

WASHINGTON COUNTY ZONING ORDINANCE  
TABLE OF CONTENTS

General Information – Section 100

- 100 Title
- 101 Purpose
- 102 Amendments
- 103 Severability Clause
- 104 Compliance
- 105 Jurisdiction

Board of Zoning Appeals – Section 200

- 200 Washington County BZA
- 201 Rules of Procedures
- 202 Findings and Decisions
- 203 Appeals

Establishment of Official Zoning Map – Section 300

Nonconforming Uses – Section 400

- 400 Non-Conforming
  - 401 Restoration of Legally Established Nonconforming Uses
  - 402 Substitution of Non-Conforming Use
  - 403 Non-Conforming Use Change
  - 404 Non-Conforming Use Repair & Alteration

Definitions – Section 500

Special Exceptions – Section 600

- 600 Special Exceptions

Establishment of Districts – Section 700

- 700 Residential District
- 701 Agriculture District

## General Information

### Section 100

100. Title: This ordinance may be cited as the Zoning Ordinance of Washington County.
101. Purpose: This ordinance is intended to encourage the growth and development of the county in accordance with the Washington County Comprehensive Plan for the following purposes:
- 101.1. Secure adequate light, air, convenience of access and safety from fire, flood and other danger;
  - 101.2. Lessening or avoiding congestion in public ways;
  - 101.3. Promoting the public health, safety, comfort, morals, convenience, and general welfare
102. Amendments:
- 102.1. Proposals to amend the text of this Zoning Ordinance may be initiated by either the Plan Commission or the Washington County Commissioners, and follow the procedures according to I.C. §36-7-4-602 (b) and I.C. §36-7-4-607.
  - 102.2. Proposals to amend the Zoning Maps, as incorporated by reference into this Zoning Ordinance, may be initiated by the Plan Commission, the Washington County Commissioners, or by a petition signed by property owners who own at least fifty percent (50%) of the land involved, and follow the procedures according to I.C. §36-7-4-602 (c) and I.C. §36-7-4-608.
  - 102.3. Petitions for an amendment shall be filed with the Plan Commission, and the Petitioner, upon such filing, shall, whether or not the proposed amendment is enacted, pay a filing fee and the cost of public notice that is required. Petitions initiated by the Plan Commission or the Washington County Commissioners are exempt from the filing fee.
103. Severability Clause: If for any reason any article, division, section, subsection, sentence, clause, phrase, or word of this ordinance should be declared unconstitutional or invalid for any reason whatsoever, such

decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect; therefore, the provisions of this ordinance are hereby declared severable.

104. Compliance: No structure, permanent or temporary, shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance which shall include the Subdivision Control Ordinance.
105. Jurisdiction: This Ordinance shall apply to all land within Washington County not covered by the ordinances of Salem, or Livonia.

Board of Zoning Appeals  
Section 200

200. There shall hereby be established the Washington County Advisory Board of Zoning Appeals consisting of five (5) members who shall be appointed and serve in accordance with Indiana Code Sections 36-7-4-900 et seq.
  - 200.1. All members shall serve four (4) year terms and shall be appointed in accordance with the provisions of the Indiana Code. Any vacancy of membership shall be replaced by an appointment to fill the unexpired term of the departing member and the appointment does not establish a new term of four years. A member is eligible for reappointment to a new term. In order to achieve the staggered terms as required by the Indiana Code, the initial terms of the Board of Zoning Appeals shall be as follows: (a) the member appointed by the Plan Commission shall serve a term of only one (1) year; (b) the citizen member appointed by the county fiscal body shall serve a term of only two (2) years; (c) the Plan Commission member appointed by the county executive shall serve a term of only three (3) years; and (d) the two citizen members not serving on the Plan Commission appointed by the county executive shall serve terms of four (4) years. All replacements for positions with expired terms shall be for a term of four (4) years.

200.2. Powers and Duties – For the purpose of this order the Washington County Advisory Board of Zoning Appeals shall have the following duties:

200.2.1. To hear and to determine appeals from and review any decision or determination made by the Planning Director or staff designated by the Director;

200.2.2. To hear and to determine ordinance permitted exceptions; special uses; contingent uses; conditional uses; interpretation of any zoning map or district; interpretation of the ordinance, the definition of any term under the ordinance, the application of the ordinance to any use existing prior to the adoption of this or any previous ordinance; and whether any use is a nonconforming or preexisting use;

200.2.3. To authorize variances from developmental and dimensional standards established in this zoning ordinance.

200.2.4. The Board may impose reasonable conditions as part of its approval.

201. Rules of Procedure – The Board of Zoning Appeals shall adopt rules for the administration of the affairs of the Board and for the conducting of public hearings, recording of minutes, and the retaining and administration of public records. The following include minimum procedures:

201.1. At the first meeting of each year the Board shall elect a President and a Vice-President from its members.

201.2. At the first meeting of each year, the Board shall appoint a Secretary, who is not required to be a member of the board, and establish the Secretary's duties.

