

ordinance

2011-01

ARTICLE 8: BOARD OF ZONING APPEALS *reference 69-546*
8-08 SPECIAL EXCEPTIONS

- (1) Only those uses identified in each individual zoning district shall be permitted; however, the Board of Zoning Appeals shall have discretion to grant the following Special Exception(s).
 - (A) Housing in an approved Business or Religious Development
 - (a) The housing must be located on the same parcel as the approved Business or Religious Development.
 - (b) The housing must only be for the living quarters of the owner or agent of the owner responsible for management of the premises.
 - (B) Manufactured home to occupy the same parcel as another existing home. See the General Regulation section of this Zoning Ordinance for the requirements.
 - (C) Concrete Manufacturing Plant in an A-1 or I-1 zoning district.
 - (a) The concrete manufacturing plant must be located on the parcel or directly adjacent to the parcel containing a mineral excavation facility.
 - (b) The owner or operator of the concrete manufacturing plant must have a written approval from all Local Legislative Bodies responsible for the maintenance of the roadways that will be used to gain access to and from the parcel from an arterial road. Said approval shall include a statement from the Local Legislative Body that all designated roadways leading to the arterial roadway are capable of accommodating the traffic created by the operation of the plant and an agreement specifically identifying the party responsible for all necessary upgrades or repairs.
 - (c) The concrete manufacturing plant shall go through the Development Plan procedure upon receiving special exception approval.
- (2) Grant of Special Exceptions:
 - (A) The Board of Zoning Appeals authority to grant a special exception is subject to the following requirements.
 - (a) A petition for Special Exception shall be filed with the Board of Zoning Appeals by the owner of the parcel real estate in which the special exception is sought. The petition shall include a proposed Findings of Fact in support of the Special Exception.
 - (b) A public hearing shall be held and all interested parties shall receive notice in the same manner as variance petition.

- (c) A demonstration by the Petitioner and a determination by the board that:
 - (i) The proposed use will not be injurious to the public health, safety, comfort, morals, convenience or general welfare of the community;
 - (ii) The proposed use will not injure or adversely affect the use or value of other property in the immediate area in a substantially adverse manner; and,
 - (iii) The proposed use will be consistent with the general character of the zoning district, land uses authorized therein, the spirit of the Wells County Zoning Ordinance and the Wells County Comprehensive Plan.
- (3) Conditions for the Grant of a Special Exception
 - (A) The grant of a Special Exception shall be subject to the following conditions:
 - (a) The proposed use shall conform to all development standards of the applicable zoning district.
 - (b) The proposed use shall conform to all conditions attached to the Special Exception by the Board. Such conditions may include any reasonable site, development, operational and performance standards, requirements and restrictions deemed necessary to ensure compliance with the Findings of Fact determinations. The granting of a Special Exception may be for a limited period of time, as specified by the Board.
- (4) Changes, Expansions, and Terminations
 - (A) A special exception may not be extended, expanded or changed unless the person seeking the extension, expansion, or change petitions the Board in the same manner as a new special exception pursuant to this Zoning Ordinance.
 - (B) A special exception granted by the Board shall be considered terminated for any of the following reasons:
 - (a) The special exception has not commenced within twelve (12) months from the date in which it was granted;
 - (b) The special exception has not been completed within twenty-four (24) months from the date in which it was granted; or,
 - (c) The special exception has ceased, for any reason, for one continuous year.
 - (C) A special exception that has been terminated for any reason shall not be reinstated except by the approval of the Board upon the filing of a new petition for special exception described in this Zoning Ordinance.

ARTICLE 9: ZONING DISTRICTS

9-14 TABLE

TABLE 9-14 PERMITTED USES IN ZONING DISTRICT															
	A-R	A-1	B-1	B-2	B-3	C-1	I-1	I-2	L-1	M-1	M-2	R-1	R-2	R-3	S-1
Asphalt Manufacturing Plant								X							
Concrete Manufacturing Plant		SE					SE	X							

ARTICLE 18: DEFINITIONS

Asphalt Manufacturing Plant: A parcel of land and structure used to store raw materials for the manufacturing of asphalt, to manufacture asphalt, and to store finished asphalt products.

Concrete Manufacturing Plant: A parcel of land and structure used to store raw materials for the manufacturing of concrete, to manufacture concrete, and to store finished concrete products. This is also known as a batch plant, ready mix plant, or central mix plant.