

Jennings County Area Plan Commission
 Department of Code Enforcement
 200 East Brown Street - P.O. Box 400
 Vernon, IN. 47282
 Phone: 352-3005



AREA PLAN PROPOSED ORDINANCE CHANGES 2021

§ 150.22 PERMIT REQUIRED AND ISSUANCE.

(B) **Demolition permits issued shall expire 90 days from the date of the original issue.** All **other** permits issued shall expire one year from the date of the original issue. Any permittee holding an unexpired permit may apply for an extension of time when the permittee is unable to commence or finish work within the time required for good and satisfactory reasons. The Building Commissioner may extend the time for action by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

(Ord. 08, 2008, passed 6-23-2008) Penalty, see § 150.99

§ 154.051 RESIDENTIAL ZONING.

Table 6-1: Residential Lot Layouts

	R-1F Septic	R-1F Sewer	R-2F Septic	R-2F Sewer	R-MF Sewer
Lot Size					
Minimum Lot (5)	1 acre	10,000 sq. ft.	2 acres	15,000 sq. ft.	12,000 sq. ft.
Minimum Lot Width (1)(5)	150 ft.	80 ft.	250 ft.	100 ft.	150 ft.
Flag Lot-width (at road)	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Setback & Yards					
Minimum Front Yard Setback (2)(6)	75 ft.	50 ft.	75 ft.	50 ft.	60 ft.
Flag Lot (8)	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Minimum Rear Yard Setback (6)	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.
Outbuilding (7)	10 ft.				
Minimum Side Yard Setback (6)	25 ft.	10 ft.	50 ft.	15 ft.	10 ft.
Outbuilding (excluding Swimming pool)	10 ft.				
Structure Size (4)					
Maximum Height	32 ft.	32 ft.	32 ft.	32 ft.	40 ft.
Minimum Floor Area	950 sq. ft.	950 sq. ft.	1,700 sq. ft.	1,700 sq. ft.	600 sq. ft./unit
Off-Street Parking (3)					
Minimum Spaces	2	2	4	4	1.5 per unit

(Refer to figure 6-1 through 6-4 for graphical representations)

-Fences in any residential district shall not exceed six (6) feet in height as long as it does not obstruct view of public ways and in a way that promotes and maintains essential values: public safety, protection of individual property rights, and quality life for residents.

-The depth to width ratio of any residential lot may not exceed a maximum of 6 to 1 or a minimum of 2/3 to 1. (Where 1 is the lot width in both cases) (See figure 4-1: Depth to Width Ratio for an example)

(1) Lot width is measured at the Building Line

(2) Any side of a lot that faces a public street or public right-of-way shall be considered a front and shall have appropriate setback, measured from the centerline of the road or street.

(3) Off-street parking spaces as defined in Chapter 2, Section C.

(4) No singlewide mobile homes are permitted inside the Town of Vernon or City of North Vernon.

(5) Corner lots shall be 15 feet wider than the minimum required or 20% larger in total area. (See Figure 6-4 for visual of a corner lot)

(6) Any lot that is adjacent to a state highway shall be 1.5 times the standard setback for any front that faces the highway.

(7) Outbuilding setbacks are for all lots including flag lots.

(8) The front yard setback shall begin at the point where the property becomes at least 150 ft. wide.

§ 153.082 EASEMENTS.

(2) Any tracts created off of an easement shall be reviewed by the Area Plan Commission and not solely by the Executive Director. **approved by the executive director. If necessary, the director may bring the survey before the Area Plan Commission for review and/or approval.**

(3) All easements shall be a minimum of 50 feet wide and the Area Plan Commission may require that no other tracts may be created off of an existing easement. **and each parcel be limited to one access easement.**
(Ord. 2, passed 8-14-2006) Penalty, see § 10.99

§ 154.071 PROVISIONS.

