residential structure without the written consent of the owner of such residential structure; and provided further that no such Outdoor Advertising Structure or Sign shall be erected opposite a residence closer than seventy-five (75) feet from a line drawn at right angles to the center line of such residence without first giving the owner or owners of such residence thirty (30) days written notice or without first obtaining the written consent of such owner or owners.
5. Home Occupation – Basic Requirements:
 - a. The home occupation shall be carried on entirely in the dwelling.

- b. Not more than one person, other than occupants of the dwelling shall be employed in the home occupation use.
- c. Not more than 500 square feet of total floor area shall be devoted to home occupation in any dwelling.
- d. Articles sold or offered for sale shall be limited to those produced in the dwelling or within the accessory building.
- e. There shall be no exterior display, no exterior sign (except as permitted by the applicable district regulations), no exterior storage of materials, and no other exterior indication of the home occupation, or variation of the residential character of the principal building.
- f. No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall be produced.
- g. A home occupation includes, but is not limited to, the following:
 - 1. Artist's studio
 - 2. Dressmaking
 - 3. Professional office of a medical or osteopathic physician, dentist, podiatrist, chiropractist, lawyer, engineer, architect, or accountant.
 - 4. Teaching, with musical instruction limited to a single pupil at a time.
 - 5. Barbering or Hairdressing

- D. An Existing Use which is included herein as a Contingent Use, and which is located in a District in which such Contingent Use is permitted, is a conforming Use. Any expansion of such Contingent Use involving the enlargement of the Buildings, Structures and land area devoted to such Use shall be subject to the requirements of this Ordinance.

Section 7.

SPECIAL EXCEPTIONS, REQUIREMENTS AND PROCEDURE

- A. The Special Exceptions listed in Figure 9 and their Accessory Buildings and Uses may be permitted by the Board in the Districts indicated therein, in accordance with the procedure set forth in this Ordinance and the requirements listed in Figure 9.
- B. Special Exceptions are uses publicly or municipally operated and those uses traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give use to unique problems with respect to their impact upon neighboring property and public facilities.
- C. Upon receipt of an application for an Improvement Location Permit for a Special Exception the Building Commissioner shall refer the application to the Board for public hearing. A copy of each application shall be referred concurrently to the Commission.
- D. Upon such hearing, if the Board finds that:
 - 1. There is a public necessity for the Special Exception at the proposed location;
 - 2. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
 - 3. The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood;
 - 4. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District;
 - 5. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - 6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 - 7. The Special Exception will be located in a District where such use is permitted and that all other requirements set forth in Figure 9, applicable to such Special Exception, will be met;

the Board shall direct the Building Commissioner to issue the Improvement Location Permit for such Special Exception, otherwise the Board shall direct the Building Commissioner to reject the application. The findings of the Board and its order to the Building Commissioner shall be in writing.

- E. The holder of an Improvement Location Permit for a Special Exception may apply to the Board at any time for an alteration, change, amendment or extension of the Development Plan upon which the Special Exception is based.
- F. Any Person, to whom is issued an Improvement Location Permit for a Special Exception who fails to commence construction within twelve (12) months after such permit is issued, or who fails to carry to completion the total Development Plan thereof within three (3) years after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any Person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such Improvement Location Permit revoked.
- G. The Board may impose additional requirements or conditions for a Special Exception Use set forth in Figure 9, herein, if, in the Board's judgement, additional requirements or conditions are necessary for the protection of the public health, and for reasons of safety, comfort and convenience.

Section 8.

NONCONFORMING USE SPECIFICATIONS

The lawful use of a Building or premises, existing at the time of passage of this ordinance, may be continued although such Use does not conform to all the provisions of this ordinance, subject to the following conditions.

- A. A Nonconforming Use may be extended throughout a Building provided the size of the Structure is not increased.
- B. A Nonconforming Use may be changed to another Nonconforming Use of the same or greater restrictions, provided the size of the structure is not increased.

- C. Whenever a Nonconforming Use has been changed to a Conforming Use or to a Use permitted in a District of greater restrictions, it shall not thereafter be changed to a Nonconforming Use of a less restricted District.
- D. No Building shall be erected upon any premises devoted to a Nonconforming Use, except in conformance with the provisions of this ordinance.
- E. The Board may authorize, by written permit, in a District permitting Residential Use, for a period of not more than one (1) year from the date of such permit, a temporary Building for Business or Industrial Use incidental to the residential construction and development of said District.
- F. Nothing herein contained shall require any change in the plans, construction or designated Use of a Building for which a Building Permit or Improvement Location Permit has been heretofore issued, and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit, and which entire Building shall be completed according to such plans as filed within three (3) years from the date of passage of this ordinance.
- G. In the event that a Nonconforming Use of any Building or premises is discontinued for a period of two (2) years, the use of the same shall thereafter conform to the Uses permitted in the District in which it is located.
- H. Any Nonconforming Open Use of land such as a junk yard or automobile wrecking or salvage yard shall be discontinued within five (5) years from the date of passage of this ordinance.
- I. These provisions apply in the same manner to a Use which may become a Nonconforming Use as a result of an amendment to this ordinance.

Section 9.

ADMINISTRATION

The Building Commissioner is hereby designated and authorized to enforce this ordinance.

- A. Any Person, who shall make application for an Improvement Location Permit, shall, at the time of making such application furnish a site plan or Development Plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) days period may be waived. Said site plan shall be drawn to scale showing the following items:

1. Legal or site description of the real estate involved.
 2. Location and size of all Buildings and Structures.
 3. Width and length of all entrances and exits to and from said real estate.
 4. All adjacent and adjoining roads or highways.
- B. An application for an Improvement Location Permit for any Use subject to the provisions of Section 5 of this ordinance shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer or architect, certifying that the Use intended will satisfy the performance standards of the Light Industrial Use or Industrial Use, as the case may be, and in the District in which it is to be located. The Building Commissioner may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Building Commissioner has not required any additional information or stated any objections in writing, the Building Commissioner shall issue the Improvement Location Permit.
- C. Site Plans so furnished shall be filed and shall become a permanent public record.
- D. The Building Commissioner shall issue an Improvement Location Permit for a Special Exception only following receipt of notice from the Board that the application therefor has been approved by the Board.
- E. No land shall be occupied or used and no Building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued stating that the Building and Use comply with all of the provisions of this ordinance applicable to the Building or premises or the Use in the District in which it is to be located.

When the improvement covered by the Improvement Location Permit has been completed in substantial conformity with the site plan or development plan submitted in the application pursuant to Paragraph A. of this Section, a Certificate of Occupancy shall then be issued.

- F. No change shall be made in the Use of land (except an Agricultural Use) or in the Use of any Building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

- G. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed.
- H. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any Person having a proprietary or tenancy interest in the Building or land affected.
- I. No Improvement Location Permit shall be issued for excavation for or the erection, reconstruction or structural alteration of any Building, before application has been made for a Certificate of Occupancy.
- J. An application for an Improvement Location Permit for a Dwelling shall not be approved until it has been ascertained by the Building Commissioner that the proposed use meets the minimum standards for a sewage disposal system as required by the DeKalb County Health Officer.

Section 10.

BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with Sections 66 to 69 inclusive of Chapter 174 of the Acts of Indiana General Assembly of 1947 and all acts now or hereafter amendatory thereto.

- A. At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a Secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.
- B. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.
- C. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record.

- D. Any decision of the Building Commissioner in enforcement of this ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.
- E. The Board shall have the following powers and it shall be its duty to:
1. Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this ordinance.
 2. Permit and authorize exceptions to the District regulations only in the classes of cases or in particular situations as specified in the ordinance.
 3. Hear and decide on permits for Special Exceptions, Development Plans or other Uses upon which the Board is required to act under this ordinance.
 4. Authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done.
- F. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Building Commissioner from whom the appeal is taken.
- G. Every decision of the Board shall be subject to review by certiorari.
- H. No variance in the application of the provisions of this ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find:
1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.
4. That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets.

Section 11.

GENERAL PROVISIONS

- A. **SHORT TITLE.** This ordinance, and ordinances supplemental or amendatory thereto shall be known, and may be cited hereafter as the "Zoning Ordinance of DeKalb County, Indiana, 1964".
- B. **INTERPRETATION.** In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The DeKalb County Plan Commission has given consideration to the existing and future probable Use of land in the territory affected by this ordinance, and has prepared a Comprehensive Land Use Plan showing the future development of this area, which has served as a guide in the preparation of this ordinance.
- C. **NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED.** It is not intended by this ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; nor any ordinances, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued and which are not in conflict with any of the provisions of this ordinance; except that, where this ordinance imposes a greater restriction upon the Use of Buildings or Land, or upon the Height of Buildings, or requires larger open spaces or greater Lot Area Per Family, than are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance, rules, regulations or permits, the provisions of this ordinance shall control.

D. DETERMINATION AND INTERPRETATION OF DISTRICT BOUNDARIES

- a. In determining the boundaries of Districts, and establishing the provisions applicable to each District, due and careful consideration has been given 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 County.
- b. Where uncertainty exists as to the exact boundaries of any District as shown on the Zone Map, the following rules shall apply:
 - 1. In unsubdivided areas, or where a District boundary subdivides a Lot, the exact location of the boundary shall be determined by use of the scale of the Zone Map.
 - 2. In the case of further uncertainty, the Board shall interpret the intent of the Zone Map as to the location of the boundary in question.

E. PROCEDURE RELATING TO VACATED AREAS

Whenever any Street, Place, Alley, Public Way, Railroad Right-of-Way, Water Way, or other similar area is vacated by proper authority, the Districts adjoining each side of such Street, Alley, Public Way, Railroad Right-of-Way, or similar area shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate provisions of the extended Districts. In the event of a partial vacation, the adjoining District, or District nearest the portion vacated, shall be extended automatically to include all of the vacated area.

- F. **USE.** No Building or land shall be used and no Building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a Use which is permitted and specified in a District in which such Building or land is located.
- G. **HEIGHT.** No Building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the Use and the District in which such Building is located.
- H. **YARD, LOT AREA AND SIZE OF BUILDING.** No Building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the Yards, Lot area per Family, Ground Floor Area of Dwellings, or Lot Coverage provisions established and specified for the Use

and the District in which such Building is located.

- I. LOTS. Every Building hereafter erected shall be located on a Lot. In no case shall there be more than one Principal Building used for residential purposes, and its Accessory Buildings, located on one Lot.
- J. PARKING SPACE; LOADING AND UNLOADING BERTHS. For each Building hereafter erected and for certain other uses of land, Parking Spaces for motor vehicles and Loading and Unloading Berths as specified for the Use to which such Building or Land is to be devoted shall be provided, except that Parking Spaces may not be required for Business or Industrial Uses to be established in Blocks where 50% or more of the area was occupied by such Uses at the time of passage of this ordinance, but it is the intent of this ordinance to encourage the establishment of adequate parking spaces wherever normally required by this ordinance.
- K. FILING FEES. Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees hereinafter specified.
 - a. For each application for a Certificate of Occupancy, a fee of five dollars (\$5.00) shall be paid.
 - b. For each petition for an appeal from the decision of the Building Commissioner to the Board, a fee of fifteen dollars (\$15.00) shall be paid, the receipt for which shall accompany the petition.
 - c. For each application for the approval by the Board of a Special Exception, a fee of fifteen dollars (\$15.00) shall be paid, except that for each application for the approval by the Board of a Shopping Center, a fee of two hundred dollars (\$200.00) shall be paid, the receipt for which shall accompany the application.
 - d. For each petition for an amendment to this ordinance, a fee of twenty-five dollars (\$25.00) shall be paid, the receipt for which shall accompany the petition.
 - e. Except for the fee for a Certificate of Occupancy, no part of any filing fee paid pursuant to this Section shall be returnable to the applicant or petitioner.
- L. REMEDIES AND PENALTIES

- a. The Commission, the Board, the Building Commissioner, or any designated enforcement official or any person or persons, firm or corporation, jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of DeKalb County to restrain an individual or a governmental unit from violating the provisions of this ordinance.
 - b. The Commission or the Board may also institute a suit for mandatory injunction directing any individual, a corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance.
 - c. Any building, erected, raised, or converted, or land or premises used in violation of any provisions of this ordinance or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.
 - d. Any person or corporation, whether as principal agent, employee or otherwise, who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for each offense.
- M. **AMENDMENTS.** All amendments to this ordinance shall be in conformance with Sections 64 and 37 to 42 inclusive of Chapter 174 of the Acts of the Indiana General Assembly of 1949, and all Acts amendatory thereto.
- N. **INVALIDITY OF PORTIONS.** Should any section or provision of this ordinance be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.
- O. **FARMS, EXEMPT.** Land, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are adapted, by reason of nature and area, for use for agricultural purposes as a primary means of livelihood, while so used, shall not be affected by restrictions or regulations of this ordinance.
- P. **PUBLIC UTILITY INSTALLATIONS EXEMPT.** Structures and land used for Public Utility installations so defined herein, while so used, shall not be affected by restrictions or regulations of this ordinance; provided however,

that power substations, terminal facilities and treatment or processing plants are Contingent Uses and are subject to the provisions of this ordinance.

- Q. MINERAL EXTRACTION EXEMPT. Nothing herein shall prevent, outside of urban areas, the complete Use and alienation of any mineral resources or forests by the owner or alienee thereof. For the purpose of this paragraph, urban area shall include any land, or Lots used for residential purposes where there are eight (8) or more residences within one quarter (1/4) mile square area and such other lands or Lots as have been or are planned for residential areas contiguous to incorporated cities or towns.

Section 12.

SPECIFICATIONS AND DEFINITIONS

The following Figures which include specifications and definitions are hereby declared to be a part of this ordinance:

- | | |
|------------|---|
| Figure 1. | Residential Uses and Requirements |
| Figure 2. | Business Uses and Requirements |
| Figure 3. | Business Uses - Loading and Unloading Berths Required |
| Figure 4. | Business Uses - Parking Spaces Required |
| Figure 5. | Industrial Uses and Requirements |
| Figure 6. | Industrial Uses - Loading and Unloading Berths Required |
| Figure 7. | Contingent Uses and Requirements |
| Figure 8. | Contingent Uses - Maximum Height |
| Figure 9. | Sheets 1, 2 and 3 of 3. Special Exceptions and Requirements |
| Figure 10. | Identification |
| Figure 11. | Sheets 1, 2, 3, 4 and 5 of 5. Definitions |

Section 13.

WHEN EFFECTIVE. This ordinance shall take effect after its passage and approval of the Board of County Commissioners.

Passed by the Board of County Commissioners of the County of DeKalb, Indiana, this 21st day of December, 1964.

