

Chapter 70

**ZONING\***

**Article I. In General**

- Sec. 70-1. Interpretation.
- Sec. 70-2. Abrogation and greater restrictions.
- Sec. 70-3. Definitions.
- Secs. 70-4—70-26. Reserved.

**Article II. Zoning Districts and Zone Maps**

**Division 1. Generally**

- Sec. 70-27. Establishment of zoning districts.
- Sec. 70-28. Zone map.
- Sec. 70-29. Determination and interpretation of district boundaries.
- Sec. 70-30. Procedure relating to annexed or vacated areas.
- Secs. 70-31—70-48. Reserved.

**Division 2. Board of Zoning Appeals**

- Sec. 70-49. Establishment.
- Sec. 70-50. Composition and appointment.
- Sec. 70-51. Organization.
- Sec. 70-52. Rules of procedure.
- Sec. 70-53. Meetings and records.
- Sec. 70-54. Appeals from Building Commissioner decisions.
- Sec. 70-55. Powers and duties of the Board.
- Sec. 70-56. Restrictions on Board action.
- Secs. 70-57—70-75. Reserved.

**Article III. Remedies and Penalties**

- Sec. 70-76. Remedies.
- Sec. 70-77. Penalties.
- Secs. 70-78—70-96. Reserved.

**Article IV. Districts**

**Division 1. Generally**

- Secs. 70-97—70-115. Reserved.

**Division 2. SF-1 Single-Family Residential District**

- Sec. 70-116. Intent.

\*State law reference—Local Planning and Zoning, IC 36-7-4-100 et seq.

## ZONING

Secs. 70-216—70-235. Reserved.

### Division 6. LB Local Business District

- Sec. 70-236. Intent.
- Sec. 70-237. Where permitted.
- Sec. 70-238. Permitted uses.
- Sec. 70-239. Minimum lot requirements.
- Sec. 70-240. Height of buildings.
- Sec. 70-241. Front yard requirements.
- Sec. 70-242. Side yard requirements.
- Sec. 70-243. Rear yard requirements.
- Sec. 70-244. Lot coverage requirements.
- Secs. 70-245—70-263. Reserved.

### Division 7. GB General Business District

- Sec. 70-264. Intent.
- Sec. 70-265. Where permitted.
- Sec. 70-266. Permitted uses.
- Sec. 70-267. Minimum lot requirements.
- Sec. 70-268. Height of buildings.
- Sec. 70-269. Front yard requirements.
- Sec. 70-270. Side yard requirements.
- Sec. 70-271. Rear yard requirements.
- Sec. 70-272. Lot coverage requirements.
- Secs. 70-273—70-291. Reserved.

### Division 8. I Industrial District

- Sec. 70-292. Intent.
- Sec. 70-293. Where permitted.
- Sec. 70-294. Permitted uses.
- Sec. 70-295. Minimum lot requirements.
- Sec. 70-296. Height of buildings.
- Sec. 70-297. Front yard requirements.
- Sec. 70-298. Side yard requirements.
- Sec. 70-299. Rear yard requirements.
- Sec. 70-300. Lot coverage requirements.
- Secs. 70-301—70-319. Reserved.

### Division 9. PUD Planned Unit Development

- Sec. 70-320. Intent of district and applicable property size.
- Sec. 70-321. Development plan requirements.
- Sec. 70-322. Board of zoning appeals approval standards—Special uses.
- Sec. 70-323. Same—Bulk regulations.
- Sec. 70-324. Site plan review and approval by the Plan Commission.
- Sec. 70-325. Approval of preliminary plan by Town Council.
- Sec. 70-326. Approval of the final plan by the Town Council.
- Secs. 70-327—70-345. Reserved.

## NORTH JUDSON TOWN CODE

### **Article V. General and Supplemental Provisions**

- Sec. 70-346. Buildings, uses, altering prohibited for any purpose other than use permitted and specified.
- Sec. 70-347. Height of buildings.
- Sec. 70-348. Yards, lot area, and size of building.
- Sec. 70-349. Lot location.
- Sec. 70-350. Vision clearance on corner lot.
- Sec. 70-351. Accessory buildings.
- Sec. 70-352. Vehicle parking space; loading and unloading berths.
- Sec. 70-353. Paving of parking and loading areas.
- Sec. 70-354. Placement of Type I manufactured homes.
- Sec. 70-355. Regulation and permitting of pools, decks and fences.
- Sec. 70-356. Parking, storage or use of major recreational equipment.
- Sec. 70-357. Parking and storage of certain vehicles.
- Sec. 70-358. Dumping of rubbish.
- Sec. 70-359. Junk or inoperable cars, trucks or vehicles.
- Sec. 70-360. Bed and breakfast operations.
- Sec. 70-361. Adult entertainment facilities.
- Sec. 70-362. Signs and sign construction permit.
- Sec. 70-363. Home occupation defined; approval procedures.
- Secs. 70-364—70-382. Reserved.

### **Article VI. Nonconforming Use Specifications**

- Sec. 70-383. Continuation thereof and reconstructions.
- Sec. 70-384. Extension throughout building.
- Sec. 70-385. Change to another nonconforming use.
- Sec. 70-386. Erection and re-erection of buildings.
- Sec. 70-387. Right to construct if permit issued.
- Sec. 70-388. Use to conform after discontinuance.
- Sec. 70-389. Nonconforming use created by amendment.
- Secs. 70-390—70-408. Reserved.

### **Article VII. Administration**

- Sec. 70-409. Enforcement by Building Commissioner.
- Sec. 70-410. Zoning compliance prior to issuance of building permit.
- Sec. 70-411. Certificate of occupancy.
- Secs. 70-412—70-430. Reserved.

### **Article VIII. Special Uses**

- Sec. 70-431. Permits for special uses.
- Sec. 70-432. Where permitted; vehicle parking spaces required.
- Sec. 70-433. Permits for parking lots in residential zones.
- Secs. 70-434—70-452. Reserved.

### **Article IX. Amendments**

- Sec. 70-453. Amendments.

## ZONING

Secs. 70-454—70-472. Reserved.

### **Article X. Development (Site) Plan**

- Sec. 70-473. When required and procedures for review.
- Sec. 70-474. Preliminary and final plan review.
- Sec. 70-475. Approval of development plans.
- Secs. 70-476—70-494. Reserved.

### **Article XI. Availability for Public Inspection**

- Sec. 70-495. Duty of the Clerk-Treasurer.