(A) Non-conforming uses are considered incompatible or undesirable uses in the districts in which said use is located. Within the districts established by this chapter, there may exist non-conforming lots, structures and uses. These non-conforming lots, structures and uses were lawful prior to the adoption of this chapter, but are now prohibited, regulated or restricted. ~~It is the intent of this chapter to permit these non-conforming uses to continue until they are removed.~~ **Starting (Date) any property currently being used in a nonconforming use shall continue until they are removed.**

(B) Existing non-conforming uses **must** register with the Area Plan Commission, **additionally they** can be transferred to another owner on the same location provided the future owner again registers such non-conforming use with the Area Plan Commission **and is approved by the Area Plan Board.**

(Ord. passed 9-1-2006) Penalty, see § 154.999

§ 154.072 REVOCATION.

(A) If a lawfully registered non-conforming use is discontinued or abandoned for a period of six consecutive months or greater, the non-conforming use shall be revoked. The structure and/or premises shall thereafter be used in conformance with the regulations and standards for the district in which it is located, as enacted in this chapter and its amendments.

(B) Uses banned under any federal, state or local law, ordinance or regulation, or found to pose a threat to the public health, shall not be protected by non-conforming use provisions, nor validated by the enactment of this chapter or its amendments.

(C) If property owners wish to willfully rezone their property to the conforming use, they may do so by contacting the Area Plan office at no expense to the property owner if done so by (Date).

(Ord. passed 9-1-2006) Penalty, see § 154.999

§ 153.003 DEFINITIONS.

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

~~BUILDING SETBACK LINE. A line parallel to and equidistant from the relevant lot line (front, back, side), establishing the minimum open space to be provided, between which no buildings or structures may be erected as prescribed in the county zoning ordinance, except an eave or cornice overhang not to exceed four feet.~~ **Location where the structure is being built. Setbacks must be met.**

§ 154.050 AGRICULTURAL ZONING.

(f) Agricultural buildings are exempt from a building permit, if they are being used for agricultural purposes only. Buildings located on less than ten acres are required to obtain a building permit, regardless of use. (Reference I.C. ~~22-12-1~~ **22-12-1-2** for definition of "Agricultural Purpose.")

I.C. 22-12-1-2

"Agricultural purpose" Sec. 2. "Agricultural purpose" includes farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, animal husbandry, and poultry husbandry.

AMENDMENT #3: ENACTED - JUNE 9, 2008

Agricultural building permits:

Chapter V "Agricultural Zoning", Section C 1 f shall be changed to read as follows:

~~_____ (f) Agricultural buildings are exempt from a building permit, if they are being used for "Agricultural Purposes" only. Buildings located on less than 10 acres are required to obtain a building permit, regardless of use. (Reference IC 22-12-1 for definition of "Agricultural Purpose").~~

CONTRACTOR REQUIREMENTS IN JENNINGS COUNTY INDIANA

- A contractor is required to register and obtain a contractor card with the Area Plan Commission anytime more than \$5,000 worth of work is to be performed in what is considered construction, alternations, renovations, additions, installations or repairs.
- Contractor registration is completed by the Jennings County Area Plan Commission.
 1. Obtaining a contractor registration card consists of, possession and common knowledge of a current code book, (IRC 2018 with 2020 Indiana amendments),
 2. Provide proof of liability insurance, and
 3. Complete the registration form process.
- Anytime Indiana adopts a new Code, contractors need to obtain the new code book and gain knowledge of the newly adopted code.
- The fee to register is \$30 for the first year and a \$10 renewal fee each year. If a renewal is not completed for 1 or more years then a \$30 fee will be charged to reinstate the registration.
- A contractor cannot perform any work requiring a permit without being registered. Violators are subject to a fine of \$250 if found in violation of this ordinance.

§ 154.051 RESIDENTIAL ZONING.

(Regulations for all zoning ag, commercial, etc.)