201.3. All meetings shall be open to the public.

201.4. The Board shall keep minutes of its proceedings showing the vote of each member for each question, or if absent, or if failing to vote.

- 201.5. The board shall keep records of its examinations and other official actions, all of which shall be of public record and be immediately filed in the office of the Plan Director.
202. Findings and Decisions – All decisions of the Board on all matters within its jurisdiction and authority shall be in writing and be supported by specific findings of fact on each material element pertaining to the matter under consideration.
203. Appeals – Any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Plan Director or designated staff, may make an appeal to the Board of Zoning Appeals. The person or entity filing the appeal should do so within thirty (30) days of the director/staff decision by filing a notice of appeal that specifies the grounds upon which the appeal is being sought. Public notice of such appeal shall be given to any and all parties of record at least ten (10) days prior to the public hearing. The Plan Director shall transmit to the Board of Zoning Appeals all the papers constituting the record of the action from which the appeal was taken.

Establishment of Official Zoning Map  
Section 300

300. Official Zoning Map – The County is hereby divided into zones, or districts, as shown on the Official Zoning Map (Appendix A) which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- 300.1. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Plan Director, shall be the final authority as to the current zoning status of land and water area, buildings, and other structures in the county.
- 300.2. Rules of Interpretation of District Boundaries – Where uncertainty exists as to the boundaries of districts as shown of the Official Zoning Map, the following rules shall apply:

- 300.2.1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be considered to follow such center line;
- 300.2.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 300.2.3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 300.2.4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 300.2.5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center line;
- 300.2.6. Boundaries indicated as approximately following flood plain lines shall be construed to follow such lines. In addition to the boundary shown on the zone maps, the boundary of minor ditches and streams shall be designated as being at least 5 vertical feet from any stream or shall be 100 feet horizontally from the edge of the water, whichever is the greater distance. A stream, river or creek shall be defined as one which flows at least 180 days of the year. Further, it is advised that the banks and at least 10 feet beyond the banks be left in as natural state as possible.
- 300.2.7. Boundaries indicated as parallel to or extension of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 300.2.8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection 1 through 6

above, the Board of Zoning Appeals shall interpret the district boundaries.

300.2.9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance the Board of Zoning Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

### Nonconforming Uses

#### Section 400

400. Nonconforming – The lawful nonconforming use or occupancy of any lot, building or structure existing at the time of the effective date of this Ordinance may be continued as a nonconforming use as such use, building or structure existed before the effective date of this Ordinance.
401. Restoration of Legally Established Nonconforming Uses –Restoration of nonconforming use buildings or structures after fire or other disaster is allowed, provided the damage or destruction does not exceed sixty percent (60%) of the gross square footage of the building or structure. If damage to or the destruction of nonconforming buildings or structures exceeds sixty percent (60%) of the gross square footage, the owner must apply to the BZA for a special exception in order to re–build the structure to its original state. If the BZA special exception is not granted, the structure may only be re–built meeting all currently applicable building and zoning ordinance requirements.
402. Substitution and Extension of Nonconforming Uses – A legally established nonconforming use of any lot, building or structure may be substituted with another similar nonconforming use provided such substituted similar nonconforming use is not more objectionable, is operated within the same confines, and does not increase parking and traffic. An existing nonconforming use may be extended consistent with the provisions of this Zoning Ordinance and Indiana law. In all cases involving the substitution of a nonconforming use or the extension of a nonconforming use, the person seeking to substitute or extend the nonconforming use

shall file a petition with the Board of Zoning Appeals which shall hold a hearing upon such petition after proper notice of such hearing has been given.

403. Nonconforming Use Changed to Conforming Use – For any nonconforming use of a lot, building or structure which changes to a conforming use, the use of such lot, building or structure shall not thereafter be changed to a nonconforming use.
404. Nonconforming Use Repair and Alteration – The maintenance and repair of any nonconforming building or building occupied by a nonconforming use may be completed, provided no structural alterations or additions may be made except as required by law.