**ARTICLE I. IN GENERAL****Sec. 70-1. Interpretation.**

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

(Ord. No. 98.1, art. I, § 3, 7-20-1998)

**Sec. 70-2. Abrogation and greater restrictions.**

It is not intended by this chapter to interfere with, or abrogate or annul any easements, covenants or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or provided, except that, where this chapter 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 by or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations or permits, the provisions of this chapter shall control.

(Ord. No. 98.1, art. I, § 4, 7-20-1998)

**Sec. 70-3. Definitions.**

For the purpose of this chapter, certain terms and words used herein shall be interpreted and defined as follows: words in the present tense include the future and vice-versa; 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. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory use* means a use which is incidental to the main use of the premises.

*Adult entertainment* means any adult bookstore, adult motion picture theater, adult mini-motion picture theater, massage parlor or commercial establishment which for a fee or incidentally to another service, presents material or exhibition distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein:

- (1) *Specified anatomical areas* means less than completely opaquely covered:
  - a. Human genitals, pubic region;
  - b. Buttock;
  - c. Female breast below a point immediately above the top of the areola;
  - d. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(2) *Specified sexual activities* means:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

*Alley* means a public thoroughfare, which affords only secondary means of vehicular access to abutting property, and less than 30 feet in width.

*Basement* means a story partly underground, but having less than one-half of its clear height below, which, unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurements.

*Bed and breakfast operation* means a use which is subordinate to the principal use as a single family dwelling and a use in which a sleeping room and breakfast are provided in return for payment.

*Block* means property having frontage of 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.

*Board* means the Board of Zoning Appeals of the Town of North Judson, Indiana.

*Building* means a structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without openings through such walls, each portion of such a building shall be considered a separate structure.

*Building accessory* means a subordinate building, or a portion of a main building, the use of which is incidental to that of the main building.

*Building area* means 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 feet.

*Building, front line, of* means the line of that face of the building nearest the front lot line.

*Building, height, of* means 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,* means 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 the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner by a roof such accessory building shall be counted as a part of the principal building.

*Building, setback line,* means the line nearest the front and across a lot establishing the minimum open space to be provided between the front of buildings and structures and the front lot line.

*Building width* means the minimum width of a building used for residential purposes shall be 30 feet measured perpendicular at the front foundation line and running not less than 50 percent of the dimension of the longest perpendicular side.

*Business* means the engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreation and amusement enterprises for profit.

*Camp, public*, means any area or tract of land used or designed to accommodate two or more automobile house trailers, or two or more camping parties, including cabins, tents or other camping outfits.

*Commercial*. See Business.

*District* means a section of the Town, 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.

*Family* means a group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six persons, as distinguished from a group occupying a lodginghouse or hotel.

*Garage, private*, means an accessory building with capacity for not more than three motor vehicles for storage only, not more than one of which may be a commercial vehicle of not more than three tons capacity. Provided, however, that a garage designed to house one motor vehicle for each family housed in an apartment shall be classed as a private garage.

*Garage, public*, means any building or premises, 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.

*Ground floor area* means 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, breezeways, terraces, garages, exterior and interior stairways.

*Home occupation* means an occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and, no sign, other than a nameplate, not exceeding one square foot in area, is displayed.

*Hotel* means 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 boardinghouse or lodginghouse.

*Kennel* means any lot or premises on which four or more dogs, at least four months of age, are kept.



*Lot* means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one principal building and its accessory buildings, and the open space required by this chapter, and having its principal frontage on a street, or an officially designated and approved place.

*Lot, corner,* means a lot abutting upon two or more streets at their intersection, both requiring front yard setback abutting each street.

*Lot coverage* means the percentage of the lot area covered by the building area.

*Lot, depth of,* means the mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

*Lot, ground level,* means:

- (1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- (2) 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.
- (3) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.
- (4) Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

*Lot, interior,* means a lot other than a corner lot or through lot.

*Lot line, front,* means 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 street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

*Lot line, rear,* means 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 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

*Lot line, side,* means any lot boundary line not a front lot line or a rear lot line.

*Lot, through,* means a lot having frontage on two streets at opposite ends of the lot.

*Lot, width of,* means the distance between the side lot lines at the front line of building measured at right angles to the depth of the lot.

*Massage parlor* means any commercial establishment which for a fee provides for the manipulation, or rubbing of body parts excepting manipulation of body parts for remedial purposes performed by state-licensed practitioners with the minimal qualifications of a physical therapist.

*Motel* means a building or group of buildings, in which lodging is provided and offered to the public for compensation, and catering primarily to the public traveling by motor vehicle.

*Nonconforming use* means a building or premises which does not conform in this use or otherwise with all of the regulations of the district in which such building or premises is located.

*Parking lot* means a parcel of land devoted to unenclosed parking space for five or more motor vehicles for compensation or otherwise.

*Place* means an open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

*Professional office* means an office of members of recognized professions, such as an architect, artist, dentist, engineer, musician, physician, surgeon or other professional person.

*Story* means that portion of a building, included between the surface of any floor and the surface of the next floor 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,* means 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 feet above the floor level of such half-story.

*Street* means a public thoroughfare 30 feet or more in width between property lines, which affords principal means of vehicular access to abutting property.

*Structural alterations* means 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.

*Structure* means anything constructed or erected, the use of which requires more or less permanent location of the ground or which is attached to something permanently located on the ground.

*Tourist home* means a dwelling in which overnight accommodations for not more than five transient guests is offered for compensation.

*Town,* when referred to in this chapter, means the Town of North Judson, Indiana.

*Vehicle parking space* means the area required for parking one automobile, which in this chapter is held to be an area nine feet wide and 20 feet long plus 70 square feet of maneuver area for each vehicle parking space.

*Vision clearance on corner lot* means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the height of 3½ and 12 feet above established grade, determined by a diagonal line connecting two points measured equidistant from the corner along each property line.

*Yard, front,* means a horizontal space measured to 90 degrees with the property line, between the front line of the principal building and the property line of the street upon which

the building faces, unoccupied other than by steps, walks, terraces, and open, unroofed, unenclosed porches; or architectural appurtenances projecting not more than 24 inches from the building.

*Yard, rear,* means a horizontal space measured at 90 degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by vehicle parking space, architectural appurtenances, or accessory buildings which do not occupy more than 30 percent of the required rear yard.

*Yard, side,* means a horizontal space measured at 90 degrees to the side lot line between the side of a building and the adjacent side line of the lot, unoccupied other than by architectural appurtenances projecting not more than 24 inches, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not over four feet.