BOARD OF COUNTY COMMISSIONERS,
COUNTY OF DEKALB, INDIANA

Vern Myers

Cecil E. Fitch

Samuel Cook

ATTEST:

Loren R. Dunn,
County Auditor

RESIDENTIAL USES AND REQUIREMENTS

DeKalb County 10/64

REQUIREMENTS	TYPE OF RESIDENTIAL USE		
	SINGLE-FAMILY DWELLING	TWO-FAMILY DWELLING	MULTI-FAMILY DWELLING
Districts in which use is permitted	C-RS, C-S, C-A, C-LB, C-RB C-GB & C-12	C-RS, C-LB, C-RB, C-GB & 12	See Figure 9
Minimum lot size in square feet per dwelling unit in districts indicated	C-RS, C-RB&12....20000* C-S.....10000 C-A, C-LB&C-GB..7200	C-RS, C-RB&C-12....15000* C-LB&C-GB.....5000	
Minimum lot width in feet in districts indicated	C-RS, C-RB&C-12....100 C-S.....70 C-A.....60 C-LB&C-GB.....50	C-RS, C-RB&C-12.....150 C-LB&C-GB.....60	
Maximum Building height in feet in districts indicated	C-RS, C-A, C-RB & C-12.....25 C-LB&C-GB.....35	C-RS, C-RB&C-12.....25 C-LB&C-GB.....35	
Minimum front yard in feet	C-RS & C-S.....40 C-RB&C-12.....60 C-A.....30 C-LB&C-GB.....15	C-RS.....40 C-RB&C-12.....60 C-LB&C-GB.....15	
Minimum side yard(one)	10% of required min. lot width	10% of required min. lot width	
Minimum side yards (both or two)in percent of lot width	20%	20%	
Minimum rear yard in feet	20	20	
Minimum ground floor area in square feet in districts indicated.	One Story C-RS, C-RB&C-12....720 C-A & C-S.....840 C-LB&C-GB.....672 Over One Story C-RS, C-LB, C-RB, C-GB & C-12.....672 C-A&C-S.....720	One Story C-RS, C-RB&C-12.....1260 C-LB&C-GB.....900 Over One Story C-RS, C-RB&C-12.....720 C-LB&C-GB.....672	
Number of vehicle parking spaces to be provided on the lot	One	Two	
Vision Clearance on corner lot	Yes	Yes	

FIGURE 1

*This represents the minimum lot size and minimum lot width per dwelling unit when the following utility systems are not installed and utilized: A. Sanitary Sewer System. B. Approved public or community water supply system. With the provision and utilization of any of the above described utility systems, deduct the following area in square feet from the minimum lot size; and deduct the following lot width in feet, per dwelling unit:

Single-Family Dwelling	
Lot Size	Lot Width
A. 5000	20
B. 5000	10

Two-Family Dwelling	
Lot Size	Lot Width
A. 4000	15
B. 4000	10

BUSINESS USES AND REQUIREMENTS

DeKalb County 10/64

REQUIREMENTS	LOCAL BUSINESS	TYPE OF BUSINESS USE GENERAL BUSINESS	ROADSIDE BUSINESS
District(s) in which use is permitted	C-LB,C-RB,C-GB & C-11	C-GB & C-11	C-RB,C-GB & C-11
Minimum front yard in feet in districts indicated	C-LB 15 C-RB 60 C-GB..... None C-11..... 25	C-GB None C-11 25	C-RB 60 C-GB None C-11..... 25
Minimum side yard in feet along the side street line of a corner lot where block is adjoined by a residence district	5	5	C-RB10 C-GB&C-11 5
Minimum side yard in feet where a business district adjoins a residence district within the block	6	6	C-RB15 C-GB&C-11..... 6
Minimum side yard in blocks not including a residence district	None	None	None
Maximum building height in feet in districts indicated	C-LB&C-RB..... 35 C-GB&C-11.....60	C-GB&C-11.....60	C-RB 35 C-GB&C-11..... 60
Minimum rear yard in feet	15	15	15
Vision clearance on corner lots	Yes	Yes	Yes

FIGURE 2

BUSINESS USES - PARKING SPACES REQUIRED

DeKalb County 10/64

TYPE OF USE	PARKING SPACES REQUIRED
<u>Local Business Uses</u>	
Category 1d, listed under Paragraph A, Section 3	One for each 500 square feet of net floor area
Category 2 listed under Paragraph A, Section 3	One for each 500 square feet of floor area
Categories 3 through 8, under Paragraph A, Section 3	One for each 125 square feet of floor area
Private club or Lodge	Space to accommodate 50 percent of the active membership at one space per each 3 members, or as determined by the Board. The determination shall be based upon the expected number of Parking Spaces the particular type of Business Use would require to satisfy estimated peak parking load requirements.
Category II, listed under A, Section 3	One per employee per shift
<u>Roadside Business Uses</u>	
Automobile and Truck Repair	One for each 200 square feet of net floor area
Indoor Theater	One for each 6 seats
Bowling Alley	Three for each lane plus one for each 6 spectator seats
Department Store	One for each 200 square feet of net floor area
Hotel	One for each 3 employees plus one for each 2 sleeping rooms
Motel	One for each 3 employees plus one for each unit.
Veterinary Hospital for Small Animals or Kennel	One space for each 3 animals to be confined in temporary or permanent pens or cages
Radio or Television Studios	One per employee plus one for each six seats in main auditorium
Newspaper Publishing	One per employee on largest shift
Motor Bus or Railroad Passenger Station	One for each 3 employees plus one for each ten seats in waiting room. Other retail uses in connection therewith shall provide one space for each 2 employees
Storage Warehouse or Wholesale Establishment	One for each 3 employees or occupants. The maximum number of employees or occupants to be used in determining spaces.
Category I5, listed under Paragraph B, Section 3	One per employee per shift
<u>General Business Uses</u>	
Category 3 under Paragraph C, Section 3	As determined by the Board. The determination shall be based upon the expected number of Parking Spaces the particular type of Business Use would require to satisfy estimated peak parking load requirements.
Category 4 under Paragraph C, Section 3	One per employee per shift

FIGURE 3

BUSINESS USES - LOADING AND UNLOADING BERTHS REQUIRED

TYPE OF USE	GROSS FLOOR AREA (Sq. Ft.)	LOADING & UNLOADING BERTHS REQUIRED
Retail Stores	3,000 to 15,000	1
Department Stores	15,001 to 40,000	2
Wholesale Establishments, Storage Uses and Other Business Uses	Each 25,000 Additional	1 Additional
Office Buildings	100,000 or Less	1
	100,001 to 336,000	2
	Each 200,000 Additional	1 Additional

FIGURE 4

INDUSTRIAL USES AND REQUIREMENTS

DeKalb County 10/64

REQUIREMENT	TYPE OF USE	
	ENCLOSED INDUSTRIAL	OPEN INDUSTRIAL
District(s) in which use is permitted	C-RB, C-GB, C-11 & C-12	C-11
Minimum front yard in feet	C-RB & C-12..... 60 C-GB None C-11..... 25	C-11..... 25
Side Yard required in feet	C-GB & C-11..... None C-RB & C-12 10	C-11..... None
Minimum side yard in feet along the side street line of a corner lot where block is adjoined by a residence district.	C-GB & C-11..... 5 C-RB & C-12 10	C-11..... 5
Minimum side yard in feet where a business district or industrial district adjoins a residence district within the block	C-GB & C-11..... 6 C-RB & C-12..... 15	C-11..... 6
Minimum side yard in block not including a residential district	C-GB & C-11..... None C-RB & C-12 5	C-11..... None
Minimum rear yard in feet	20	20
Maximum building height in feet	C-GB 60 C-RB 35 C-11 & C-12..... 75	C-11 75
Vision Clearance on corner lots	yes	yes

FIGURE 5

LOADING AND UNLOADING BERTH REQUIREMENTS

GROSS FLOOR AREA OF INDUSTRIAL USE IN SQUARE FEET	NUMBER OF BERTHS REQUIRED
15000 or Less	1
15001 to 40000	2
40001 to 100000	3
Each 40000 Additional	1 Additional

FIGURE 6

CONTINGENT USES AND REQUIREMENTS

DeKalb County 10/64

TYPE OF USE	DISTRICT(S) IN WHICH USE IS PERMITTED	NUMBER OF PARKING SPACES TO BE PROVIDED
Boarding or Lodging House	C-LB & C-GB	One for each three occupants
Church or Temple	All except C-11	One for each 6 seats in main auditorium
Educational Institution	All	One for each 3 members of staff plus one for each 8 seats in main auditorium
Home Occupation	All	One additional
Lodge or private club(which is of a non-commercial character)	All except C-A & C-5	One for each 125 square feet floor area of building(s)
Mortuary	C-LB,C-RB,C-GB & C-11	One for each 6 seats in main auditorium
Municipal or governmental building	All	One for each 125 square feet floor area of building(s)
Power Substation	All	One per 2 employees or combined employment of the two largest successive shifts
Public Utility Installation Terminal Facility	C-11 & C-12	One per 2 employees or combined employment of the two largest successive shifts
Temporary Sign, pertaining to lease, hire or sale of a building or premises	All	Not applicable
Sign	C-RS & C-12 Subject to additional requirements of Section 6.	Not applicable
Sewage Treatment or Disposal Plant	All	One per 2 employees or combined employment of the two largest successive shifts

FIGURE 7

CONTINGENT USES - MAXIMUM HEIGHT

DISTRICT(S) IN WHICH USE IS PERMITTED	MAXIMUM BUILDING HEIGHT IN FEET
C-RS,C-S,C-A,C-RB & C-12.....	25
C-LB.....	35
C-GB & C-11.....	60

FIGURE 8

j.	DEVELOPMENT PLAN TO BE SUBMITTED WITH APPLICATION
k.	OUTDOOR ADVERTISING SIGNS AND OUTDOOR ARTIFICIAL LIGHTING SHALL BE APPROVED BY THE BOARD
l.	NO SALES, DEAD STORAGE, REPAIR WORK OR DISMANTLING ON THE LOT
m.	MAXIMUM HEIGHT OF STRUCTURE (Feet)
1.	#
2.	As required by appropriate State or Federal Agency
3.	65
4.	35
5.	45
6.	No requirements, but in the case of Multi-Family use, structure shall not exceed height protection limit of available fire or safety apparatus.
n.	Approval of County Health Officer that Sewers are adequate.

FIGURE 9 Special Exceptions and Requirements

FIGURE 10

IDENTIFICATION

THE FOLLOWING WORDS OR TERMS ARE IDENTIFIED WITH THE FOLLOWING MEANINGS IN THIS ORDINANCE:

BOARD: The DeKalb County Board of Zoning Appeals.

BUILDING COMMISSIONER: The Official designated by the Board of County Commissioners of the County of DeKalb, and authorized to enforce this Ordinance.

CERTIFICATE OF OCCUPANCY: A Certificate signed by the Building Commissioner stating that the occupancy and use of land or a Building or Structure referred to there complies with the provisions of this Ordinance.

COMMISSION: The DeKalb County Plan Commission.

COUNTY: The County of DeKalb, Indiana.

DISTRICT: A section of the territory within the jurisdiction of the DeKalb County Plan Commission for which uniform regulations governing the Use, Height, Area, Size, and Intensity of Use of Buildings and Land, and open spaces about Buildings, are herein established.

IMPROVEMENT LOCATION PERMIT: A Permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of this Ordinance and such other ordinances as may be applicable.

JURISDICTION OF THE COMMISSION: The unincorporated territory for planning and zoning within the jurisdiction of the DeKalb County Plan Commission.

LOT OF RECORD: A Lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of DeKalb County, Indiana, or a parcel of land, the deed to which has been recorded in the office of the County Recorder of DeKalb County, Indiana, prior to the date of passage of this Ordinance.

MASTER PLAN: The complete Plan or any of its parts for the development of DeKalb County prepared by the DeKalb County Plan Commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as is now or may hereafter be in effect.

ZONE MAP: A Map entitled, "DeKalb County, Indiana, Zone Map", Sheets 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of 10, dated 1964, and any amendments thereto.

FOR THE PURPOSE OF THIS ORDINANCE, CERTAIN TERMS AND WORDS USED HEREIN SHALL BE INTERPRETATED AND DEFINED AS FOLLOWS: WORDS IN THE PRESENT TENSE INCLUDE THE FUTURE AND VICE-VERSA; THE WORDS IN THE SINGULAR NUMBER INCLUDE THE PLURAL NUMBER AND VICE-VERSA; THE WORD "BUILDING" INCLUDES THE WORD "STRUCTURE" AND VICE-VERSA; THE WORD "SHALL" IS MANDATORY AND NOT DIRECTORY.

ABUTTING - Bordering.

ACCESSORY BUILDING AND USE - A Building or Use subordinate to another Structure or Use located on the same Lot and which does not change or alter the character of the premises and which is not used for human occupancy; such as public utility installations, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.

AGRICULTURE - The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding and management of livestock; tillage, husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise. In this broad use it includes farming, horticulture, forestry, dairying, sugar making, etc.

AIRPORT - A Use devoted to the take-off, landing and storing of aircraft.

> Private Airport
ALLEY - A permanent public service way providing a secondary means of access to abutting lands.

ALLEY LINE - A Lot Line bordering on an Alley.

APARTMENT - A building or portion thereof designed for or occupied by more than two (2) families. Also a multi-family dwelling.

AUTOMOBILE OR TRAILER SALES AREA - An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

BASEMENT - A story, wholly or partly underground, which unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purposes of height measurement.

BOARDING HOUSE - A building where meals are regularly served for compensation for three (3) or more persons, but not exceeding twelve (12) persons, not open to transients, in contradistinction to hotels and restaurants open to transients.

BLOCK - A unit or property bounded by Streets, or by Streets and/or railroad rights-of-way, waterways, or other barriers.

BLOCK FRONTAGE - Property having frontage on one side of a Street and lying between the two nearest intersecting or intercepting Streets, or nearest intersecting or intercepting Street and railroad right-of-way, waterway, or other barrier.

BUILDING - A Structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or other property.

When separated by party walls, without opening through such walls, each portion of such a Building shall be considered a separate Structure.

BUILDING, DETACHED - A Building having no structural connection with another Building.

BUILDING, FRONT LINE OF - The line of the face of the Building nearest the Front Lot Line.

BUILDING, HEIGHT OF - The vertical distance measured from the Lot Ground Level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL - A Building in which is conducted the main or principal Use of the Lot on which said Building is situated. Where a substantial part of an Accessory Building is attached to the Principal Building in a substantial manner, as by a roof, such Accessory Building shall be counted as a part of the Principal Building.

BUILDING AREA - The maximum horizontal projected area of the Principal and Accessory Building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.

BUILDING LINE - BUILDING SETBACK LINE - The line nearest the front of and across a lot establishing the minimum open space to be provided between the Front Line of a Building or Structure and the Front Lot Line.

BUSINESS - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMP, PUBLIC - Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.

CEMETERY - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CLUB - Buildings and facilities owned or operated by a person for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

COMMERCIAL FARM ENTERPRISE - An operation or use inherent to or closely associated with a Farm or Agriculture, such as the buying, selling or distribution of livestock or Farm or agricultural products or products essential to Farm operation; but not including industrial grain elevators, industrial mills, abattoirs, commercial hatcheries and poultry processing plants, the manufacture of commercial fertilizers and similar enterprises which are of an industrial nature.

DECIBEL - A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

→ Dep Plan Ho

DEVELOPMENT PLAN - A drawing, including a legal or site description, of the real estate involved, which shows the location and size of the following, both existing and proposed: All Buildings, Structures and Yards; location and dimension of Building Lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining Streets, service facilities and other improvements such as planting areas.

DEVELOPMENT PLAN, RESIDENTIAL - A Plan proposed to use a tract of land for residential development in accordance with the requirements of this Ordinance, even though the use of the land, the location of the buildings to be erected in the area, and the yards and open spaces provided in the Plan do not conform in certain respects to the regulations for the District or Districts in which the Residential Development is proposed to be located.

DWELLING - A Building or portion thereof, used primarily as a place of abode for one or more human beings, but not including Hotels or Motels, Lodging or Boarding Houses or Tourist Homes.

DWELLING UNIT - A Dwelling or a portion of a Dwelling used for one Family for cooking, living and sleeping purposes.

EDUCATIONAL INSTITUTION - Public or Parochial pre-primary, primary, grade, junior-high, high, preparatory school or academy; junior college, college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

FAMILY - One or more persons occupying a Building and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity or sorority house.

FARM - A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops; pasturage; the production of live stock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; farm residences for the owner, operator or farm assistants; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures.

FILLING STATION - Any building structure, premises or enclosure or other place used for the dispensing, sale or offering for sale at retail of fuels or oils for motor vehicles. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

FLASH POINT - The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

FLOOR AREA, GROUND - The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breeze-ways, terraces, garages and exterior stairways.