Under Part C Residential Regulations Add Part 3 “Blight”

3. Blight - Land that is in a dilapidated, unsafe and unsightly condition. No one shall be allowed to keep their property in the following conditions:

- A) Unnecessary Clutter – heap, litter, or strew, in a confused and disorderly manner, any material or objects on property owned, leased, or rented for residential purposes
 - (1) Discarded household appliances, furniture, tires, motor & electric vehicle parts, tools, lawn equipment, construction material, scrap metal, trailers, hauling equipment, machinery, barrels, grills, plastic, and/or Styrofoam
- B) Missing or boarded up windows and/or doors
- C) Extreme uncontrolled vegetation in, on, or around the base of the home such as weeds, vines, trees, grass, etc.
- D) Exterior deterioration or decay such that it leads the property to be unsafe, unhealthy, or impairs the property values. Specifically gutters that have fallen or are falling off the structure, eaves, soffits, decks, porches, wall or roof coverings that do not provide adequate weather protection or are completely missing
- E) Unhealthy living conditions including but not limited to mold, vermin, pigeons, feces and other harmful conditions

~~3.~~ 4. Residential Development Standards

S. Violation Enforcement and Penalties

1. Enforcement

- a. Any person, firm, or corporation who violates the ordinances of the Jennings County code book shall be liable and subject to the enforcement and penalties of the Jennings County Area Plan Commission
- b. The enforcement and penalties for violations to the Jennings Co. zoning ordinance shall adhere to the following structure:

- i. Violation Classification

- 1. A-Level Infraction (Low)
 - 2. B-Level (Medium)
 - 3. C-Level (High)

- ii. A-Level – Violations that can be remediated quickly and by nature are not extremely detrimental to the safety and well-being of the owners, tenants or general public

- 1. Ordinances include:

- a. Grass Ordinance violations
 - b. Extreme overgrowth of vegetation (See Sec. IV, Chapter 3, Part C)
 - c. Trash, litter, or debris (See Sec. IV, Chapter 3, Part A)
 - d. Unoperable/unlicensed vehicles (See XXX)
 - iii. B- Level – Violations that are more serious in nature and place the homeowner, tenant or general public in a safety or health hazard. These violations can be remedied in a 30-60 day period so long that the violator is actively working with the APC to resolve the problem.
 - 1. Ordinances include
 - a. Blight (See Sec. IV, Chapter 3, Parts B, D and E)
 - iv. C-Level – Violations that are extremely severe to the point that the property is condemnable and/or uninhabitable. These properties are typically, but not always, vacant or abandoned.
 - 1. Ordinances include
 - a. Extreme deterioration such as holes in roof, structurally unsafe, extreme health hazard due to rodents, mold, and or sewage
 - b. Violations to the animal control ordinance
 - c. Fire damage of longer than 60 days
2. Violation Enforcement Process Per Classification
- a. A – Level
 - i. Letter with 15 days to resolve violation or to contact APC Office to address the issue
 - ii. Director has discretion to allow more time or connect them with resources if they qualify
 - iii. Attorney files legal action after 15 days if issue is not resolved or more time hasn't been granted by the APC Director
 - iv. If case is not dismissed prior to the court hearing a fine of no less than \$100 and no more than \$1,500 will be assessed at the court hearing
 - v. If fine is not paid then it will be assessed to the property taxes
 - b. B-Level
 - i. Letter with 30 days to resolve violation or to contact APC Office to address the issue
 - ii. Director has discretion to allow more time or connect them with resources if they qualify
 - iii. If they don't comply within 30 days or the APC director hasn't allotted them more time then they will be brought to the next APC "Show Cause" hearing
 - iv. If case is not dismissed prior to the court hearing a fine of no less than \$100 and no more than \$1,500 will be assessed at the court hearing
 - v. If fine is not paid then it will be assessed to the property taxes
 - c. C-Level
 - i. Letter with 30 days to resolve violation or to contact APC Office to address the issue
 - ii. Director has discretion to allow more time or connect them with resources if they qualify

- iii. Attorney files legal action after 30 days if issue is not resolved or more time hasn't been granted by the APC Director
 - iv. If case is not dismissed prior to the court hearing a fine of no less than \$100 and no more than \$1,500 will be assessed at the court hearing
 - v. If fine is not paid then it will be assessed to the property taxes
- d. Repeat Violators
- i. Same process as above but starting fines will be increased at a price determined by the APC Director
 - ii. Level-B violations will not go to "Show Cause" but rather legal action will be filed with the court if they don't comply within the 30 days.
 - iii. On any violation the director has the discretion to bring any case to the APC board at their "Show Cause" meetings