*Zone* means the same as district.

(Code 1959, ch. 21, art. XI, § 21-41; Ord. No. 98.1, art. I, § 2, art. XIX, 7-20-1998)

**Secs. 70-4—70-26. Reserved.**

**ARTICLE II. ZONING DISTRICTS AND ZONE MAPS**

**DIVISION 1. GENERALLY**

**Sec. 70-27. Establishment of zoning districts.**

The Town is hereby divided into seven districts in order to carry out the purposes of the ordinance from which this article is derived. The districts shall be known and designated throughout this chapter as follows:

SF-1 - Single-Family Residential District

SF-2 - Single-Family Residential District

TF - Two-Family Residential District

MF - Multifamily Residential District

LB - Local Business District

GB - General Business District

I - Industrial District

PD - Planned Unit Development

(Ord. No. 98.1, art. II, § 1, 7-20-1998)

**Sec. 70-28. Zone map.**

(a) The Zone Map, dated July 20, 1998, which is the successor to the Zone Map dated November 11, 1955, is hereby declared to be a part of this chapter. The Zone Map shows the areas included in the districts listed in section 70-27. Notations, references, indications, and other matters shown on the Zone Map are as much a part of this chapter as if they were fully described in the text of this chapter.

(b) The official Zone Map is on file in the office of the Clerk-Treasurer of the Town and evidenced by the original signatures of the President and Clerk-Treasurer.  
(Ord. No. 98.1, art. II, § 2, 7-20-1998)

**Sec. 70-29. Determination and interpretation of district boundaries.**

(a) In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the more desirable use for which the land in each district may be adapted, and the conservation of property values throughout the Town.

(b) Where uncertainty exists as to the exact boundaries of any district as shown on the Zone Map, the following rules shall apply:

(1) Where district boundaries are indicated as following street, alley or lot lines, or approximately along such lines, such lines shall be construed to be the district boundaries.

(2) In unsubdivided areas, or where a district boundary subdivided a lot, the exact location of the boundary shall be determined by use of the scale of the Zone Map.

(3) In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the Zone Map as to the location of the boundary in question.

(Ord. No. 98.1, art. II, § 3, 7-20-1998)

**Sec. 70-30. Procedure relating to annexed or vacated areas.**

(a) Territory which may hereafter be annexed to the Town shall remain as zoned by the county unless changed by amendment of this chapter.

(b) Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, waterway or similar areas, 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 regulations of the extended districts.

(Ord. No. 98.1, art. II, § 4, 7-20-1998)

**Secs. 70-31—70-48. Reserved.**

DIVISION 2. BOARD OF ZONING APPEALS

**Sec. 70-49. Establishment.**

A Board of Zoning Appeals is hereby established in accordance with the provisions of Indiana State Statutes 900 Series, IC 36-7-4-901 et seq., and all Acts amendatory thereto. (Ord. No. 98.1, art. XVII, § 1, 7-20-1998)

**Sec. 70-50. Composition and appointment.**

The Board shall be composed of five members. Initially, the Board shall contain three members appointed by the Town Council President, one of whom must be a member of the Plan Commission and the other two members must not be members. One member shall be a citizen member appointed by the Town Council who must not be a member of the Plan Commission. One member shall be appointed by the Plan Commission from its membership who has not been appointed by other means to the Board of Zoning Appeals. Terms of these members shall expire on January 1 in the year in which their original appointments terminate. Thereafter, as the terms expire, each new appointment shall be for a term of four years and all members of the Board shall be appointed by the Town Council. (Ord. No. 98.1, art. XVII, § 2, 7-20-1998)

**Sec. 70-51. Organization.**

At the first meeting of each year, the Board shall elect a Chairman and 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 compensations therefor fixed by the Town Council. (Ord. No. 98.1, art. XVII, § 3, 7-20-1998)

**Sec. 70-52. Rules of procedure.**

The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this article. (Ord. No. 98.1, art. XVII, § 4, 7-20-1998)

**Sec. 70-53. Meetings and records.**

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 Clerk-Treasurer's Office within seven calendar days after the meeting and shall be available for public inspection. (Ord. No. 98.1, art. XVII, § 5, 7-20-1998)

**Sec. 70-54. Appeals from Building Commissioner decisions.**

Any decision of the Building Commissioner made in enforcement of this chapter may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

(Ord. No. 98.1, art. XVII, § 6, 7-20-1998)

**Sec. 70-55. Powers and duties of the Board.**

(a) 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 chapter.
- (2) Hear and decide on permits for special uses, development plans or other uses upon which the Board is required to act under this chapter.
- (3) Authorize upon appeal in specific cases such variance from the terms of this chapter 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 the chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.
- (4) Authorize home occupation uses within residential districts.

(b) In exercising its powers, the Board may reserve or affirm, wholly or partly, or may modify the order, requirement decisions 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.

(Ord. No. 98.1, art. XVII, § 7, 7-20-1998)

**Sec. 70-56. Restrictions on Board action.**

(a) Every decision of the Board shall be subject to review by certiorari.

(b) No variance in the application of the provisions of this chapter 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 that such variance will not:

- (1) Alter the land use characteristics of the district.
- (2) Impair the adequate supply of light and air to adjacent property.
- (3) Increase the hazard from fire, flood, and other dangers to said property.
- (4) Diminish the marketable value of adjacent lands and buildings.
- (5) Increase the congestion in the public streets.
- (6) Otherwise impair the public health, safety, convenience, and comfort or general welfare.

(Ord. No. 98.1, art. XVII, § 8, 7-20-1998)

**Secs. 70-57—70-75. Reserved.**

### **ARTICLE III. REMEDIES AND PENALTIES**

#### **Sec. 70-76. Remedies.**

The Town Plan Commission, the Board of Zoning Appeals, the Building Commissioner, or any designated enforcement official, or any person jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Starke County to restrain an individual or a governmental unit from violating the provisions of this chapter. The Town Advisory Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing an individual, a corporation or a governmental unit to remove a structure erected in violation of any provisions of this chapter or the requirements thereof, or 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.

(Ord. No. 98.1, art. XVIII, § 1, 7-20-1998)

#### **Sec. 70-77. Penalties.**

Any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof, or who shall build, reconstruct or structurally alter any building in violation of any detailed statement or plan submitted and approved thereunder shall, for each and every violation or noncompliance, be guilty of a misdemeanor and, upon conviction, shall be fined in an amount determined by the Circuit Court.