FLOOR AREA, NET - The total area, computed on a horizontal

plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.

FREE BURNING - A rate of combustion described by a material which burns actively and easily supports combustion.

FRONTAGE - All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE - An Accessory Building with capacity for not more than three (3) motor vehicles per family, not more than one of which may be a commercial vehicle of not more than three (3) tons capacity. A garage designed to house one (1) or two (2) motor vehicles for each family housed in a multi-family dwelling shall be classed as a Private Garage.

GARAGE, PUBLIC - Any building, except those defined herein as a Private Garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GRADE: ALSO LOT GROUND LEVEL - a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street
b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
c. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

GROUND FLOOR AREA - The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breeze-ways, terraces, garages and exterior stairways.

GROUP HOUSE - A group of dwellings constructed in a row, with the dwelling units separated by vertical party walls without openings. Also a multi-family dwelling.

HOME OCCUPATION - Any Use conducted entirely within a Dwelling and participated in solely by members of the Family, which Use is clearly incidental and secondary to the Use of the Dwelling for Dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, provided that no sign other than a nameplate is attached to the Building.

→ Ho Workshop
HOSPITAL - An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

HOTEL - A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

INDUSTRIAL PARK - A single structure or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

INTENSE BURNING - A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

JUNK YARD - Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

KENNEL - Any Lot on which four (4) or more dogs, or small animals, at least four (4) months of age are kept.

LOADING AND UNLOADING BERTHS - The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this ordinance is held to be a twelve (12) by forty-five (45) foot loading space with a fourteen (14) foot height clearance.

LODGING HOUSE - A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons, not open to transients, in contradistinction to a hotel which is open to transients.

LOT - A parcel, tract or area of land accessible by means of a Street or Place and for residential uses as set forth in this ordinance, abutting upon a Street or Place for at least fifty (50) percent of the Lot Width prescribed for the District in which the Lot is located. It may be a single parcel separately described in a deed or Plat which is recorded in the Office of the Recorder of the County, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining Lot area and boundary lines no part thereof within the limits of a Street or Place shall be included.

LOT, CORNER - A Lot at the junction of and abutting two or more intersecting Streets.

LOT COVERAGE - The percentage of the Lot area covered by the Building Area.

LOT, DEPTH OF - The mean horizontal distance between the Front Lot Line and the Rear Lot Line of a Lot, measured in the general direction of the Side Lot Line.

LOT, INTERIOR - A Lot other than a Corner Lot or Through Lot.

LOT LINE, FRONT - In the case of an Interior Lot, a line separating the Lot from the Street or Place; and in the case of a Corner Lot a line separating the narrowest frontage of the Lot from the Street, except in cases where deed restrictions in effect specify another Street right-of-way line as the Front Lot Line.

LOT LINE, REAR - A Lot Line which is opposite and most distant from the Front Lot Line and, in the case of an irregular or triangular-shaped Lot, a line ten (10) feet in length within the Lot, parallel to and at the maximum distance from the Front Lot Line.

LOT LINE, SIDE - Any Lot boundary line not a Front Lot Line or a Rear Lot Line.

LOT, REVERSED INTERIOR - An Interior Lot, the Front Lot Line of which is formed by a Street, which Street also forms the Side Lot Line of an abutting Corner Lot. The Corner Lot is considered abutting even though separated from the Interior Lot Line by an Alley.

LOT, THROUGH - A Lot having frontage on two parallel or approximately parallel Streets.

LOT, WIDTH - The dimension of a Lot, measured between Side Lot Lines on the Building Line.

MOBILE HOME - Any vehicle either self-propelled or propelled by means of being attached to a motor vehicle, which may be used as a place of abode or sleeping place by one or more persons, and which has no foundation other than the wheels required for its movement from one place to another.

MOBILE HOME PARK - An area of land upon which two or more Mobile Homes are harbored for the purpose of being occupied either free of charge or in consideration of the payment of rental for the Mobile Home or the site upon which it rests, and within which area a Mobile Home may be supported either by its wheels or by a foundation of any sort.

MODERATE BURNING - A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

MOTEL - A Building or a Detached Building used as Dwelling Units containing bedroom, bathroom and closet space, and each unit having convenient access to a Parking Space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

NURSING HOME - A facility licensed by the State Board of Health, which (1) provides nursing services on a continuing basis; (2) admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; (3) provides for licensed physicians services or supervision; (4) maintains medical records. Such facilities may also provide other and similar medical or health services, provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

NURSING HOME CONVERSIONS - A Dwelling which is converted for the use of a Nursing Home and licensed by the State Board of Health.

OCTAVE BAND - A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.

OCTAVE BAND ANALYZER - An electrical device used

with the sound level meter that sorts a complex noise or sound into the various octave bands.

PARKING AREA, PUBLIC - An open area, other than a Street or Alley designed for Use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

PARKING SPACE - A space other than on a Street or Alley designed for Use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways.

PARTICULATE MATTER - Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

PERSON - A corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

PLACE - An open, unoccupied, officially designated space other than a Street or Alley, permanently reserved for use as the principal means of access to abutting property.

PLAT - A Map or Chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

PREMISES - A Lot or Plot including buildings thereon, if any.

PRIVATE SCHOOL - Private, primary, grade, high or preparatory school or academy.

PROFESSIONAL OFFICE - Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

PROFESSIONAL OFFICE CENTER - An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and shall conform to the standards and requirements of this ordinance.

PROFESSIONAL OFFICE IN RESIDENCE - An office in the Dwelling of a member of a recognized profession, as defined by the United States Bureau of the Census, provided that the professional service is performed by a member or members of the family occupying such Dwelling and that no additional persons are employed in rendering such service, and provided further that not more than twenty-five (25) percent of the gross floor area is devoted to such Use and provided also that no sign, other than a nameplate attached to the building, not exceeding two (2) square feet in area, is displayed.

PUBLIC UTILITY INSTALLATIONS - The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utility or municipal departments, commissions,

or common carriers, for the public health or safety or general welfare.

RINGELMANN NUMBER - The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U. S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann 0.

SHOPPING CENTER - An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of Building Areas, Parking Areas, Access Streets and circulatory ways for vehicles and pedestrians, landscape reservations and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this ordinance.

SIGN - Any advertising sign, billboard, or board, device, or structure, or part thereof, or device attached thereto or painted or represented thereon, for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

SLOW BURNING OR INCOMBUSTIBLE - Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1200°F.

SMOKE - A suspension of fine particles, excluding water droplets, in a gaseous plume, which obscure more or less the transmission of light.

SMOKE UNIT - The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

SPECIAL SCHOOL - Any school which has as its primary purpose the instruction, care and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.

STORY - That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the Story.

STORY, HALF - That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

STREET - A right-of-way or Thoroughfare, other than an Alley or Place, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

STRUCTURE - Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

STRUCTURAL ALTERATION - Any change in the supporting members of a Building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

SWIMMING POOL, PRIVATE - A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence.

TOURIST HOME - A Building in which one but not more than five rooms are used to provide or offer overnight accommodations to transient guests for compensation.

TRADE OR BUSINESS SCHOOL - Secretarial or Business School or College when not publicly owned or owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.

USE - The employment or occupation of a Building, Structure or land for a Person's service, benefit or enjoyment.

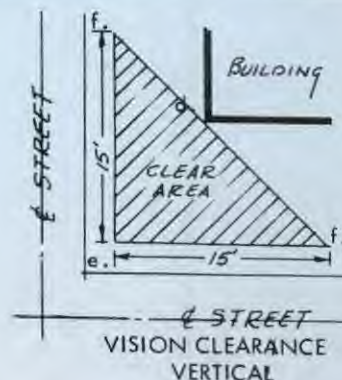
USE, NONCONFORMING - An existing Use of land or Building which fails to comply with the requirements set forth in this ordinance applicable to the District in which such Use is located.

VARIANCE - A modification of the specific requirements of this ordinance granted by the Board in accordance with the terms of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and District.

VIBRATION - Oscillatory motion transmitted through the ground.

VISION CLEARANCE ON CORNER LOTS - A triangular space at the Street corner of a Corner Lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established Street grade. The Street grade is measured at the intersection of the center lines of the intersecting Street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet along each of the Street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the Lot.

- (a) 3' above established street grade.
- (b) 12' above established street grade.
- (c) point of established street grade.
- (d) Diagonal line forming rear line of triangle.
- (e) Intersection of right-of-way or property lines.
- (f) 15' from intersection of right-of-way or property lines.

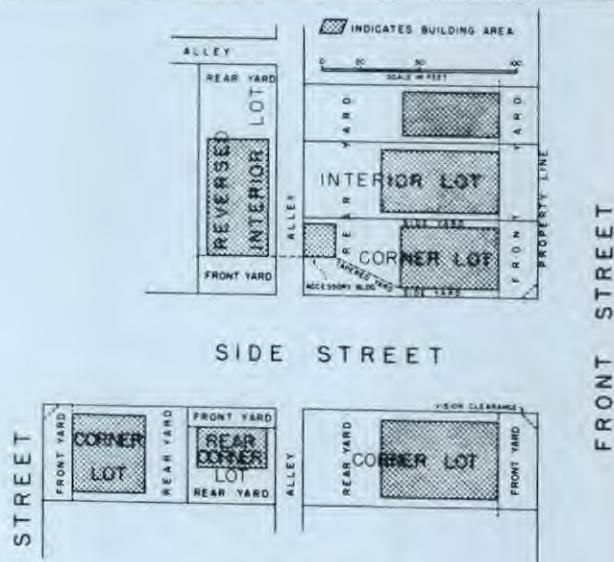


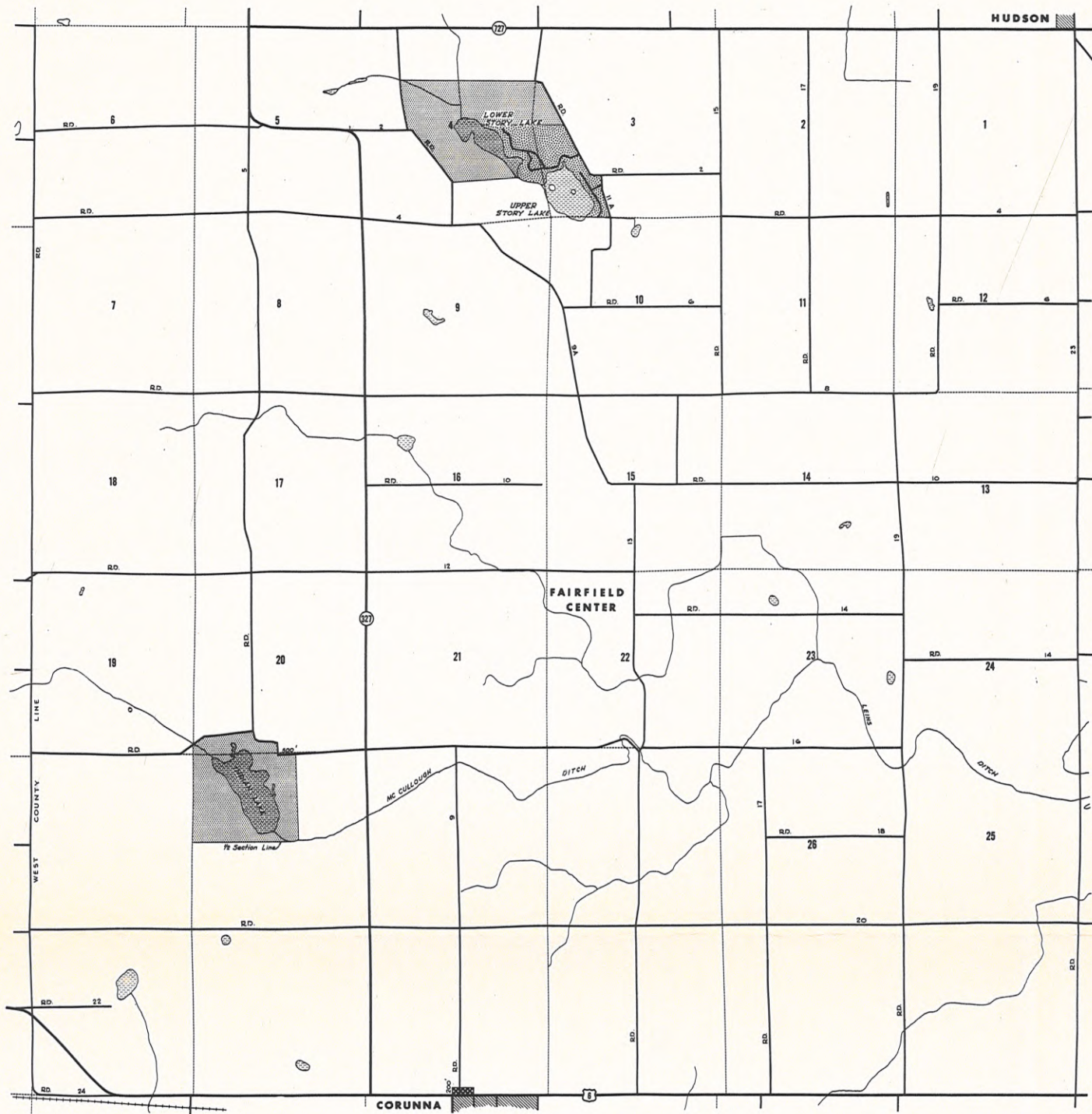
YARD - A space on the same Lot with a Principal Building, open, unoccupied and unobstructed by Structures, except as otherwise provided in this ordinance.

YARD, FRONT - A Yard extending across the full width of the Lot unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the Front Lot Line and the Building Line.

YARD, REAR - A Yard extending across the full width of the Lot between the rear of the Principal Building and the Rear Lot Line unoccupied other than by Accessory Buildings which do not occupy more than 30 percent of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the Rear Lot Line and the rear of such Principal Building.

YARD, SIDE - A Yard between the Principal Building and the Side Lot Line, extending from the Front Yard or from the Front Lot Line where no Front Yard is required, to the Rear Yard. The width of the required Side Yard is measured horizontally at 90° with the Side Lot Line, from the nearest part of the Principal Building, except in cases where irregular or pie shaped Lots are located, then the width of the required Side Yard shall be an average of the width of the area between the Side Lot Line and the Principal Building measured horizontally at 90° with the Side Lot Line.