#### Definitions Section 500

Certain words used in this Ordinance are defined below. Any words not defined as follows shall be construed in their general accepted meanings as defined by Webster's Dictionary.

**Alteration** – Any change in size, shape, character, occupancy, or use of a building or structure.

**Applicant** – The owner or owners of real estate or the lessee, developer or other person with the consent of the owner.

**Board of Zoning Appeals** – The Board of Zoning Appeals of any jurisdiction within Washington County.

**Church** – A building with an active congregation devoted to worship.

**Confined Feeding Operation (CFO)** – Confined Feeding Operation, or CFO, shall be defined, for purposes of this ordinance, as the raising of

250 mature dairy cows, whether milked or dry;

350 veal calves;

350 cattle other than mature dairy cows or veal calves (cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs);

600 swine;

170 horses;

3,300 sheep or lambs;  
18,000 turkeys;  
10,000 laying hens or broilers, if the operation uses a liquid manure handling system;  
30,000 chickens (not laying hens), if the operation uses a dry manure handling system;  
27,000 laying hens, if the operation uses a dry manure handling system;  
10,000 ducks, if the operation uses a dry manure handling system); or  
1,700 ducks, if the operation uses a wet manure handling system)

Or more animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any 365 days, and where there is no ground cover or vegetation present over at least half of the animals' confinement area.

**County** – Washington County, Indiana.

**Development** – Any improvement or change to property brought about by human activity, including but not limited to: buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Improvement Location Permit** – The written authorization to locate new construction, repair, alter, move or add to a structure, or change the condition of land or use thereof. The permit is issued by the Area Planning Department.

**Lot** – A piece of land, the location, shape and size of which have been established by a recorded plat, subdivision or planned development; and a tract of land occupied or capable of being occupied by one or more structures.

**Non-complying Use** – A use which does not comply with the terms of this ordinance or conditions of its approval.

**Non-conforming Building or Structure** – A building, structure, fence, or other improvement or portion thereof lawfully existing at the time this ordinance became effective.

**Nonconforming Use** – A use that exists at the time of this Ordinance is passed but does not comply with it.

**Owner** –The individual holding title of record, as shown on the records of the Washington County Recorder's Office.

**Parcel** – A piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before the Subdivision Control Ordinance of Washington County, Indiana.

**Permitted Use** – A use which is allowed by this Ordinance in specific zoning districts and which is one of the following: (1) expressly permitted; (2) use permitted as a conditional use; (3) use permitted as a special exception; (4) accessory use; or (5) a legally established nonconforming use.

**Person** – Includes any individual person, corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a single unit.

**Public Use Facility** – Any facility located upon land owned by any federal, state, or local governmental or political entity which is operated to attract the public and allow them to congregate for significant periods of time. Public use facility shall include but not be limited to a park, picnic area, campground, lodge, shelter house, playground, lake, and swimming beach. A highway, road right-of-way, parking area, recreational trail and any other area used by the public for a passageway or temporary parking are specifically excluded from the definition of public use facility herein.

**Residence** – A building used as a home at least 6 months out of a year.

**Road** – A street of any type as defined herein.

**School** – A building or set of buildings where students K–12 are enrolled and served by local school districts, and are funded with tax dollars. Accredited area educational agencies, community colleges, land grant institutions of higher education and accredited independent colleges and universities. Home schools are specifically excluded from the definition of school herein.

**Special Exception** – A specific use which is allowed under "Special Exceptions" in certain zoning districts and has been deemed by the Board of Zoning Appeals to meet the specific conditions.

**Use** – The utilization, employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

**Variance (developmental standards)** – A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance to deviate from

the development standards that the Ordinance otherwise prescribes; however, no use variance shall be granted.

### Special Exceptions Section 600

600. Special Exceptions – The Board of Zoning Appeals shall have the power to authorize special exceptions if the following requirements are met:

- 600.1. The special exception shall be listed as such in this Ordinance for the district requested.
- 600.2. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
- 600.3. The establishment, maintenance or operation of the Special Exception Use will not be detrimental to or endanger the public health, safety, morals or general welfare of the community.
- 600.4. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets.
- 600.5. The special exception use will not impede the normal and orderly development and improvement of surrounding property for uses permitted by right in the zoning district(s) of surrounding property.
- 600.6. The special exception shall preserve the purposes of this Ordinance.

### Establishment of Districts Section 700

700. RESIDENTIAL DISTRICT (R1) Intent – This district has been created to preserve and enhance a safe and pleasant environment for the people of Washington County.