(Ord. No. 98.1, art. XVIII, § 2, 7-20-1998)

**Secs. 70-78—70-96. Reserved.**

### **ARTICLE IV. DISTRICTS**

#### **DIVISION 1. GENERALLY**

**Secs. 70-97—70-115. Reserved.**

#### **DIVISION 2. SF-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

#### **Sec. 70-116. Intent.**

The SF-1 Single-Family Residential District is established for detached buildings designed or occupied by one family exclusively.

(Ord. No. 98.1, art. III, § 1, 7-20-1998)

**Sec. 70-117. Where permitted.**

The SF-1 Single-Family Residential Districts are as designated on the official Zone Map or on a lot which was in single ownership or included in a subdivision recorded in the office of the Recorder of Starke County, Indiana, meeting the minimum lot requirements of this district. (Ord. No. 98.1, art. III, § 2, 7-20-1998)

**Sec. 70-118. Minimum lot requirements.**

A single-family home in the SF-1 Single-Family Residential District shall be located on a lot with a minimum area in square feet and width in feet as follows:

	<i>Lot area</i> (square feet)	<i>Lot width</i> (feet)
(1) Without public water supply and without public sewers	10,000	50
(2) With public water supply but without public sewers	7,500	50
(3) With public water supply and public sewers	7,500	50

(Ord. No. 98.1, art. III, § 3, 7-20-1998)

**Sec. 70-119. Maximum height of buildings.**

The principal building the maximum height in the SF-1 Single-Family Residential District shall be 35 feet or 2½ stories. The height of principal building may be increased above 35 feet but not higher than 45 feet or three stories if two side yards of 15 feet each are provided, upon issuance of a special use by the Board of Zoning Appeals.

(Ord. No. 98.1, art. III, § 4, 7-20-1998)

**Sec. 70-120. Front yard requirements.**

In the SF-1 Single-Family Residential District there shall be a front yard between the building line and the street right-of-way line of 25 feet. The Building Commissioner may waive this requirement where the principal buildings on adjoining properties have a front yard setback less than the minimum requirement. In such situations the Building Commissioner may authorize a front yard setback which is the average dimensions of the front yard setback dimension of the two adjoining properties.

(Ord. No. 98.1, art. III, § 5, 7-20-1998)

**Sec. 70-121. Side yard requirements.**

For an SF-1 Single-Family Residential District there shall be two side yards totaling 15 feet of which neither shall be less than five feet in dimension.

(Ord. No. 98.1, art. III, § 6, 7-20-1998)



**Sec. 70-122. Rear yard requirements.**

For an SF-1 Single-Family Residential District there shall be a minimum rear yard setback of no less than ten feet.

(Ord. No. 98.1, art. III, § 7, 7-20-1998)

**Sec. 70-123. Minimum ground floor building area.**

The minimum ground floor building area in an SF-1 Single-Family Residential District shall be not less than 1,250 square feet and each dwelling unit shall be at least 30 feet in width, measured at the foundation line and a front building dimension of no less than 30 feet measured at the foundation line.

(Ord. No. 98.1, art. III, § 8, 7-20-1998)

**Sec. 70-124. Lot coverage.**

Lot coverage in an SF-1 Single-Family Residential District shall be 35 percent for interior and corner lots.

(Ord. No. 98.1, art. III, § 9, 7-20-1998)

**Sec. 70-125. Accessory building, uses permitted.**

The following accessory buildings are permitted in an SF-1 Single-Family Residential District:

- (1) Private garage, storage, exclusive of industrial or commercial use.
- (2) Quarters for bona fide servants employed by the occupants of the dwelling on the same lot, but only on the second floor of the building.
- (3) One guesthouse with cooking facilities on lots containing not less than 12,000 square feet.

(Ord. No. 98.1, art. III, § 10, 7-20-1998)

**Secs. 70-126—70-145. Reserved.**

DIVISION 3. SF-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

**Sec. 70-146. Intent.**

The SF-2 Single-Family Residential District is established for detached buildings designed or occupied by one family exclusively.

(Ord. No. 98.1, art. IV, § 1, 7-20-1998)

**Sec. 70-147. Where permitted.**

The SF-2 Single-Family Residential Districts are as designated on the official Zone Map or on a lot which was in single ownership or included in a subdivision recorded in the office of the Recorder of Starke County, Indiana, meeting the minimum lot requirements of this district. (Ord. No. 98.1, art. IV, § 2, 7-20-1998)

**Sec. 70-148. Minimum lot requirements.**

A single-family home in the SF-2 Single-Family Residential District shall be located on a lot with a minimum area of 20,000 square feet and minimum width of 100 feet. (Ord. No. 98.1, art. IV, § 3, 7-20-1998)

**Sec. 70-149. Maximum height of buildings.**

For the principal building in an SF-2 Single-Family Residential District the maximum height shall be 35 feet or 2½ stories. The height of the principal building may be increased above 35 feet but not higher than 45 feet or three stories if two side yards of 15 feet each are provided, upon issuance of a special use by the Board of Zoning Appeals. (Ord. No. 98.1, art. IV, § 4, 7-20-1998)

**Sec. 70-150. Front yard requirements.**

For an SF-2 Single-Family Residential District there shall be a front yard between the building line and the street right-of-way line of 25 feet. The Building Commissioner may waive this requirement where the principal buildings on adjoining properties have a front yard setback less than the minimum requirement. In such situations the Building Commissioner may authorize a front yard setback which is the average dimension of the front yards' setback dimension of the two adjoining properties. (Ord. No. 98.1, art. IV, § 5, 7-20-1998)

**Sec. 70-151. Side yard requirements.**

For an SF-2 Single-Family Residential District there shall be two side yards totaling 15 feet of which neither shall be less than five feet in dimension. (Ord. No. 98.1, art. IV, § 6, 7-20-1998)

**Sec. 70-152. Rear yard requirements.**

For an SF-2 Single-Family Residential District there shall be a minimum rear yard setback of no less than ten feet. (Ord. No. 98.1, art. IV, § 7, 7-20-1998)

**Sec. 70-153. Minimum ground floor building area.**

The minimum ground floor building area in an SF-2 Single-Family Residential District shall be not less than 1,250 square feet and each dwelling unit shall be at least 30 feet in width, measured at the foundation line, and a front building dimension of no less than 30 feet measured at the foundation line.

(Ord. No. 98.1, art. IV, § 8, 7-20-1998)

**Sec. 70-154. Lot coverage.**

Lot coverage in an SF-2 Single-Family Residential District shall be 35 percent for interior and corner lots.