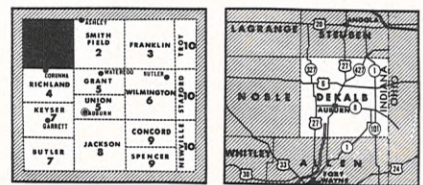
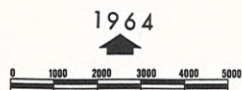


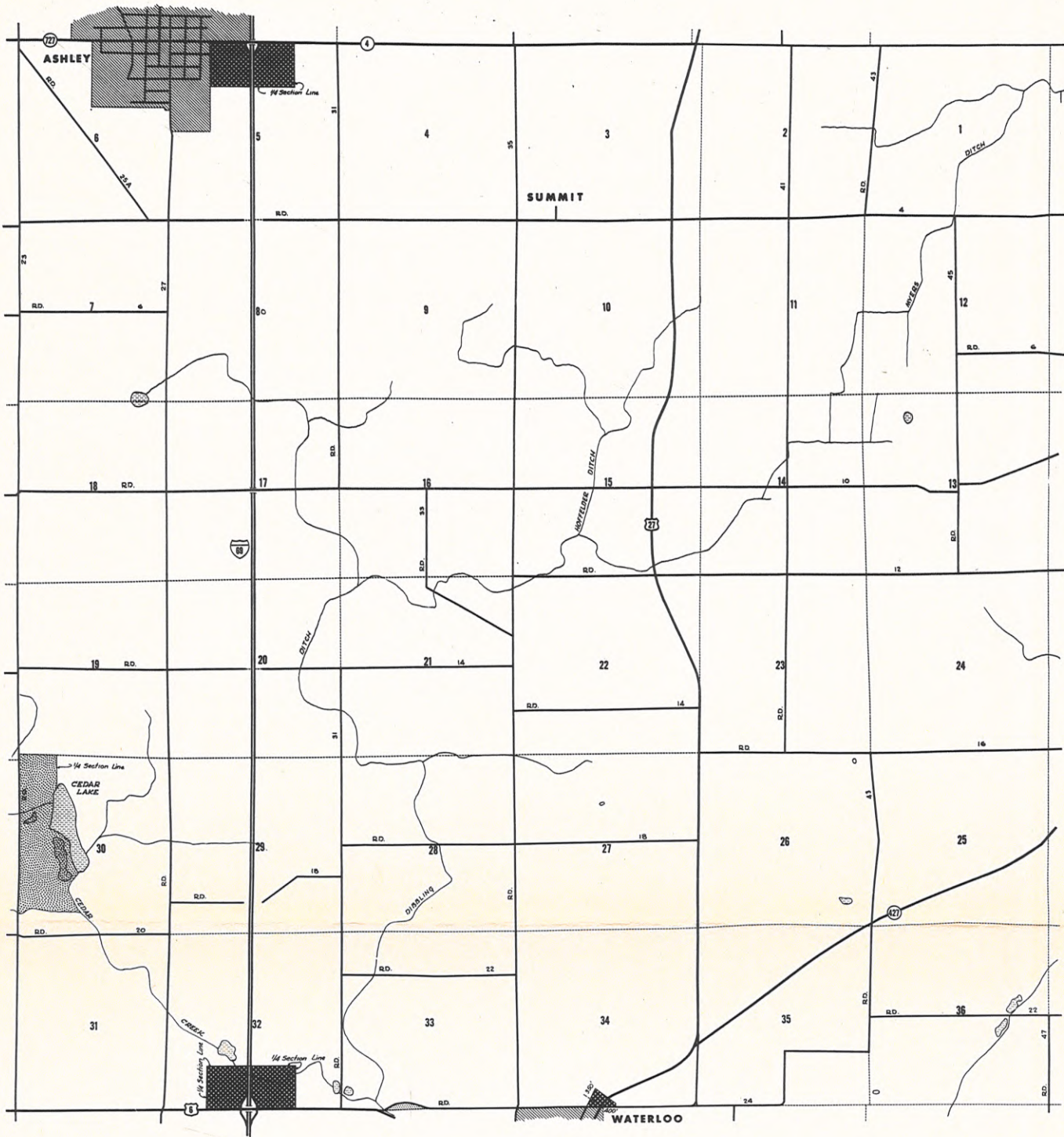
FAIRFIELD TOWNSHIP

DEKALB COUNTY, INDIANA

ZONE MAP LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL
- INCORPORATED AREAS





SMITHFIELD TOWNSHIP

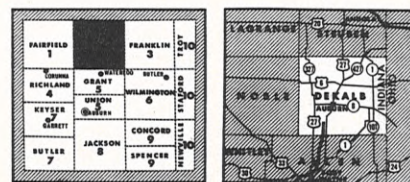
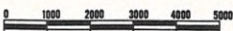
DEKALB COUNTY, INDIANA

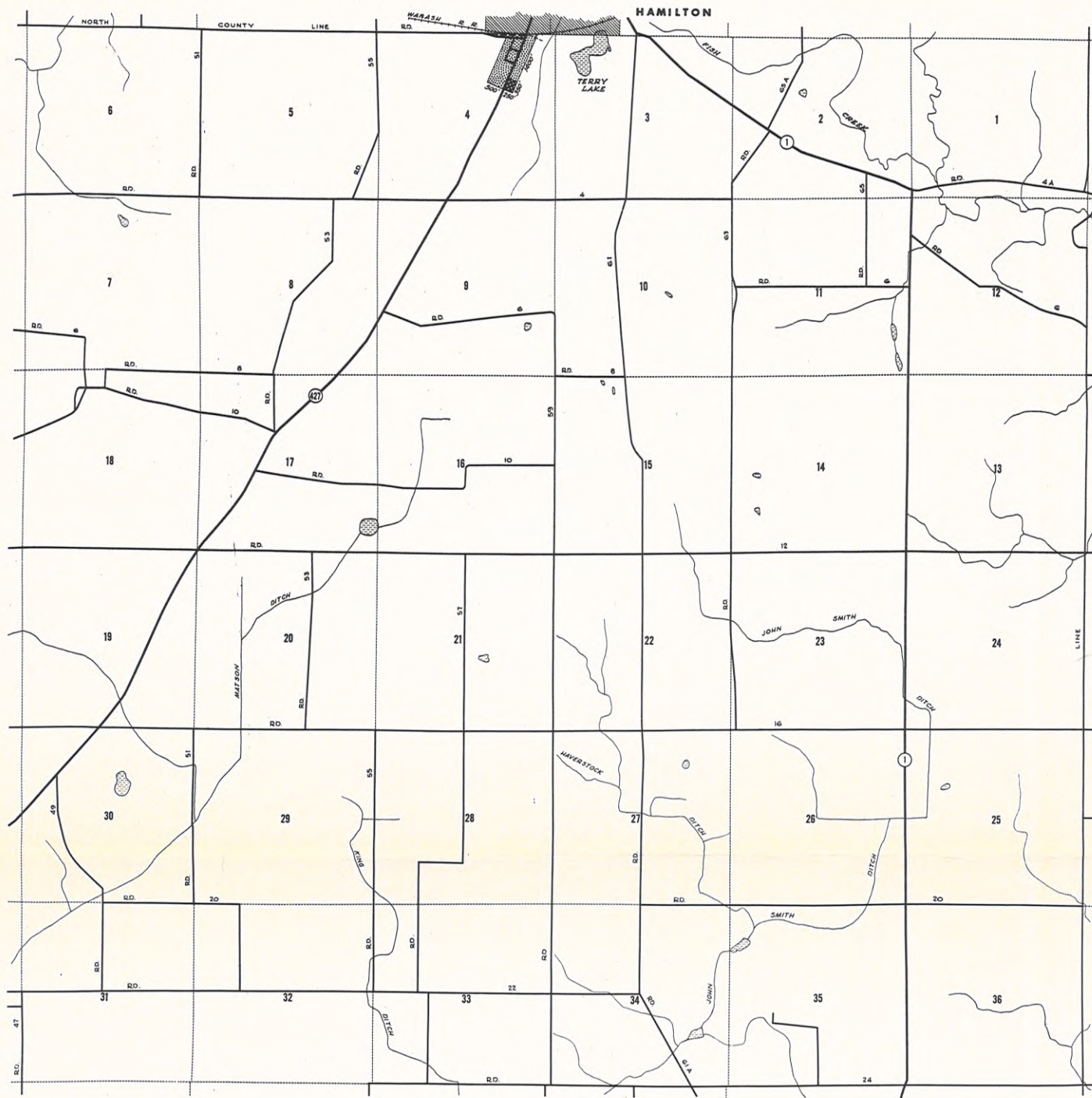
ZONE MAP

LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL
- INCORPORATED AREAS

1964



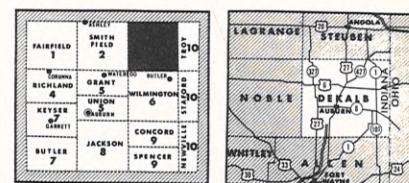
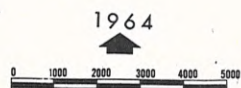


FRANKLIN TOWNSHIP

DEKALB COUNTY, INDIANA

ZONE MAP LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL
- INCORPORATED AREAS





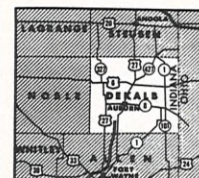
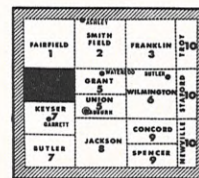
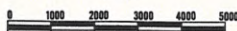
RICHLAND TOWNSHIP

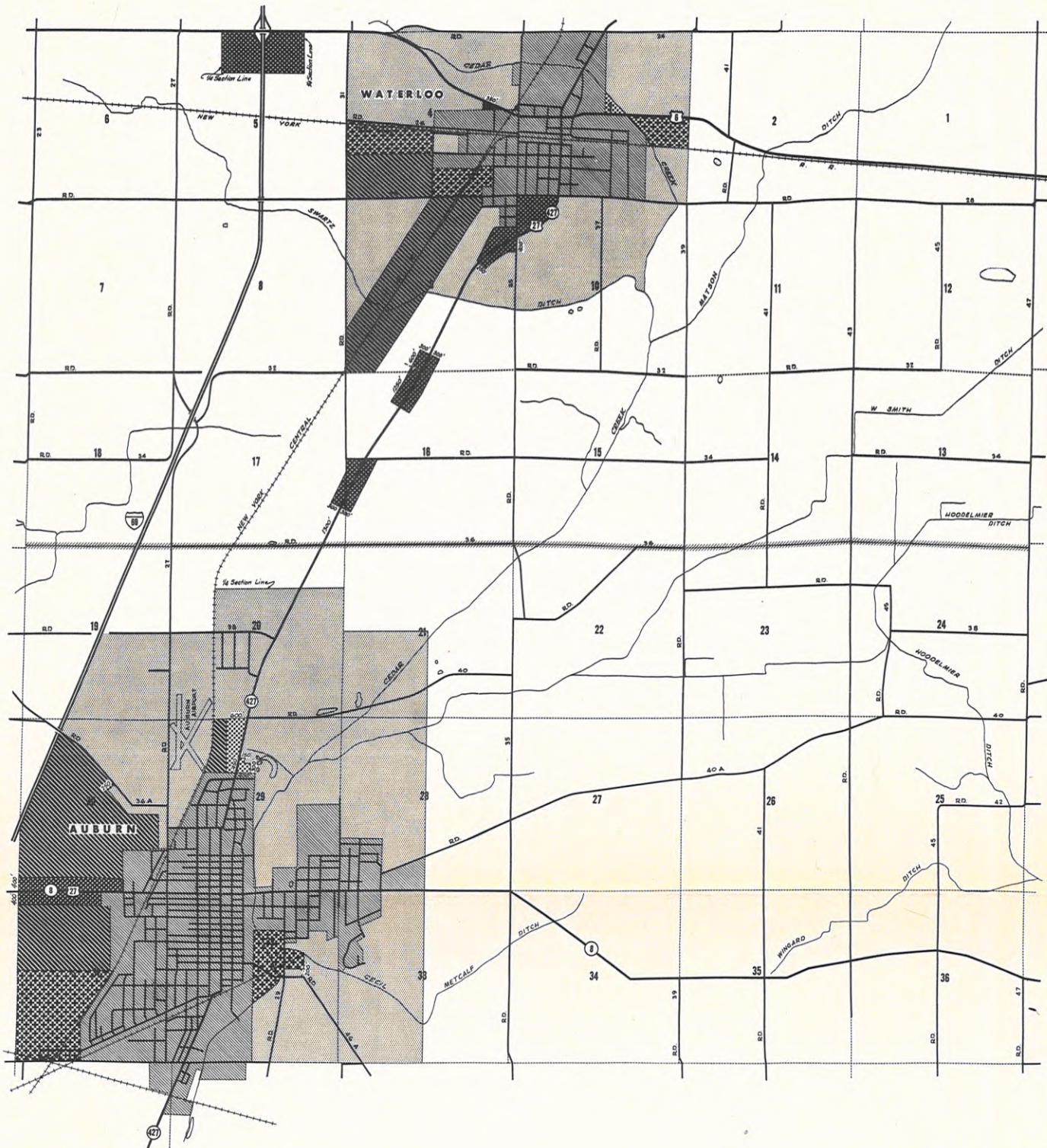
DEKALB COUNTY, INDIANA

ZONE MAP LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL
- INCORPORATED AREAS

1964



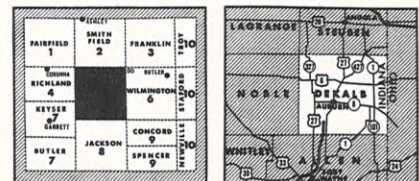


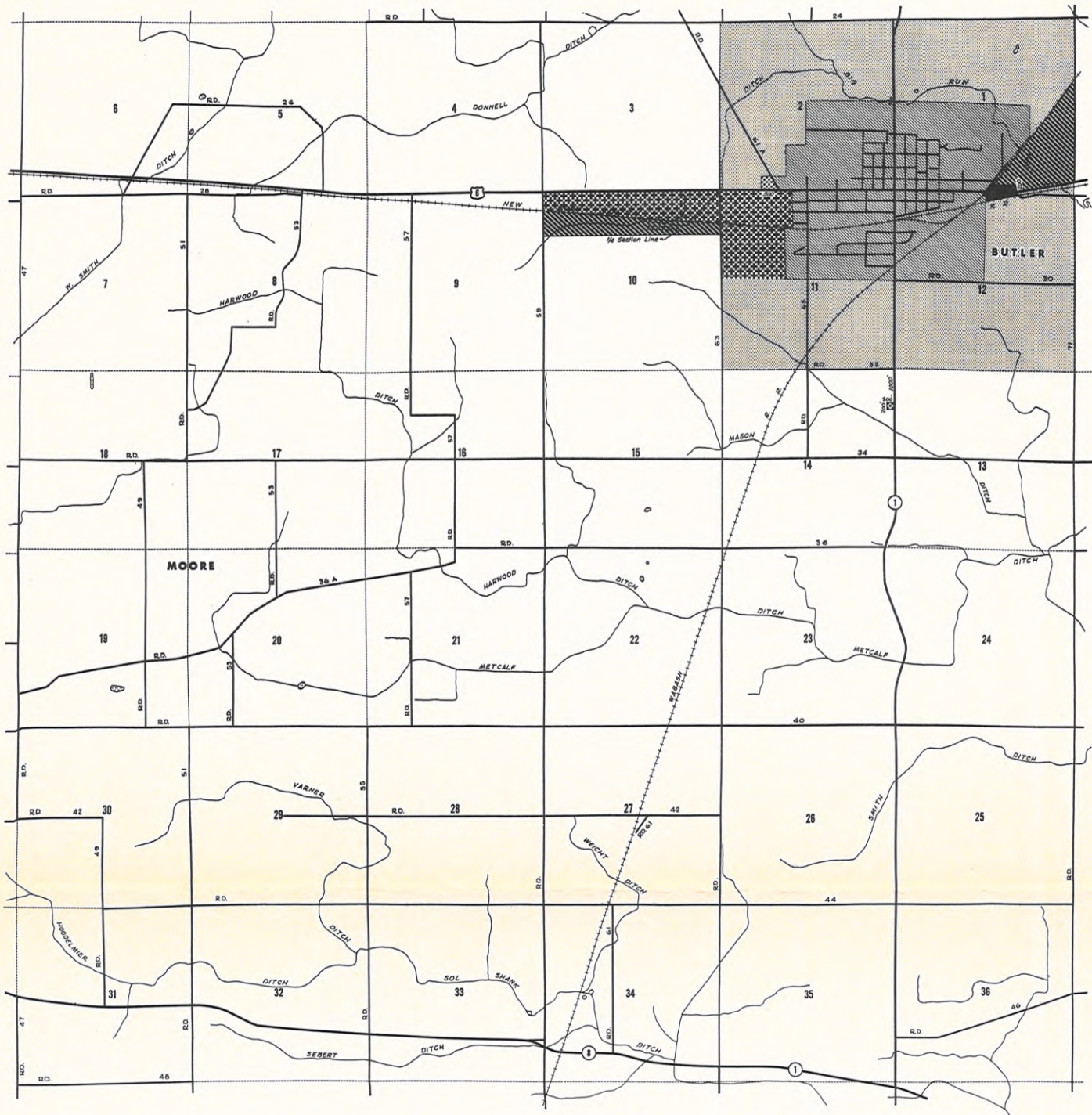
GRANT & UNION TOWNSHIPS

DEKALB COUNTY, INDIANA

ZONE MAP LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-11 OPEN INDUSTRIAL
- C-12 ENCLOSED INDUSTRIAL
- INCORPORATED AREAS
- TOWNSHIP DIVIDING LINE