701. AGRICULTURE DISTRICT (A1) Intent – This district has been created to ensure that land use has a clear and concise method for future growth. It also concentrates similar types of development with maximum flexibility

and best use of current infrastructure. Protection of agriculture, animal feeding facilities, residential and environmental resources are all achieved throughout this zone and promoted equally for all property owners.

#### 701.1. Uses

701.1.1. Permitted Uses – The following are deemed permitted uses of land within an agricultural district:

- Dwelling Unit
- Home Occupation
- Manufacturing – Meat, dairy, agricultural or furniture Products
- Telephone Communications (Local)
- Radio, television and other wireless communication structures
- Greenhouses
- Warehousing & Storage Services
- Retail business (any kind)
- Banking and bank related functions
- Insurance carriers, agents, brokers & services
- Other finance, insurance & real estate services
- Beauty & barber services
- Commercial Grain Elevator
- Farms (fibers, grain, fruit, vegetables, livestock, poultry etc.)
- Animal husbandry services
- Confinement feeding operations
- Commercial Forestry Production, forestry service and other forestry activities
- Fisheries & Marine Products and related services
- Mechanical Services (automotive, heavy equipment, farm machinery etc.)

701.1.2. Special Exceptions – The following uses for land within an agricultural district will require the Board of Zoning Appeals to grant a special exception:

- Water treatment plant and sewage disposal
- Major Utilities, stations and plants
- Parks – General recreation

Resorts  
Retirement homes and orphanages  
Room & Boarding Houses or Hotels, tourist courts, motels  
Residential hotels  
Nature exhibits or other cultural, entertainment & recreational activities  
Ethanol or Bio-diesel Production  
Manure Digesters or other waste-to-Energy Converters  
Any New Technology Using Agriculture By-Products

## 701.2. Developmental Standards for CFO's

701.2.1. All manure storage structures, animal confinement buildings, dead animal compost areas and any lagoon or other area containing any activity or product of the operation associated with a CFO:

701.2.1.1. Must be located a minimum of four hundred feet (400') from an existing off-site residence, public use facility or church. This shall be measured from the closest edge of the nearest CFO structure (including lagoons) to the nearest wall of a house, public use facility or church.

701.2.1.2. Must be located at least 3,960 feet from all schools. This shall be measured from the closest edge of the nearest CFO structure (including lagoons) to the nearest edge of any improvement, including a playground that school children regularly occupy.

701.2.1.3. Must be located at least 200 feet from the closest point along the center of any county road.

701.2.1.4. Must be located at least 200 feet from the closest point along of property lines.

## 701.2.2. Additional Standards

701.2.2.1. A cul-de-sac or T-shaped turnaround shall be provided of adequate size and location such that vehicles need not back onto the street or roadway.

701.2.2.2. An existing CFO in this zone that is a nonconforming use may expand its operation providing all requirements of the subsections of 701.2.1 are met.

701.2.3. Application Requirements to Obtain an Improvement Location Permit For CFO

701.2.3.1. The following items must be submitted to the Plan Director:

- a) A site plan/farmstead map – The farmstead plan must be clear and drawn to scale or show specific distances between the structures and features. The plan must be on paper that is no less than eight and one-half (8 ½) inches by eleven (11) inches in size. It must clearly demonstrate that all items in 701.2.1 are met. (This may require more than one map to clearly depict all required items.)
- b) An application that, at a minimum, clearly identifies:
  - i.) The full legal names and addresses of the legal owners and operators and,
  - ii.) Location of facility
- c) A Fee of \$250.00

701.2.3.2. Upon receipt of all required information, documentation and fees, the Plan Director shall render a decision within thirty (30) business days of submission. If the application is not approved, the Plan Director shall state, in writing, the reason(s) therefor.

701.2.3.3. If the application is approved, the Plan Director shall provide appropriate permits.

701.2.3.4. In the event the Plan Director is unable to review the application in a timely manner, the president of the Washington County Plan Commission shall act as the Director. He/She will review the application and provide any appropriate permits or denials in order to meet the thirty day decision timeline.

701.2.4. Variance from development standard – A variance from the development standards listed in 601.2.1. may be granted to allow an applicant relief from the requirements under the following conditions:

1. The aggrieved party must document in writing his or her consent to the variance; and
2. The variance must be recorded on the deed of the aggrieved property owner's parcel; and
3. The fee for recording the variance on the deed shall be the burden of the applicant.

# APPENDIX "A"