(Ord. No. 98.1, art. IV, § 9, 7-20-1998)

**Sec. 70-155. Accessory building, uses permitted.**

The following accessory buildings are permitted in an SF-2 Single-Family Residential District:

- (1) Private garage, storage, exclusive of industrial or commercial use.
- (2) Quarters for bona fide servants employed by the occupants of the dwelling on the same lot, but only of the second floor of the building.
- (3) One guesthouse with cooking facilities on lots containing not less than 12,000 square feet.

(Ord. No. 98.1, art. IV, § 10, 7-20-1998)

**Secs. 70-156—70-175. Reserved.**

**DIVISION 4. TF TWO-FAMILY RESIDENTIAL DISTRICT**

**Sec. 70-176. Intent.**

The TF Two-Family Residential District is established for detached buildings designed for or occupied by two families; either a duplex dwelling having one dwelling unit above the other or a double dwelling having one dwelling unit beside the other.

(Ord. No. 98.1, art. V, § 1, 7-20-1998)

**Sec. 70-177. Where permitted.**

The TF Two-Family Residential Districts are as designated on the official Zone Map and on a lot meeting the minimum lot requirements of the district.

(Ord. No. 98.1, art. V, § 2, 7-20-1998)

**Sec. 70-178. Minimum lot requirements.**

The TF Two-Family Residential District home shall be located on a lot with a minimum area in square feet and width in feet as follows:

	<i>Lot area</i> (square feet)	<i>Lot width</i> (feet)
(1) Without public water supply	10,000	60
(2) With public water supply but without public sewers	7,500	60
(3) With public water supply and public sewers	7,500	60

(Ord. No. 98.1, art. V, § 3, 7-20-1998)

**Sec. 70-179. Maximum height of buildings.**

For the principal building in a TF Two-Family Residential District the maximum height shall be 35 feet or 2½ stories. The height of the principal building may be increased above 35 feet but not higher than 45 feet or three stories if two side yards of 15 feet each are provided, upon issuance of a special use by the Board of Zoning Appeals.

(Ord. No. 98.1, art. V, § 4, 7-20-1998)

**Sec. 70-180. Front yard requirements.**

For the TF Two-Family Residential District there shall be a front yard between the building line and the street right-of-way line of 25 feet. The Building Commissioner may waive this requirement where the principal buildings on adjoining properties have a front yard setback less than the minimum requirement. In such situations the Building Commissioner may authorize a front yard setback which is the average dimension of the front yards' setback dimension of the two adjoining properties.

(Ord. No. 98.1, art. V, § 5, 7-20-1998)

**Sec. 70-181. Side yard requirements.**

For the TF Two-Family Residential District there shall be two side yards totaling 15 feet of which neither shall be less than five feet in dimension.

(Ord. No. 98.1, art. V, § 6, 7-20-1998)

**Sec. 70-182. Rear yard requirements.**

For the TF Two-Family Residential District there shall be a minimum rear yard setback of no less than ten feet.

(Ord. No. 98.1, art. V, § 7, 7-20-1998)

**Sec. 70-183. Minimum ground floor building area.**

The minimum ground floor building area in a TF Two-Family Residential District shall be not less than 1,250 square feet per unit and each dwelling unit shall be at least 30 feet in width, measured at the foundation line and a front building dimension of no less than 30 feet measured at the foundation line.

(Ord. No. 98.1, art. V, § 8, 7-20-1998)

**Sec. 70-184. Lot coverage.**

Lot coverage in a TF Two-Family Residential District shall be 35 percent for interior and corner lots.

(Ord. No. 98.1, art. V, § 9, 7-20-1998)

**Sec. 70-185. Accessory building, uses permitted.**

The following accessory buildings are permitted in a TF Two-Family Residential District: private garage or storage, exclusive of industrial or commercial use.

(Ord. No. 98.1, art. V, § 10, 7-20-1998)

**Secs. 70-186—70-205. Reserved.**

DIVISION 5. MF MULTIFAMILY RESIDENTIAL DISTRICT

**Sec. 70-206. Intent.**

The MF Multifamily Residential District is established for buildings designed for or occupied by three or more families, exclusively for dwelling purposes, not exceeding 2½ stories in height.

(Ord. No. 98.1, art. VI, § 1, 7-20-1998)

**Sec. 70-207. Where permitted.**

The MF Multifamily Residential Districts are to be as designated on the official Zone Map, on any lot with an area in square feet and a width in feet meeting the minimum lot requirements of this district, and having public water and sewerage available to service the lot.

(Ord. No. 98.1, art. VI, § 2, 7-20-1998)

**Sec. 70-208. Minimum lot requirements.**

The MF Multifamily Residential District dwelling unit shall be located on a lot with a minimum area of 3,000 square feet for each dwelling unit and a width of 60 feet.

(Ord. No. 98.1, art. VI, § 3, 7-20-1998)

**Sec. 70-209. Maximum height of buildings.**

In the MF Multifamily Residential District principal building maximum height shall be 35 feet or 2½ stories.

(Ord. No. 98.1, art. VI, § 4, 7-20-1998)

**Sec. 70-210. Front yard requirements.**

For the MF Multifamily Residential District there shall be a front yard between the building line and the street right-of-way line of 25 feet. The Building Commissioner may waive this requirement where the principal buildings on adjoining properties have a front yard setback less than the minimum requirement. In such situations the Building Commissioner may authorize a front yard setback which is the average dimension of the front yards' setback dimension of the two adjoining properties.

(Ord. No. 98.1, art. VI, § 5, 7-20-1998)

**Sec. 70-211. Side yard requirements.**

For the MF Multifamily Residential District there shall be two side yards totaling 15 feet of which neither shall be less than five feet in dimension.

(Ord. No. 98.1, art. VI, § 6, 7-20-1998)

**Sec. 70-212. Rear yard requirements.**

For the MF Multifamily Residential District there shall be a minimum rear yard setback of no less than ten feet.

(Ord. No. 98.1, art. VI, § 7, 7-20-1998)

**Sec. 70-213. Minimum ground floor building area.**

The minimum ground floor building area in an MF Multifamily Residential District shall be no less than 900 square feet for each ground floor dwelling unit and a front building dimension of no less than 30 feet measured at the foundation line.

(Ord. No. 98.1, art. VI, § 8, 7-20-1998)

**Sec. 70-214. Lot coverage.**

Lot coverage in an MF Multifamily Residential District shall be 35 percent for interior and corner lots.