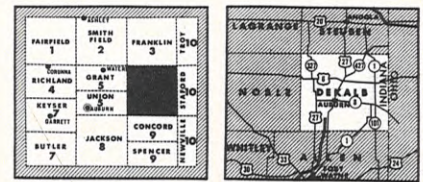
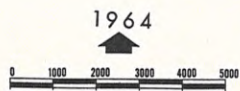


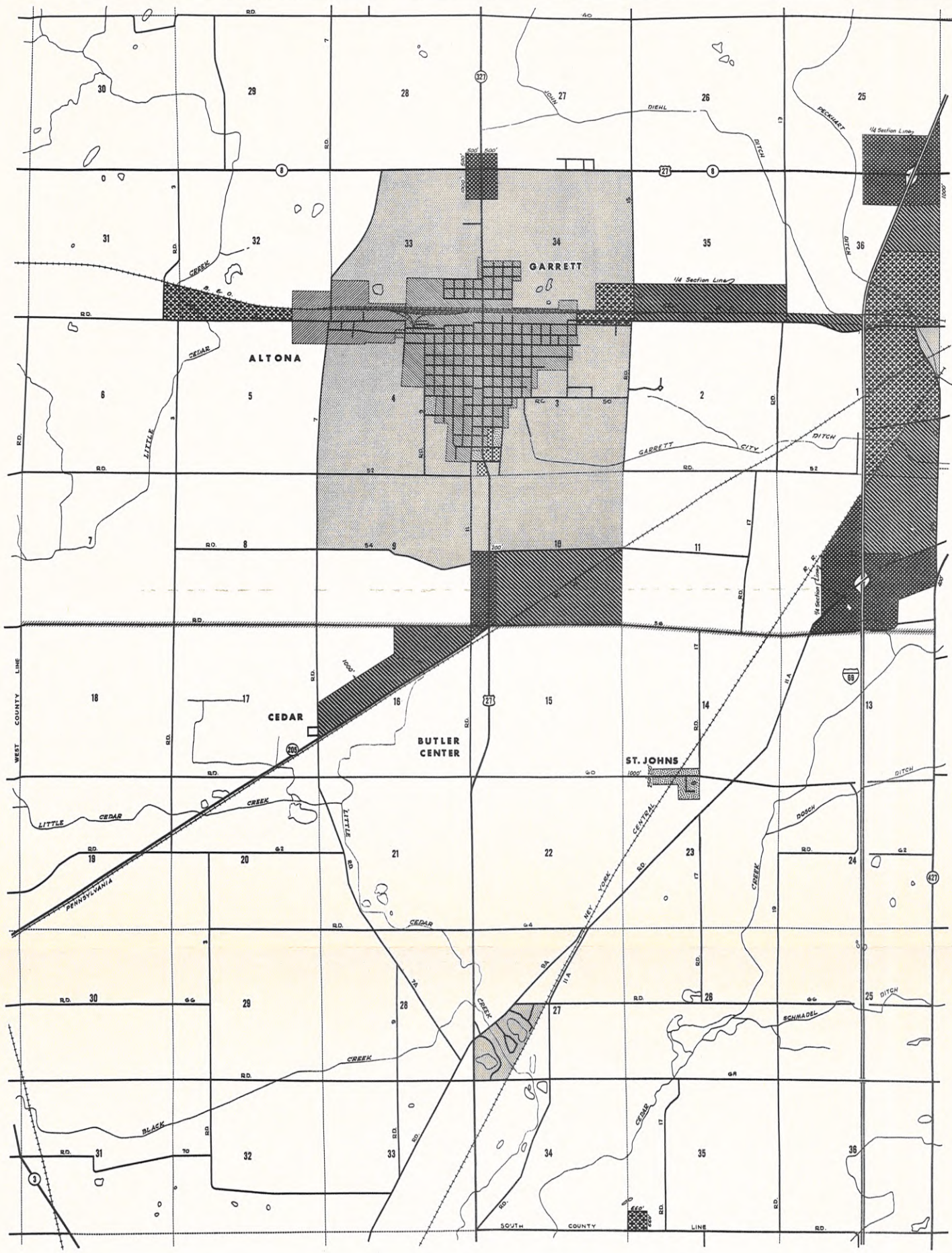
WILMINGTON TOWNSHIP

DEKALB COUNTY, INDIANA

ZONE MAP LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL
- INCORPORATED AREAS





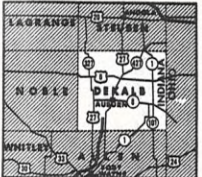
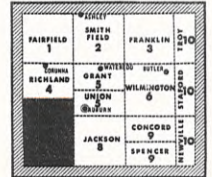
KEYSER & BUTLER TOWNSHIPS

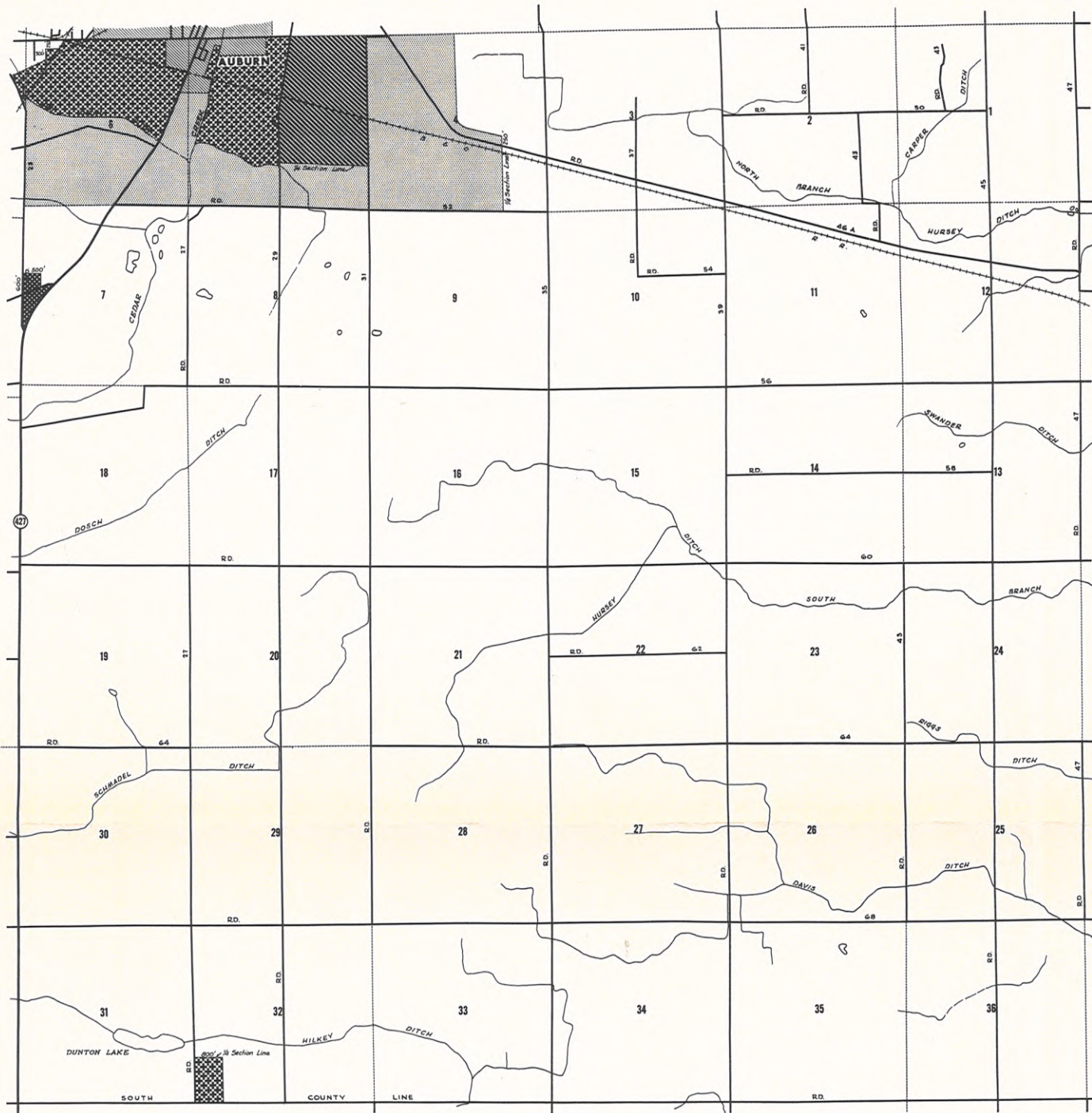
DEKALB COUNTY, INDIANA

ZONE MAP LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S1 SUBURBAN RESIDENCES
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL

- INCORPORATED AREAS
- TOWNSHIP DIVIDING LINE





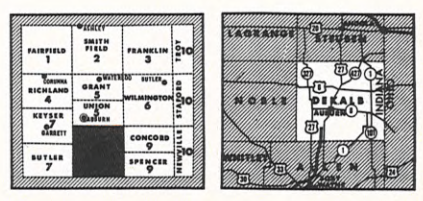
JACKSON TOWNSHIP

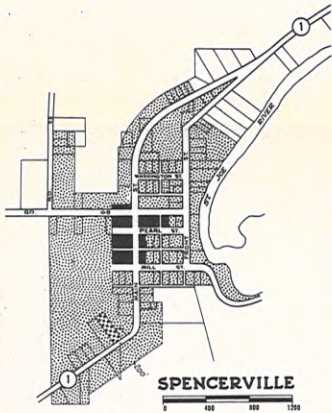
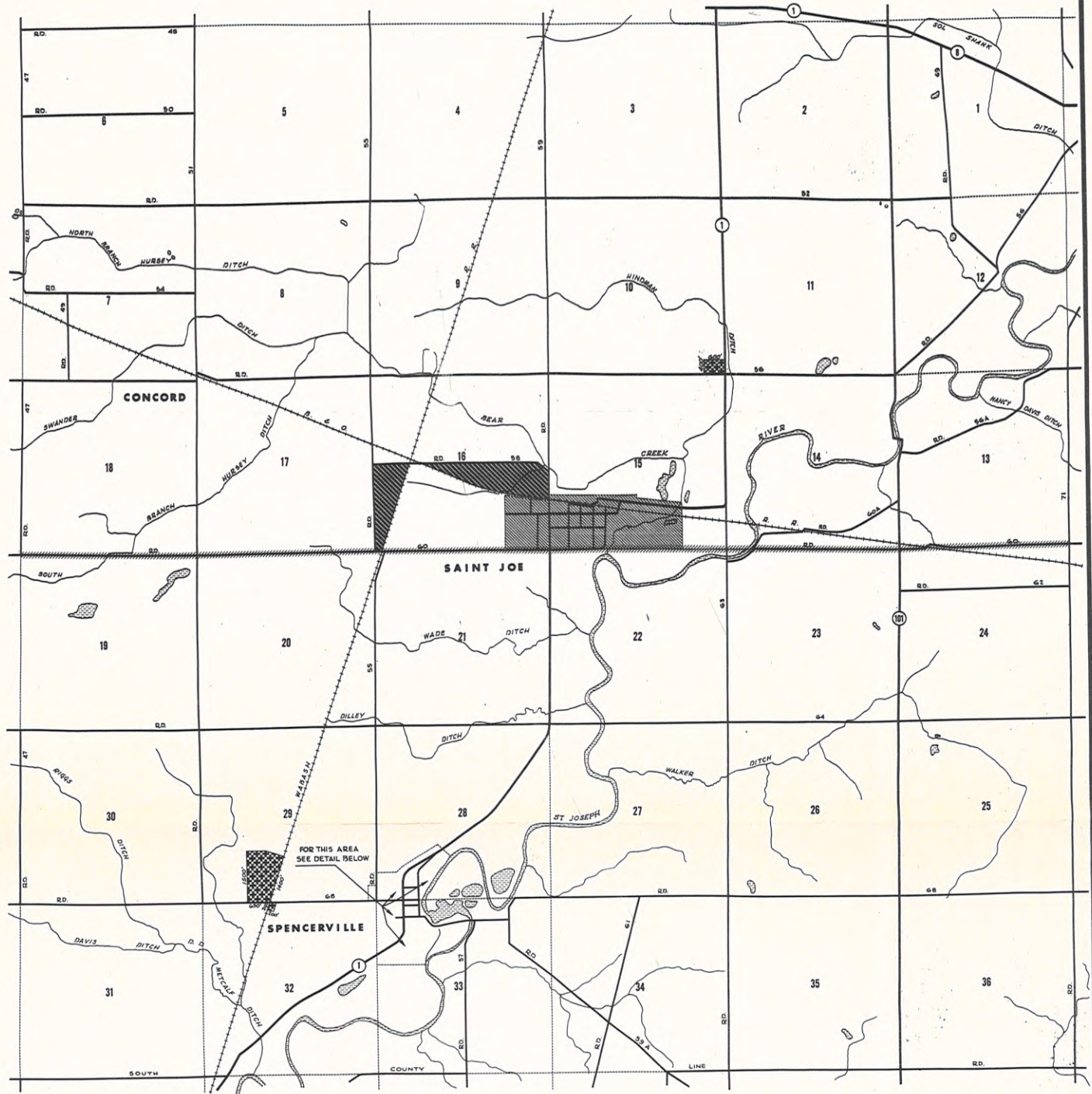
DEKALB COUNTY, INDIANA

ZONE MAP

LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
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- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL
- INCORPORATED AREAS





CONCORD & SPENCER TOWNSHIPS

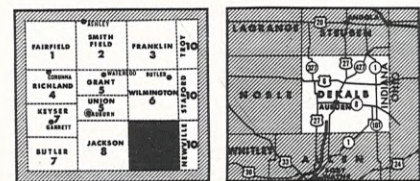
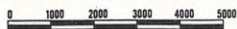
DEKALB COUNTY, INDIANA

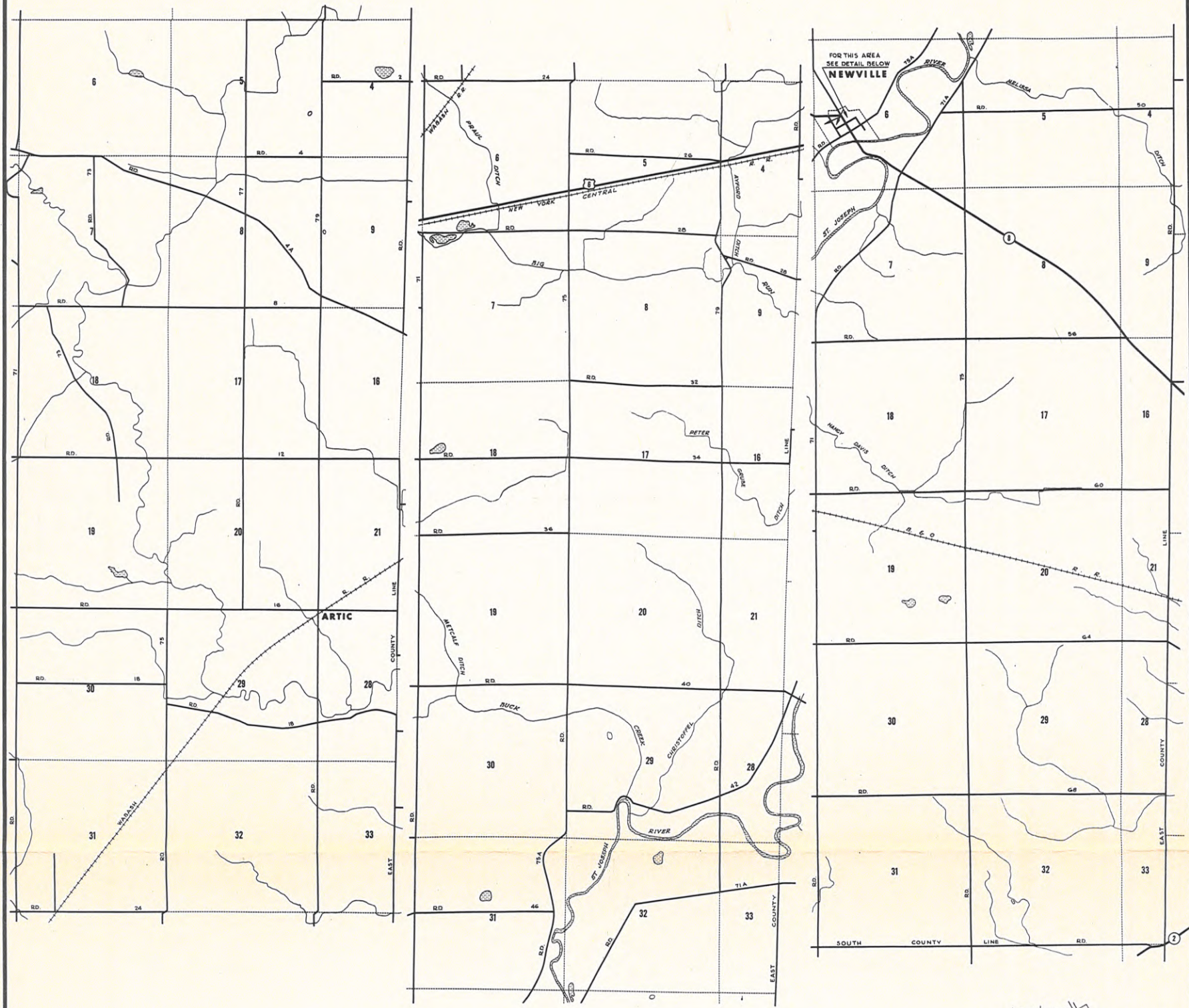
ZONE MAP LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL

- INCORPORATED AREAS
- TOWNSHIP DIVIDING LINE

1964



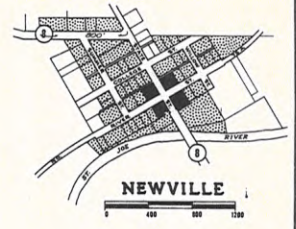


FOR THIS AREA
SEE DETAIL BELOW
NEWVILLE

TROY

STAFFORD

NEWVILLE

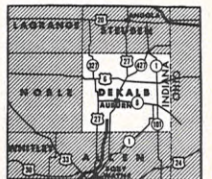
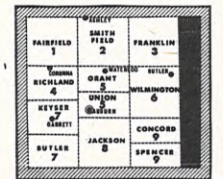


TOWNSHIP

DEKALB COUNTY, INDIANA

ZONE MAP
LEGEND OF DISTRICTS

- C-RS RURAL SUBURBAN RESIDENCE
- C-S SUBURBAN RESIDENCE
- C-A RESIDENCE
- C-LB LOCAL BUSINESS
- C-RB ROADSIDE BUSINESS
- C-GB GENERAL BUSINESS
- C-I1 OPEN INDUSTRIAL
- C-I2 ENCLOSED INDUSTRIAL
- INCORPORATED AREAS



IMPROVEMENT LOCATION PERMIT
ORDINANCE

A PART OF THE MASTER PLAN
DEKALB COUNTY, INDIANA

1964

First Draft

IMPROVEMENT LOCATION PERMIT ORDINANCE
A PART OF THE MASTER PLAN FOR
DEKALB COUNTY, INDIANA
ORDINANCE NO. 2

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF IMPROVEMENT LOCATION PERMITS IN THE UNINCORPORATED TERRITORY OF DEKALB COUNTY, AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, AS A PART OF THE MASTER PLAN FOR THE COUNTY OF DEKALB, INDIANA.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, AND ALL ACTS AMENDATORY THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA.

Section 1.

Within the unincorporated territory under the jurisdiction of the DeKalb County Plan Commission, no structure, improvement, or use of land may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with the Master Plan and Ordinance of DeKalb County, and an Improvement Location Permit for such structure, improvement or use has been issued. It is hereby declared that the intent of the permit requirements of this Ordinance shall not prevail with respect to a structure including a dwelling which is clearly incidental to agricultural operations.

Section 2.

The Building Commissioner of DeKalb County shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location, conform in all respects to the Master Plan for DeKalb County.

Section 3.

Every application for an Improvement Location Permit shall be accompanied by a site plan, drawn to scale, showing the location of the structure, improvement, or use to be altered, changed, placed, erected, or located, the dimensions of the lot to be improved, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Application for an Improvement Location Permit shall be accompanied by a fee of Five Dollars (\$5.00).

Section 4.

Any decision of the Building Commissioner of DeKalb County concerning the issuance of an Improvement Location Permit may be appealed to the DeKalb County Board of Zoning

Appeals when the decision in question involves a requirement of the "Zoning Ordinance of DeKalb County, Indiana, 1964", or to the DeKalb County Plan Commission when the decision in question involves the requirements of other parts of the Master Plan, by any person claiming to be adversely affected by such decision.

Section 5.

A decision of the DeKalb County Plan Commission may be reviewed by certiorari procedures as provided for the appeal of zoning cases from the DeKalb County Board of Zoning Appeals.

Section 6.

Action on the violation of any provision of this Ordinance and the right of injunction against such violation shall be provided by Chapter 174, Acts of 1947, and all acts amendatory thereto, General Assembly of the State of Indiana. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than Ten Dollars (\$10.00) and not more than Three Hundred Dollars (\$300.00).

Section 7.

This Ordinance shall be in full effect from and after its passage.

Passed by the Board of County Commissioners of DeKalb County, Indiana, on the 21st day of December, 1964.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF DEKALB, INDIANA

Vern Myers

Cecil E. Fitch

Samuel Cook

ATTEST:

Loren R. Dunn,
County Auditor

MAJOR STREET OR HIGHWAY PLAN
ORDINANCE

A PART OF THE MASTER PLAN
DEKALB COUNTY, INDIANA

1964

First Draft

MAJOR STREET OR HIGHWAY PLAN ORDINANCE
A PART OF THE MASTER PLAN FOR
DEKALB COUNTY, INDIANA
ORDINANCE NO. 3

AN ORDINANCE ESTABLISHING A MAJOR STREET OR HIGHWAY PLAN TO PROMOTE THE ORDERLY DEVELOPMENT OF DEKALB COUNTY, INDIANA, TO IMPROVE THE HEALTH, SAFETY, CONVENIENCE AND WELFARE OF ITS RESIDENTS; TO THE END THAT THE HIGHWAY SYSTEM BE CAREFULLY PLANNED; THAT NEW COMMUNITY CENTERS GROW ONLY WITH ADEQUATE HIGHWAY FACILITIES; THAT THE NEEDS OF INDUSTRY, BUSINESS AND AGRICULTURE BE RECOGNIZED IN FUTURE GROWTH; THAT RESIDENTIAL AREAS PROVIDE SAFE AND HEALTHY SURROUNDINGS FOR FAMILY LIFE; THAT THE DEVELOPMENT OF THE COUNTY BE COMMENSURATE WITH AND PROMOTIVE OF THE EFFICIENT AND ECONOMICAL USE OF PUBLIC FUNDS; FOR THE PURPOSE OF FORMULATING DEFINITE POLICIES FOR THE LAYING OUT, DEVELOPMENT AND IMPROVEMENT OF MAJOR STREETS AND HIGHWAYS AND SERVICES TO PLATTED AND UNPLATTED LAND.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DEKALB, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, AND ALL ACTS AMENDATORY OR SUPPLEMENTARY THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA.

Section 1. SHORT TITLE

This ordinance shall be known and may be cited as the "Major Street or Highway Plan, DeKalb County, Indiana - 1964".

Section 2. MAJOR STREET OR HIGHWAY PLAN AND DRAWING

The Major Street or Highway Plan of the County of DeKalb, Indiana, consists of a map entitled, "DeKalb County, Indiana, Major Street or Highway Plan", dated 1964, which shows the locations of existing and proposed thoroughfares within the jurisdiction of the DeKalb County Plan Commission; and a drawing entitled "Typical Thoroughfare Cross-Sections, DeKalb County, Indiana", dated 1964, which shows recommended cross-sections for the proposed thoroughfares. The Major Street or Highway Plan is hereby declared to be a part of this ordinance and notations, references, indications and other details shown therein are as much a part of this ordinance as if they were fully described in the text of this ordinance.

Section 3. DESIGNATION OF THOROUGHFARES

The major streets and highways comprising the Major Street or Highway Plan, are hereby

classified on the basis of width and type, in accordance with their proposed function, as Arterial, Feeder, and Residential Streets, as shown in the Major Street or Highway Plan.

Section 4. OPENING OR WIDENING OF STREETS

Whenever a street classified in the Major Street or Highway Plan is to be platted as a part of a subdivision, the required right-of-way width for such street shall be as specified in the Major Street or Highway Plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half of the right-of-way width designated for such street, measured at ninety (90) degrees to the center line thereof.

Section 5. LOCATION OF STREETS

Wherever the location of a street is indicated in the Major Street or Highway Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

It is the intent of the Major Street or Highway Plan and this ordinance that Feeder Streets, as defined in the Plan, shall be established within each section of land on, or approximately on, the north-south and east-west half section lines of such sections. Where such Feeder Streets are not specifically shown on the Major Street or Highway Plan, they shall be of the Residential classification.

Wherever the location of a street is indicated in the Major Street or Highway Plan as following an irregular alignment, or a revised alignment or is not referenced to an established line, it shall follow the alignment shown in the Major Street or Highway Plan. Such alignment shall be subject to a detailed survey which may be made by the DeKalb County Plan Commission or other public agencies, or by the owners of land to be subdivided if required by the Commission. The survey for such street shall be subject to the approval of the DeKalb County Plan Commission prior to the dedication of the street.

Section 6. CONSIDERATION BY PUBLIC AGENCIES

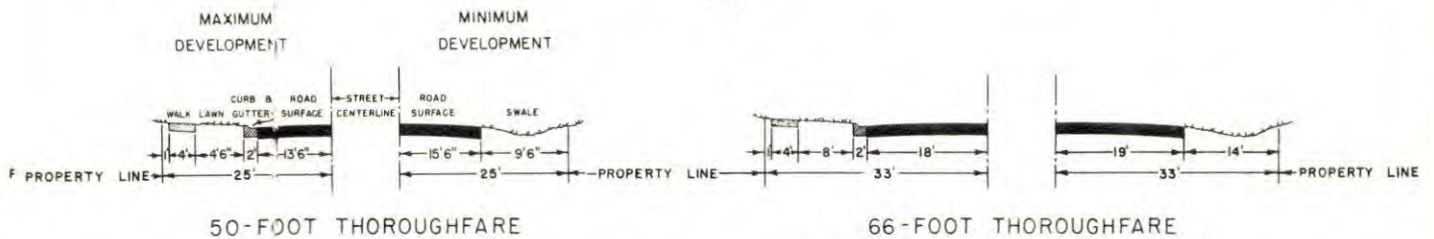
The Board of County Commissioners shall be guided by and give consideration to the general policy and pattern of street development set out in the Major Street or Highway Plan in the authorization, construction, alteration, relocation or abandonment of the public streets, highways and related structures.

MAJOR STREETS & HIGHWAY PLAN

DEKALB COUNTY, INDIANA

TYPICAL THOROUGHFARE CROSS-SECTIONS

1964



NORMAL ROADWAY = 31' (2 MOVING TRAFFIC LANES - 1 PARKING LANE)

NORMAL ROAD = 38' (2 MOVING TRAFFIC LANES - 2 PARKING LANES)
 POSSIBLE MODIFICATION = 44' (4 LANES FOR MOVING TRAFFIC WITHOUT PARKING)



80-FOOT THOROUGHFARE

NORMAL ROADWAY = 44' (4 MOVING TRAFFIC LANES - WITHOUT PARKING)
 POSSIBLE MODIFICATION = 58' (4 LANES FOR MOVING TRAFFIC - 2 PARKING LANES)

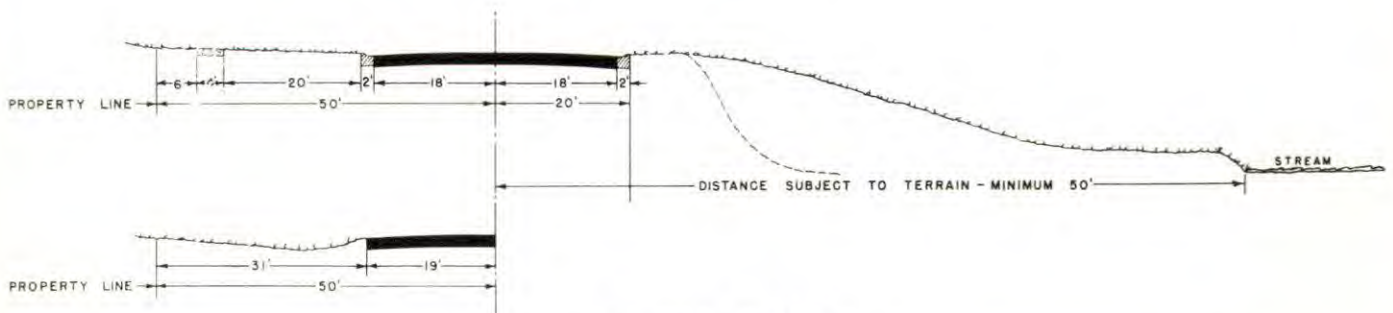
NOTE:
 THE TYPE AND CHARACTER OF THOROUGHFARE IMPROVEMENTS FOR ALL OF THE CROSS-SECTIONS ARE DESIGNATED ON THE CROSS-SECTION FOR THE 50-FOOT THOROUGHFARE. IN THOSE CASES WHERE THE CROSS-SECTIONS ARE SPLIT, EACH LEFT-HAND SECTION INDICATES THE MAXIMUM DEVELOPMENT FOR THE RIGHT-OF-WAY IN URBAN AREAS. THE RIGHT-HAND SECTION INDICATES THE MINIMUM DEVELOPMENT WHICH WOULD BE APPROPRIATE IN RURAL AREAS. REFER TO SUBDIVISION CONTROL ORDINANCE FOR SPECIFIC MINIMUM IMPROVEMENT STANDARDS AND REQUIREMENTS.

LAWNS MAY BE ELIMINATED AND WALKS WIDENED IN GENERAL COMMERCIAL AND INDUSTRIAL DISTRICTS.



100-FOOT THOROUGHFARE

NORMAL ROADWAY = 44' (4 LANES FOR MOVING TRAFFIC - WITHOUT PARKING)
 POSSIBLE MODIFICATION = 58' (4 MOVING TRAFFIC LANES - 2 PARKING LANES)
 = 66' (6 LANES FOR MOVING TRAFFIC WITHOUT PARKING)



BORDER PARKWAY

Section 7. ISSUANCE OF PERMITS

Any Permits authorized by the County, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvement within the jurisdiction of the DeKalb County Plan Commission, shall be issued only if, in addition to satisfying the requirements of other County ordinances, the proposed street right-of-way as set forth in this ordinance will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street.