(Ord. No. 98.1, art. VI, § 9, 7-20-1998)

**Sec. 70-215. Accessory building, uses permitted.**

The following accessory buildings are permitted in an MF Multifamily Residential District: private garage or storage, exclusive of industrial or commercial use.

(Ord. No. 98.1, art. VI, § 10, 7-20-1998)

**Secs. 70-216—70-235. Reserved.**

DIVISION 6. LB LOCAL BUSINESS DISTRICT

**Sec. 70-236. Intent.**

The LB Local Business District is established for commercial uses primarily of a retail or service nature.

(Ord. No. 98.1, art. VII, § 1, 7-20-1998)

**Sec. 70-237. Where permitted.**

The LB Local Business District is designated on the official Zone Map and on a lot meeting the minimum lot requirements of this district.

(Ord. No. 98.1, art. VII, § 2, 7-20-1998)

**Sec. 70-238. Permitted uses.**

The permitted commercial uses in the LB Local Business District are as follows:

- (1) Automobile service:
  - a. Gasoline sales facilities;
  - b. Commercial garage;
  - c. Commercial parking lot;
  - d. Sales room;
  - e. Open automobile or trailer sales area;
  - f. Automobile repair, entirely within enclosed buildings.
- (2) Business service:
  - a. Bank;
  - b. Office;
  - c. Postal station;
  - d. Telephone office.
- (3) Clothing service:
  - a. Laundry/dry cleaners;
  - b. Self-service laundry;
  - c. Dressmaking and tailoring;
  - d. Shoe repair.
- (4) Equipment service:
  - a. Electronic sales and service;
  - b. Appliance shop;
  - c. Record shop.

- (5) Food service:
  - a. Grocery/super market;
  - b. Restaurant;
  - c. Delicatessen;
  - d. Storage facility, for individual use;
  - e. Bakery;
  - f. Roadside sales stand.
- (6) Personal service:
  - a. Barber/beautician;
  - b. Photographic studio;
  - c. Medical services.
- (7) Retail service, retail stores generally:
  - a. Drugstore;
  - b. Hardware;
  - c. Stationary;
  - d. Bookstores;
  - e. Showroom for retail sales;
  - f. Commercial greenhouse, not exceeding 1,000 square feet in area;
  - g. Clothing shop;
  - h. Flower shop;
  - i. Antiques sales.
- (8) Commercial recreational uses (conducted only within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building):
  - a. Theater;
  - b. Bowling alley;
  - c. Billiard room;
  - d. Dancing academy;
  - e. Bar or nightclub only in conformity with requirements of laws or ordinances governing such use.
- (9) Lumber yards and related sales facilities.
- (10) Hotel and bed and breakfast operations.
- (11) Private club or lodge.



(12) Any other similar uses deemed appropriate in the zoning district as determined by the Plan Commission.

(Ord. No. 98.1, art. VII, § 3, 7-20-1998)

**Sec. 70-239. Minimum lot requirements.**

Minimum lot requirements for the LB Local Business Districts shall be not less than 7,500 square feet with a minimum lot width of 50 feet.

(Ord. No. 98.1, art. VII, § 4, 7-20-1998)

**Sec. 70-240. Height of buildings.**

The maximum height of the principal building in an LB Local Business District shall be 35 feet or 2½ stories.

(Ord. No. 98.1, art. VII, § 5, 7-20-1998)

**Sec. 70-241. Front yard requirements.**

For an LB Local Business District a minimum front yard of 15 feet is required. The Building Commissioner may waive this requirement where the principal buildings on adjoining properties have a front yard setback less than the minimum requirement. In such situations the Building Commissioner may authorize a front yard setback which is the average dimension of the front yards' setback dimension of the two adjoining properties.

(Ord. No. 98.1, art. VII, § 6, 7-20-1998)

**Sec. 70-242. Side yard requirements.**

(a) Along the side street line of a corner lot in an LB District, where the block is adjoined by a residential block, the minimum dimension shall be five feet.

(b) Where an LB District adjoins a residential district within the block, there shall be a side yard of at least five feet.

(c) In blocks included entirely in LB, GB or I Districts, no side yards are required. However, if a side yard is provided, the minimum dimension shall be five feet.

(Ord. No. 98.1, art. VII, § 7, 7-20-1998)

**Sec. 70-243. Rear yard requirements.**

For the LB Local Business District there shall be a minimum rear yard setback of no less than ten feet.

(Ord. No. 98.1, art. VII, § 8, 7-20-1998)

**Sec. 70-244. Lot coverage requirements.**

Lot coverage in an LB Local Business District shall be 90 percent, but this shall not waive provision of yards where required.

(Ord. No. 98.1, art. VII, § 9, 7-20-1998)

**Secs. 70-245—70-263. Reserved.**

**DIVISION 7. GB GENERAL BUSINESS DISTRICT**

**Sec. 70-264. Intent.**

The GB General Business District is established for commercial uses including wholesale and storage uses conducted within enclosed, substantially constructed buildings.  
(Ord. No. 98.1, art. VIII, § 1, 7-20-1998)

**Sec. 70-265. Where permitted.**

The GB General Business Districts are as designated on the official Zone Map and on a lot meeting the minimum lot requirements of this district.  
(Ord. No. 98.1, art. VIII, § 2, 7-20-1998)

**Sec. 70-266. Permitted uses.**

The permitted commercial uses in the GB General Business District shall be as follows:

- (1) Local business uses.
- (2) Department store.
- (3) Storage warehouse.
- (4) Wholesale establishments.
- (5) Motor bus or railroad passenger station.
- (6) Any commercial use not specifically stated or implied elsewhere in this chapter and complying with the above definition, upon approval as a special use by the Board of Zoning Appeals.

(Ord. No. 98.1, art. VIII, § 3, 7-20-1998)

**Sec. 70-267. Minimum lot requirements.**

The minimum lot requirements for the GB General Business District shall be not less than 20,000 square feet with a minimum lot width of 100 feet.  
(Ord. No. 98.1, art. VIII, § 4, 7-20-1998)

**Sec. 70-268. Height of buildings.**

The maximum height of the principal building for the GB General Business District shall be 35 feet or 2½ stories.  
(Ord. No. 98.1, art. VIII, § 5, 7-20-1998)

**Sec. 70-269. Front yard requirements.**

For the GB General Business District a minimum front yard of 15 feet is required. The Building Commissioner may waive this requirement where the principal buildings on

adjoining properties have a front yard setback less than the minimum requirement. In such situations the Building Commissioner may authorize a front yard setback which is the average dimension of the front yards' setback dimension of the two adjoining properties.