Section 8. CONTINUING AUTHORITY OF COMMISSION

Subsequent to the passage of this ordinance, the DeKalb County Plan Commission may:

- A. Determine lines for new, extended, widened or narrowed thoroughfares in any portion of the area within the jurisdiction of the DeKalb County Plan Commission.
- B. Certify to the Board of County Commissioners the amended or additional plan under the same procedure as established for the certification and approval of the Major Street or Highway Plan.

Section 9. AMENDMENTS

In addition to the provisions of Section 8, herein, amendments shall be adopted according to the procedure set forth in Sections 37 through 40, Chapter 174, Acts of 1947, as amended, General Assembly of the State of Indiana, except that, if the Board of County Commissioners desires an amendment it may direct the DeKalb County Plan Commission to prepare an amendment and submit it to public hearing within sixty (60) days after formal written request by the Board of County Commissioners.

Section 10. AVAILABILITY FOR PUBLIC INSPECTION

Two copies of the Major Street or Highway Plan and Ordinance and two copies of the typical thoroughfare cross-sections shall be kept on file in the office of the County Auditor, and shall be subject to public examination during the regular office hours of the County Auditor.

Section 11. APPEALS

Any decision of the Building Commissioner of DeKalb County may be appealed to the DeKalb County Plan Commission when the decision in question involves a requirement of this ordinance, by any person claiming to be adversely affected by such decision.

Section 12. CERTIORARI PROCEDURE

A decision of the DeKalb County Plan Commission may be reviewed by certiorari procedure the same as that providing for the appeal of zoning cases from the decision of the DeKalb County Board of Zoning Appeals. A petition for certiorari shall specify the grounds upon which the petition alleges the illegality of the DeKalb County Plan Commission's action. Such petition must be filed in the circuit court of DeKalb County within 30 days after the date of such decision.

Section 13. REMEDIES AND PENALTY

Action on the violation of any provision of this ordinance and the right of injunction against such violation shall be provided by Chapter 174, Acts of 1947, and all acts amendatory thereto, General Assembly of the State of Indiana. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than Ten (\$10.00) Dollars and not more than Three Hundred (\$300.00) Dollars.

Section 14. VALIDITY

If any title, section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, section, clause, provision or portion of this ordinance.

Section 15. EFFECTIVE DATE

This ordinance shall be in full effect from and after its passage.

Passed by the Board of County Commissioners of DeKalb County, Indiana, on the 21st day of December, 1964.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF DEKALB, INDIANA

Vern Myers

Cecil E. Fitch

Samuel Cook

ATTEST:

Loren R. Dunn,
County Auditor

SUBDIVISION CONTROL ORDINANCE

A PART OF THE MASTER PLAN
DEKALB COUNTY, INDIANA

1964

First Draft

SUBDIVISION CONTROL ORDINANCE
A PART OF THE MASTER PLAN FOR DEKALB COUNTY, INDIANA
ORDINANCE NO. 4

AN ORDINANCE PROVIDING FOR THE CONTROL OF THE SUBDIVISION OF LAND AND THE APPROVAL OF PLATS AND REPLATS OF LAND, WITHIN THE JURISDICTION OF THE DEKALB COUNTY PLAN COMMISSION, AS A PART OF THE MASTER PLAN FOR DEKALB COUNTY, INDIANA.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DEKALB, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY OR SUPPLEMENTARY THERETO.

ARTICLE 1. ESTABLISHMENT OF CONTROL

No Plat or replat of a Subdivision of land located within the jurisdiction of the Commission shall be recorded by the County Recorder unless it has first been approved by the Commission, and such approval shall have been entered in writing on the Plat by the President and Secretary of the Commission.

ARTICLE 2. DEFINITIONS

ALLEY: A permanent public service way or right-of-way, dedicated to public use, other than a Street, place, road, crosswalk or Easement, designed to provide a secondary means of access for the special accommodation of abutting property.

BLOCK: A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, or other barriers or a combination thereof.

BLOCK FRONTAGE: Property abutting on one side of a Street, and lying between the two nearest intersecting or intercepting Streets, or between the nearest intersecting or intercepting Street and railroad right-of-way, waterway, or other definite barrier.

BUILDING SETBACK LINE - BUILDING LINE: The line nearest the front or side of and across a Lot establishing the minimum Yard to be provided between the Principal Building or Structure and the Lot Line.

COMMISSION: The DeKalb County Plan Commission.

COUNTY: DeKalb County, Indiana.

CUL-DE-SAC: (Court or Dead End Street). A short residential street having one end open to traffic and being permanently terminated by a vehicle turn-around.

EASEMENT: A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.

JURISDICTION OF THE COMMISSION: The unincorporated territory for Planning and Zoning within the jurisdiction of the DeKalb County Plan Commission.

LOT: A portion of a Subdivision, or other parcel of land intended as a unit for transfer of ownership or development.

MAJOR STREET OR HIGHWAY PLAN: The part of the Master Plan, now or hereafter adopted which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways and other thoroughfares.

MASTER PLAN: The complete Plan or any of its parts for the development of the County, prepared by the Commission and adopted by the Board of County Commissioners in accordance with the authority conferred by the Planning Statutes of Indiana.

PERSON: A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

PLACE: An open, unoccupied, officially designated space, other than a Street or Alley, permanently reserved for use as the principal means of access to abutting property.

PLAT: A map or chart indicating the Subdivision or resubdivision of land, intended to be filed for record.

REPLAT: A Subdivision or Plat, the site of which has heretofore been platted or subdivided with Lots or parcels of land. It may include all or any part of a previous Subdivision or Plat.

STREET: A right-of-way, other than an Alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A Street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.

STREET, ARTERIAL: A Street designated for large volumes of traffic movement. Certain Arterial Streets may be classed as Limited Access Highways to which entrances and exits are provided only at intersections and access is denied to abutting properties.

STREET, FEEDER: A Street planned to facilitate the collection of traffic from Residential Streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach Arterial Streets.

STREET, RESIDENTIAL; A Street designated primarily to provide access to abutting properties, usually residential. Certain Residential Streets may be Marginal Access Streets parallel to Arterial Streets, which provide access to abutting property and ways for traffic to reach access points on Arterial Streets.

SUBDIVIDER: Any person responsibly engaged in developing or improving a tract of land which complies with the definition of a Subdivision as defined in this Ordinance.

SUBDIVISION: The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites, or lots, any one of which is less than five acres in area, for the purpose, whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision; or

The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.

ZONING ORDINANCE: The part of the Master Plan, now or hereafter adopted, which includes an ordinance and zone map which divides the Jurisdiction of the Commission into districts, with regulations and requirements and procedures for the establishment of land use controls.

ARTICLE 3. PROCEDURE

A subdivider desiring approval of a plat of a subdivision of any land lying within the Jurisdiction of the Commission, shall submit a written application therefor to the Commission. Such application shall be accompanied by the information, requirements and plans set forth in Figure 1., all in accordance with the requirements set forth in this Ordinance.

Figure 1.

Step 1. Preliminary Plat for Subdivision

- A. The owner or subdivider shall provide a preliminary plan of the subdivision which shall show the manner in which the proposed subdivision is coordinated with the Master Plan and its provisions; specifically, with relation to the requirements of the Major Street and Highway Plan; school and recreational sites; shopping centers; community facilities; sanitation; water supply and drainage; and other developments existing and proposed in the vicinity; provided, however, that no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.
- B. The subdivider shall provide the following:
 1. Location Map (which may be prepared by indicating the date by notations on available maps) showing:
 - a. Subdivision name and location.
 - b. Any Thoroughfares related to the subdivision.
 - c. Existing elementary and high schools, parks and playground available for serving the area proposed to be subdivided, and other community facilities.
 - d. Title, scale, north point and date.
 2. A Preliminary Plat prepared by a registered land surveyor showing:
 - a. Proposed name of the subdivision.
 - b. Names and addresses of the owner(s) and registered land surveyor.
 - c. Streets and rights-of-way, on and adjoining the site of the proposed subdivision, showing the names (which for new streets shall not duplicate other names of streets in the com-
(continued)

Figure 1.

- munity, except for extensions of existing streets) which shall meet with the approval of the Commission, and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, tree planting and other pertinent data.
- d. Easements: Locations, widths and purposes.
 - e. Statement concerning the location and approximate size or capacity of utilities to be installed.
 - f. Layout of Lots, showing dimensions and numbers and square footage.
 - g. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
 - h. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is ten percent (10%) or greater.
 - i. Tract boundary lines showing dimensions, bearings, angles, and references to known land lines or bench marks.
 - j. Building setback lines.
 - k. Legend and notes.
 - l. Other features or conditions which would affect the subdivision favorably or adversely.
 - m. Scale*, north point and date.
3. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision, or become covenants in the deeds for lots.

(continued)

Figure 1.

*The Preliminary Plat of the Subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch; provided, however, that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale as recommended by the Commission may be used.

Step 2. Preliminary Plat Approval

- A. After an application for approval of a plat of a subdivision, together with two (2) copies of all maps and data, has been filed, the Commission shall review the Preliminary Plat and give its acceptance or return the plat to the subdivider; with suggestions for changes. No application will be considered at a meeting unless it has been filed with the Commission at least ten (10) days before the date of such meeting.
- B. After the Commission has given acceptance, it 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 of the Notice of Hearing shall be met by the applicant.
- C. Within a reasonable time following the hearing on the Preliminary Plat, the Commission will notify the applicant in writing that it has approved the Preliminary Plat and is ready to receive the Final Plat, or will advise the applicant of any further changes in the Preliminary Plat which are desired or should have consideration before approval will be given.

Step 3. Final Plat

The Final Plat of the Subdivision shall contain the following area allocations and shall conform to the following principles and standards of design:

- A. The Final Plat may include all or only a part of the Preliminary Plat which has received approval.
- B. The original drawing of the Final Plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Three black or blue line
(continued)

Figure 1.

prints shall be submitted with the original Final Plat, or, in order to conform to modern drafting and reproduction methods, three black line prints and a reproducible print shall be submitted.

C. The following basic information shall be shown:

1. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5000) feet.
2. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
4. Accurate metes and bounds description of the boundary.
5. Source of title to the land as shown by the books of the County Recorder.
6. Street names.
7. Complete curve notes for all curves included in the plan.
8. Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
9. Lot numbers and dimensions.
10. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
11. Accurate locations of easements for utilities and any limitations on such easements.
12. Building setback lines and dimensions.
13. Location, type, material and size of all monuments and lot markers.

(continued)

Figure 1.

14. Plans and specifications for the improvements required in this Ordinance.
15. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
16. Name of the subdivision.
17. Name and address of the owner and the subdivider.
18. North point, scale and date.
19. Certification by a registered land surveyor.
20. Certification of dedication of Streets and other public property.
21. Certificate for approval by the Commission.

Step 4. Final Plat Approval

- A. When the Final Plat is submitted to the Commission, it shall be accompanied by one of the following:
 1. A certificate by a Registered Professional Civil Engineer or a Registered Land Surveyor that all improvements and installations for the Subdivision required for its approval have been made or installed in accordance with specifications; or
 2. A bond which shall:
 - a. Run to the Board of County Commissioners.
 - b. Be in amount to complete the improvements and installations in compliance with this ordinance for that portion of the Subdivision included in the final plat.
 - c. Be with surety satisfactory to the Commission, and
 - d. Specify the time for the completion of the improvements and installations.

(continued)

Figure 1.

- B. Within a reasonable time after application for approval of the Final Plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plat, together with the certifying signature of its President and Secretary. If it disapproves, it shall set forth the reasons for such disapproval in its own records and provide the applicant with a copy.
- C. The bond referred to in sub-paragraph 2 of paragraph A, above, will be released only upon the submission of an engineer's certificate as described in sub-paragraph 1 of paragraph A.

ARTICLE 4. PRINCIPLES AND STANDARDS OF DESIGN

The Final Plat of the Subdivision shall conform to the following principles and standards of design:

Section 1. **GENERAL.** The Subdivision plan shall conform to the principles and standards which are generally exhibited in the Master Plan.

Section 2. **STREETS.**

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. Cul-de-sacs shall not exceed five hundred (500) feet in length unless site topography indicates that longer cul-de-sacs would be appropriate.
- B. Proposed Streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- C. Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- D. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

- E. Widths of Arterial Streets and Feeder Streets shall conform to the widths specified in the Major Street or Highway Plan.
- F. The minimum right-of-way of Residential Streets, including Marginal Access Streets or Cul-de-Sacs, shall be sixty(60)feet. All Cul-de-Sacs shall terminate in a circular right-of-way, with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- G. Alleys shall not be permitted in residential areas but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted, shall be at least twenty (20) feet in width.
- H. The center lines of streets should intersect as nearly at right angles as possible.
- I. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
- J. At intersections of streets the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs.
- K. If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.
- L. Intersections of more than two (2) streets at one point shall be avoided.
- M. Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in the design of such parkways or streets.
- N. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a Marginal Access Street, or a parallel Street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
- O. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:

1. Arterial Streets: Five Hundred (500) feet.
 2. Feeder Streets and Parkways: Three Hundred (300) feet.
 3. Residential Streets: One Hundred Fifty (150) feet.
- P. Curvature measured along the center line shall have a minimum radius as follows:
1. Arterial Streets: Five Hundred (500) feet.
 2. Feeder Streets and Parkways: Three Hundred (300) feet.
 3. Residential Streets: One Hundred Fifty (150) feet.
- Q. Between reversed curves on Arterial Streets there shall be a tangent of not less than one hundred (100) feet and on Feeder and Residential Streets such tangent shall not be less than forty (40) feet.
- R. Maximum Grades for Streets shall be as follows:
1. Arterial Street, not greater than six (6) percent.
 2. Feeder and Residential Streets and Alleys, not greater than ten (10) percent.
- S. The Minimum Grade of any street gutter shall not be less than five-tenths (0.5) percent.
- T. Proposed Streets that are extensions of or in alignment with existing Streets shall bear the same name as that borne by the existing Street.

Section 3. BLOCKS

- A. Blocks should not normally exceed twelve hundred fifty (1250) feet in length, unless unusual circumstances justify greater length.
- B. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a Limited Access Highway or an Arterial Street or a Railroad Right-of-Way.
- C. In Blocks of over seven hundred (700) feet in length the Commission may require, at or near the middle of the Block, a public walk connecting adja-

cent Streets or other public areas. Such walks shall be at least ten (10) feet in width of right-of-way and shall be intended for the use of pedestrians only.

Section 4. LOTS

- A. All Lots shall abut on a Street or Place.
- B. Side Lines of Lots shall be at approximately right angles to straight streets and approximately on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular Lots should be avoided.
- C. Double frontage Lots should not be platted, except that where desired along Arterial Streets, Lots may face on an interior Street and back on such thoroughfares. In that event a planting strip, or a planting screen, at least twenty (20) feet in width shall be provided along the back of the Lot.
- D. Widths and areas of Lots shall be not less than that provided in the Zoning Ordinance for single-family dwellings for the district in which the Subdivision is located, except that when a water main supply system or a sanitary sewer system are not available, the Lot area necessary to install a private water supply or private sewage disposal on the Lot in accordance with the DeKalb County Health Officer, and the State Board of Health, of the State of Indiana, regulations shall become the required minimum Lot area.
- E. Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.
- F. Corner residential Lots shall be wider than normal in order to permit appropriate setbacks from both streets. Interior residential Lots abutting a corner Lot shall be wider than the average interior Lot in order to permit a wider side yard adjacent to the Corner Lot.

Section 5. EASEMENTS

Where Alleys are not provided, Easements for utilities shall be provided, Such Easements shall have minimum widths of ten (10) feet, and where located along Lot Lines, one-half the width shall be taken from each Lot. Before determining the location of Easements the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of services.

Section 6. BUILDING SETBACK LINES

Shall be as provided in the Zoning Ordinance.

Section 7. PUBLIC OPEN SPACES

Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown in the Master Plan, the Commission may request their dedication for such purposes, or the reservation for a period of one year following the date of the approval of the Final Plat. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.

ARTICLE 5. STANDARDS OF IMPROVEMENTS

The Final Plan of the Subdivision shall conform to the following standards of improvements which shall be installed under the supervision of an inspector whose qualifications meet the approval of the DeKalb County Surveyor and the cost of such inspection shall be borne by the subdivider.

Section 1. MONUMENTS AND MARKERS

- A. Shall be placed so that the center of the bar or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- B. Monuments shall be set:
 - 1. At the intersection of all lines forming angles in the boundary of the Subdivision.
 - 2. At the intersection of street property lines.
- C. Markers shall be set:
 - 1. At the beginning and ending of all curves along street property lines.
 - 2. At all points where lot lines intersect curves, either front or rear.
 - 3. At all angles in property lines of lots.
 - 4. At all other lot corners or boundary angles not established by a monument.

- D. Monuments shall be of stone or concrete, with minimum dimensions of four (4) inches by four (4) inches by thirty-six (36) inches, set vertically in place. They shall be marked on top with a brass plug, or iron or copper dowel, at least three-eighths (3/8) inch thick, set flush with the top of the monument, deeply scored with a cross. Markers shall consist of iron pipes or steel bars at least thirty-six (36) inches long, and not less than five-eighths (5/8) inch in diameter.

Section 2. **STREETS**

- A. Streets (and Alleys, where provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the Subdivider, and prepared by a registered professional engineer and approved by the Commission.
- B. The Streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications for Road and Bridge Construction" (latest issue) of the State Highway Commission of Indiana. Streets shall be surfaced to the following minimum widths:

The width of standard pavements (which shall include curbing) required is thirty-one (31) feet.

Alleys shall be surfaced to a minimum width of sixteen (16) feet. Cul-de-Sac turn arounds shall be paved to within five (5) feet of the right-of-way.

DESIGN CHARACTERISTICS OF STREET PAVEMENT

Kind of Pavement	Arterial Primary	Arterial Secondary	TYPE OF STREET	
			Feeder	Residential & Alley
CONCRETE -				
Balanced Design Thickness*	10"-7"-10"	9"-6"-9"	8"-5 1/2"-8"	7 1/2"-5"-7 1/2"
Uniform Design Thickness	8 1/4"	7 1/4"	6 1/2"	6"

*Intersections to be of uniform design using edge thickness.

Kind of Pavement	Arterial Primary	Arterial Secondary	Feeder	Residential & Alley
Asphaltic Surface Course	4"	3"	2"	1"
Base:Bituminous Coated Aggregate	4"	4"	3"	3"
Sub-Base:Compacted Aggregate	8"	7"	6"	6"
Total Thickness	16"	14"	11"	10"

**For intersections and parking strips on Residential Streets, use Feeder Street design characteristics.

- C. Prior to the construction of street or alley surfaces and pavements, adequate drainage facilities shall be installed by the Subdivider, according to plans furnished by the Subdivider, prepared by a registered professional engineer or a registered land surveyor and approved by the Commission. A storm drainage analysis based upon a 5-year, one-hour rainfall shall be used as the basis for the drainage system. A copy of the analysis is to be submitted to the Commission with the drainage facility plans. Pipe used for drainage shall be of coated corrugated metal, concrete or vitrified clay of an approved design, size and strength to meet the requirements of the specific conditions which may be encountered. Minimum diameters of pipe to be used shall be as follows:

Roadway cross-drains	12"
Entrance culverts	12"
Perforated under-drains	8"

Upon completion of the Street improvements, a minimum of two (2) sets of as-built plans and profiles shall be filed with the Commission.

Section 3. SEWERS

A. The Subdivider shall provide the Subdivision with sanitary sewage facilities in accordance with one of the three following procedures:

1. **Public Collection System.** In all cases where such is possible the developer shall construct a sanitary sewer system connected to a municipal sewer. The plans for the system shall be approved by the affected municipality and the Commission, and shall be designed and constructed in accordance with the municipal specifications.

Service laterals shall be installed between the street main and the property line before the Street is paved.

2. **Local Treatment System.** Where it is not practical to connect the Subdivision sanitary sewer system to the municipal sewer, the Subdivider shall construct a local treatment system consisting of the necessary house laterals, service mains, and interceptors required to conduct the Subdivisions sanitary sewage to a single treatment facility. All aspects of such a system, including the treatment facility, shall be designed and constructed by the developer in accordance with the requirements of the State Board of Health of the State of Indiana and the DeKalb County Health Officer.
3. **Private Disposal System.** Where alternatives 1 and 2 above are not practical, the Commission may permit the developer to install on each Lot an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved disposal system. Such systems shall be designed and constructed by the developer in accordance with the regulations of the State Board of Health of the State of Indiana and the DeKalb County Health Officer. In no case, however, shall private disposal systems be permitted where rock or impervious clay conditions exist which would prevent percolation of effluent.

B. The plans for the installation of the sanitary sewage facilities shall be provided by the Subdivider, prepared by a registered professional engineer, and approved by the State Board of Health of the State of Indiana and the DeKalb County Health Officer. Upon the completion of sanitary sewer installations, two (2) sets of the as-built plans for such system shall be filed with the Commission.

- C. In this Section 3, SEWERS, and the next Section 4, WATER, the phrase "the Subdivider shall provide" shall be interpreted to mean that the Subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the Subdivider shall require, as a condition of the sale of each Lot or parcel in the Subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

Section 4. WATER

- A. The Subdivider shall provide the Subdivision with a complete water main supply system, which shall be connected to a municipal or community water utility system, except, that when such water supply is not available, the Subdivider shall provide an individual water supply on each Lot in the Subdivision in accordance with requirements of the State Board of Health of the State of Indiana and the DeKalb County Health Officer.
- B. The plans for the installation of a water main supply system shall be provided by the Subdivider and approved by the affected utility, and the State Board of Health of the State of Indiana and the DeKalb County Health Officer. The plans for the water main system shall include fire hydrant locations. Construction of water mains and house services to be placed within the improved portion of the street right-of-way shall be completed prior to the placement of the surface improvements. Upon the completion of the water supply installation two (2) sets of the plans for such system as built shall be filed with the Commission.

Section 5. IMPROVEMENT CREDIT PROCEDURE

- A. Improvements required in Article 6 of this Ordinance to be installed by the Subdivider, which are of a public utility nature - specifically Sections 2, 3, and 4 thereof - may provide benefits to other properties in the vicinity of land to be subdivided. Upon the installation of such improvements which cross or adjoin other properties, the Subdivider and the County may by contract agree that upon the connection or use of the installation made by the Subdivider by others, within a period of ten (10) years following their installations, the new user or users shall pay to the County a fee in an amount agreed upon by the Subdivider and the County, the amount of such fee to be credited to and paid to the Subdivider.

Section 6. CURB AND GUTTER

- A. The Commission shall require curb and gutter to be installed on each side

of the street surface in a Subdivision within which the majority of lots have an area of less than twenty thousand (20,000) square feet and a lot width of less than one hundred (100) feet. The plans for the installation of the curb and gutter shall be approved by the Commission.

- B. The curb and gutter shall be of one of the construction types shown in Figure 2 and shall be constructed according to the following specifications:
 - 1. The base for the curb and gutter shall be well-compacted on the existing base or grade.
 - 2. The minimum specifications shall be as shown for the three types of cross-sections in Figure 2.
 - 3. All concrete used in the curb and gutter shall meet the State Highway Commission Specifications.
- C. The Commission shall not require curb and gutter to be installed in a Subdivision within which the majority of lots have an area of at least twenty thousand (20,000) square feet and a lot width of at least one hundred (100) feet, provided that the Subdivider shall provide sod swale gutters designed to meet the approval of the Commission.

Section 7. SIDEWALKS

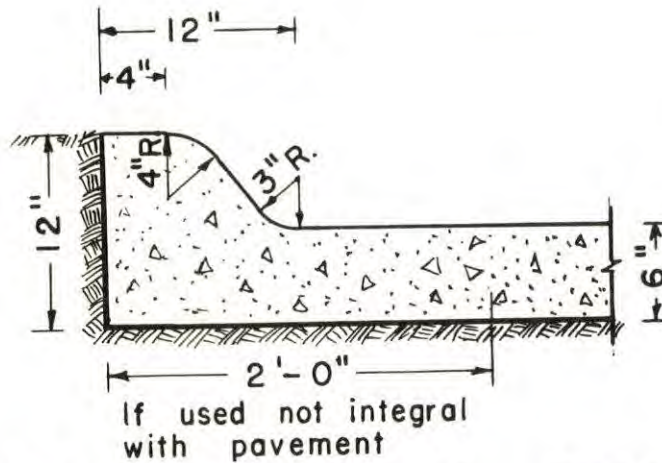
- A. The Commission shall require the Subdivider to install sidewalks: 1. On each side of a street classified as "Arterial" in the Major Street and Highway Plan; 2. On streets which are proposed to be extensions of streets already having sidewalks on either one or both sides; 3. On streets in the vicinity of schools or other public buildings which, in the Commission's judgement, would be necessary for the safety and welfare of pedestrians.
- B. If sidewalks are provided, they shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide, and the edge of walks adjacent to the property line of the Street shall be placed at least one (1) foot from the property line.
- C. If sidewalks are not provided, the street grade shall be completed so that additional grading would not be necessary for any future provision of sidewalks.
- D. Crosswalks within blocks, as required in Paragraph "C" of Section 3 of Article 4, shall be improved with a four (4) foot walk of Portland Cement or Asphaltic Concrete four (4) inches thick.

Figure 2

Subdivision Control Ordinance

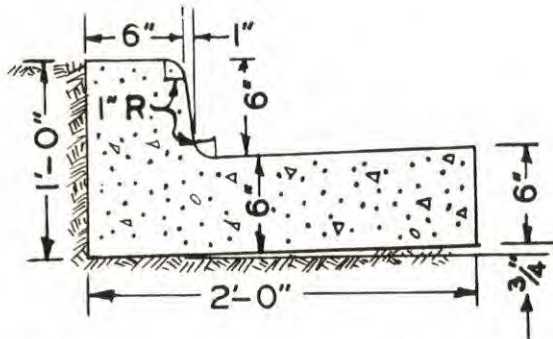
Curb and Gutter Detail – Types A., B. and C.
Using Portland Cement Concrete

A.

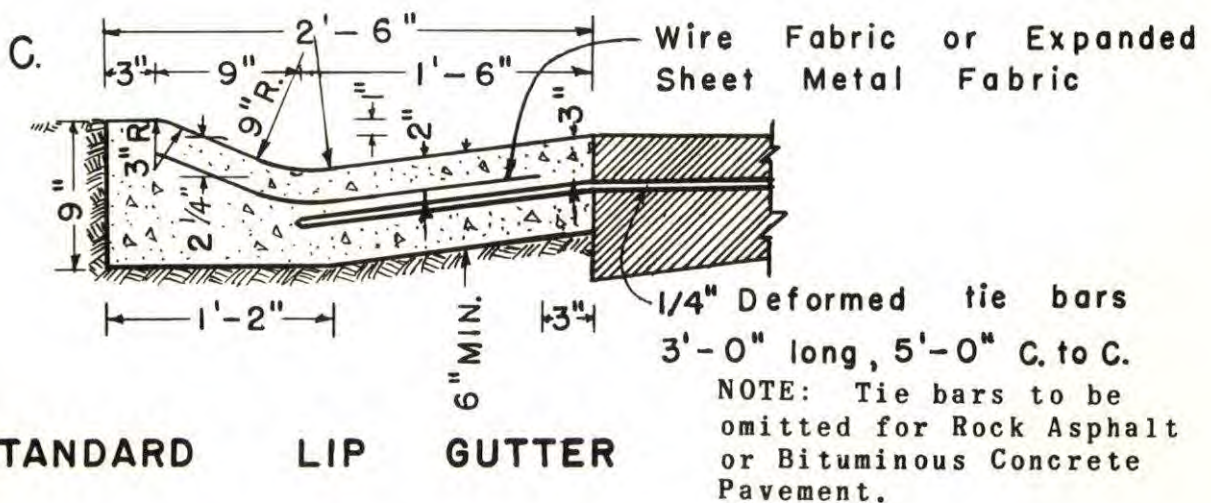


INTEGRAL OR ROLLED CURB GUTTER

B.



COMBINED CURB & GUTTER



Section 8. STREET SIGNS

The Subdivider shall provide the Subdivision with acceptable street signs at the intersection of all streets.

ARTICLE 6. PLAT CERTIFICATES AND DEED OF DEDICATION

The following forms shall be used in final Plats:

Section 1. COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174 - ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF DEKALB AS FOLLOWS:

Approved by the County Plan Commission at a meeting held _____, 19____.

DEKALB COUNTY PLAN COMMISSION

(SEAL)

President

Secretary

Section 2. REGISTERED LAND SURVEYOR'S CERTIFICATE (A CERTIFICATE SHALL ALSO BE PROVIDED FOR ANY WORK ON A PLAT PREPARED BY A REGISTERED PROFESSIONAL ENGINEER).

"I _____ (name) _____, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA:

THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON _____ (date) _____; THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST: AND THAT ALL OTHER REQUIREMENTS SPECIFIED HEREIN, DONE BY ME, HAVE BEEN MET.

(SEAL)

19 (Signature)

Section 3. DEED OF DEDICATION

Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

"We, the undersigned _____ (names) _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This Subdivision shall be known and designated as _____ (name) _____ a/an subdivision of/addition to _____ (name) _____, Indiana. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground _____ (number) _____ feet in width as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved.

No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the Subdividers initiating or the recommendations of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area).

The foregoing covenants (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 19____, (a twenty-five (25) year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants, or restrictions, by judgement or court order shall in no way affect any of the other covenants, or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof, is hereby reserved to the several owners of the several lots in this Subdivision and to their heirs and assigns".

Witness our Hands and Seals this _____ day of _____, 19__.

(Signature)

(Signature)

State of Indiana
County of DeKalb

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____ (name) _____, _____ (name) _____ (name) _____, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this day of _____, 19__.

ARTICLE 7. VARIANCE

Where the Subdivider can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth.

ARTICLE 8. AMENDMENT, VALIDITY AND ADOPTION

Section 1. AMENDMENTS

All amendments to this ordinance shall be in conformance with Chapter 174, Acts of 1947, General Assembly of the State of Indiana, and all Acts amendatory or supplementary thereto.

Section 2. VALIDITY

If any title, article, section, clause, paragraph, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, article, section, clause, paragraph, provision or portion of this ordinance.

Section 3. EFFECTIVE DATE

This ordinance shall take effect after its passage and approval by the Board of County Commissioners.

Passed by the Board of County Commissioners of the County of DeKalb, Indiana, on the 21st day of December, 1964.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF DEKALB

Vern Myers

Cecil E. Fitch

Samuel Cook

ATTEST:

Loren R. Dunn,
County Auditor

I, Arnold R. Milks, being duly elected secretary of the DeKalb County Plan Commission do hereby certify that the foregoing zoning ordinance and zone maps, improvement location permit ordinance, major street or highway plan ordinance and subdivision control ordinance are the true and correct ordinances as adopted by the Honorable Board of DeKalb County Commissioners on 22 December 21, 1964
Arnold R. Milks
Secretary, DeKalb Co. Plan Comm