(Ord. No. 98.1, art. VIII, § 6, 7-20-1998)

**Sec. 70-270. Side yard requirements.**

For the GB General Business District, no side yards are required. However, if a side yard is provided, the minimum dimension shall be five feet. A minimum of a five-foot side yard shall be provided on the property where it abuts a residence or a residential zoning district.

(Ord. No. 98.1, art. VIII, § 7, 7-20-1998)

**Sec. 70-271. Rear yard requirements.**

For the GB General Business District there shall be a minimum rear yard setback of no less than ten feet.

(Ord. No. 98.1, art. VIII, § 8, 7-20-1998)

**Sec. 70-272. Lot coverage requirements.**

Lot coverage in the GB General Business District shall be 90 percent, but this shall not waiver provision of yards where required.

(Ord. No. 98.1, art. VIII, § 9, 7-20-1998)

**Secs. 70-273—70-291. Reserved.**

DIVISION 8. I INDUSTRIAL DISTRICT

**Sec. 70-292. Intent.**

An Industrial use in the I Industrial Districts is one which ordinarily uses machinery; is conducted entirely within an enclosed building; or substantially constructed building; does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose, other than loading and unloading operations in the rear; and, which is not noxious or offensive by reason of emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building.

(Ord. No. 98.1, art. IX, § 1, 7-20-1998)

**Sec. 70-293. Where permitted.**

The I Industrial Districts are as designated on the official Zone Map and on a lot meeting the minimum lot requirements of this district.

(Ord. No. 98.1, art. IX, § 2, 7-20-1998)

**Sec. 70-294. Permitted uses.**

(a) An Industrial use in the I Industrial Districts is one which requires both buildings and open area for manufacturing, fabricating, processing, heavy repairing, dismantling, storage or disposal of raw materials, manufactured products or wastes, which is not injurious to the health or safety of humans or animals or injurious to vegetation; and which is not noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors or vibrations beyond the limits of the premises upon which such industry is conducted.

(b) Included in this classification are all industrial uses fully complying with the above definition, plus:

- (1) Automobile wrecking or junk storage as special uses, permitted in accordance with the procedure specified for special uses, and provided that the use is confined within enclosed buildings or in yards completely enclosed and surrounded by solid walls or solid fences at least eight feet in height.
  - (2) Wholesaling storage and warehousing.
  - (3) Veterinary hospital or kennel.
  - (4) Industries with storage of flammable fluids in approved tanks.
  - (5) Truck terminal.
  - (6) Railroad freight house.
  - (7) Utilities storage yard.
  - (8) Coal, coke or wood yard.
  - (9) Contractor's plant or storage yard.
  - (10) Bus line shops or garage.
  - (11) Building material storage yard.
  - (12) Similar uses, as determined by the Plan Commission.
- (Ord. No. 98.1, art. IX, § 3, 7-20-1998)

**Sec. 70-295. Minimum lot requirements.**

For the I Industrial District there are no minimum lot requirements.  
(Ord. No. 98.1, art. IX, § 4, 7-20-1998)

**Sec. 70-296. Height of buildings.**

The maximum height of the principal building for the I Industrial Districts shall be 35 feet or 2½ stories.

(Ord. No. 98.1, art. IX, § 5, 7-20-1998)

**Sec. 70-297. Front yard requirements.**

For the I Industrial District a minimum front yard of 15 feet is required. The Building Commissioner may waive this requirement where the principal buildings on adjoining properties have a front yard setback less than the minimum requirement. In such situations the Building Commissioner may authorize a front yard setback which is the average dimension of the front yards' setback dimension of the two adjoining properties.

(Ord. No. 98.1, art. IX, § 6, 7-20-1998)

**Sec. 70-298. Side yard requirements.**

For the I Industrial District no side yards are required. However, if a side yard is provided, the minimum dimensions shall be five feet.

(Ord. No. 98.1, art. IX, § 7, 7-20-1998)

**Sec. 70-299. Rear yard requirements.**

For the I Industrial District there shall be a minimum rear yard setback of no less than ten feet.

(Ord. No. 98.1, art. IX, § 8, 7-20-1998)

**Sec. 70-300. Lot coverage requirements.**

Lot coverage for the I Industrial District shall be 90 percent, but this shall not waive provision of yards where required.

(Ord. No. 98.1, art. IX, § 9, 7-20-1998)

**Secs. 70-301—70-319. Reserved.****DIVISION 9. PUD PLANNED UNIT DEVELOPMENT****Sec. 70-320. Intent of district and applicable property size.**

(a) Recognizing that there is a need for flexibility in providing for future Town needs, in keeping abreast of new building methods, materials, etc., and in providing for the planning of: dwellings and the various types and groups thereof, to secure the benefit of solar orientation, climate control, and additional privacy, and to provide for variety in dwelling types to meet changing needs for future residences; and commercial buildings and groups thereof to secure greater convenience to the public through improved methods of merchandising, transporting, office management and distribution of services necessary to the public welfare; and industrial buildings and groups thereof to secure greater convenience in production through improved methods of manufacturing, transportation, office management, and distribution of products necessary to the public welfare; which may necessitate the variation in the use and area requirements of this chapter (which are designed primarily to apply to the traditional pattern of lot development and building arrangement) generally prevailing within the Town and in the

regulations applying to buildings, yards, etc., the Town Council may amend this chapter and Zoning Map for the accomplishing of the foregoing purposes, in accordance with the procedures set forth in this article.

(b) The PUD Planned Unit Development District shall apply to a property, or combination of properties, under uniform (single) ownership or control containing a minimum of two acres of land area.

(Ord. No. 98.1, art. X, § 1, 7-20-1998)

**Sec. 70-321. Development plan requirements.**

A development plan meeting the requirements of article X shall accompany all planned unit development applications.

(Ord. No. 98.1, art. X, § 2, 7-20-1998)

**Sec. 70-322. Board of zoning appeals approval standards—Special uses.**

In the case of a business or manufacturing PUD Planned Unit Development or a residential PUD Planned Unit Development, the Plan Commission may recommend and the Town Council may authorize that there be in part of such development and for the duration of such development, specified uses not determined or permitted by the use regulations of the district in which said development is located, provided that the Plan Commission and Board of Zoning Appeals shall find that:

- (1) The uses permitted by such special uses are necessary and desirable, and are appropriate with respect to the primary purpose of the development;
- (2) The uses permitted by such special uses are not of such a nature, or so located as to exercise a detrimental influence on the surrounding neighborhood; or
- (3) Not more than 20 percent of the ground area, or of the floor area of such a development would be devoted to the uses permitted by said special uses.

(Ord. No. 98.1, art. X, § 3, 7-20-1998)

**Sec. 70-323. Same—Bulk regulations.**

In the case of any PUD Planned Unit Development, the Board of Zoning Appeals may authorize variances to the applicable bulk regulations of this chapter within the boundaries of such development, provided that the Board of Zoning Appeals shall find that:

- (1) Such variances would be solely for the purpose of promoting a unified site plan;
- (2) The building coverage ratio for a planned unit development may not be exceeded by more than 15 percent of the ratio prescribed for the district in which it is located;
- (3) The minimum lot-area-per-dwelling-unit requirements of this chapter would not be decreased by more than 15 percent in any such development containing residential uses, and that there shall be available to each residential building and immediately

adjacent thereto, including the land upon which it is erected, the minimum amount of land area required for such building under the lot-area-per-dwelling-unit provisions of this chapter;

- (4) Spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this chapter on separate lots due consideration being given to the openness normally afforded by intervening streets and alleys; and
- (5) Along the periphery of such planned unit development, yards shall be provided not less than those required by the regulations of the district in which said development is located.

(Ord. No. 98.1, art. X, § 4, 7-20-1998)

**Sec. 70-324. Site plan review and approval by the Plan Commission.**

The procedure for review and approval of the site plan for the proposed PUD Planned Unit Development shall be as follows:

- (1) The Plan Commission shall study the application for the proposed planned unit development to determine whether the requirements of article X are met.
- (2) The Plan Commission shall conduct a public hearing upon the application for a planned unit development.
- (3) The Plan Commission shall prepare a report containing its findings of its study, together with findings based upon the public hearing. Based on the report, the Plan Commission shall either approve or reject the application for a planned unit development.
- (4) No construction shall commence on a planned unit development until a detailed plan is approved and signed by the Plan Commission.

(Ord. No. 98.1, art. X, § 5, 7-20-1998)

**Sec. 70-325. Approval of preliminary plan by Town Council.**

The preliminary plan shall show the layout of the total area to be included in the proposed PUD Planned Unit Development District and shall indicate and be accompanied by documentary evidence to the satisfaction of the Plan Commission and Town Council. The Town Council may, after consideration of the recommendation of the Plan Commission, grant approval of the preliminary plan, subject to any conditions deemed appropriate by the Plan Commission and the Town Council based upon the following:

- (1) That the plan shall be consistent with the comprehensive plan for the orderly development of the Town and with the purpose of this chapter to promote the general welfare of the Town;
- (2) That the appropriate use and value of property adjacent to the area included in the plan will be safeguarded;

- (3) That the capacity of existing or proposed utilities, streets, and thoroughfares is adequate to absorb the additional burden created by the special use district;
  - (4) That the development will consist of a harmonious grouping of buildings or other structures, adequate service, parking, and open spaces, planned as a single and common operating and maintenance unit, as applicable;
  - (5) That the uses included are limited to those permitted in said districts or where special uses have been approved by the Board of Zoning Appeals;
  - (6) That all buildings be served by a central sewage disposal system, public water supply, and public utilities; and
  - (7) That, if the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions and intent of this chapter shall be fully complied with at the completion of any stage.
- (Ord. No. 98.1, art. X, § 6, 7-20-1998)

**Sec. 70-326. Approval of the final plan by the Town Council.**

The Town Council may, after consideration of the recommendation of the Plan Commission, grant approval of the final plan, subject to any conditions deemed appropriate by the Plan Commission and the Town Council based upon the following:

- (1) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site.
- (2) The scale of the plan should not be less than one inch equals 50 feet with contours at two-foot intervals and indicating any unusual topographical features.
- (3) The location, dimensions, and arrangements of all open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading zones, pedestrian ways, widths of roads, streets, and sidewalks are adequate to provide for safe and efficient ingress and egress to and from public streets and highways serving the development.
- (4) Capacity of all areas to be used for automobile access, parking, loading, and unloading.
- (5) Location, uses planned, dimensions, gross floor area, building coverage, and height of each building or other structure.
- (6) Location, dimension, and arrangement of all areas devoted to planned lawns, trees, recreation, and similar purposes.
- (7) Provisions made for the location of existing or proposed sewage disposal, water supply, stormwater drainage, parking lot lights, and other utilities.
- (8) Sufficient additional data as has been required by the Plan Commission or the Town Council subsequent to the approval of the preliminary plan to enable the Town Council



to judge the effectiveness of the design and character of the entire PUD Planned Unit District and to consider properly such things as the relationship to surrounding area, anticipated traffic, public health, safety and general welfare.

- (9) A bond or other acceptable assurance for on- and/or off-site improvements, exclusive of the buildings or structures intended for occupancy, rental or use, which the Town Council deems necessary to protect public health, safety and welfare of the neighborhood shall be furnished.

(Ord. No. 98.1, art. X, § 7, 7-20-1998)

**Secs. 70-327—70-345. Reserved.**

#### **ARTICLE V. GENERAL AND SUPPLEMENTAL PROVISIONS**

**Sec. 70-346. Buildings, uses, altering prohibited for any purpose other than use permitted and specified.**

No building or land shall be used and no buildings 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.

(Ord. No. 98.1, art. XI, § 1, 7-20-1998)

**Sec. 70-347. Height of buildings.**

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.

(Ord. No. 98.1, art. XI, § 2, 7-20-1998)

**Sec. 70-348. Yards, 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 residential buildings or lot coverage regulations, established and specified for the use and the district in which such building is located. One-half of an alley abutting the rear lot may be included in the required rear yard, however, none of this area can be credited or used to meet requirements for loading and unloading berths.

(Ord. No. 98.1, art. XI, § 3, 7-20-1998)

**Sec. 70-349. Lot location.**

Every building hereafter erected shall be located on a lot which fronts on a public street or private street approved by the Plan Commission and Town Council.

(Ord. No. 98.1, art. XI, § 4, 7-20-1998)

**Sec. 70-350. Vision clearance on corner lot.**

Vision clearance shall be eight feet from the intersection of property lines, abutting any street, alley or driveway.

(Ord. No. 98.1, art. XI, § 5, 7-20-1998)

**Sec. 70-351. Accessory buildings.**

(a) Accessory buildings shall not be permitted prior to the erection of the principal building, except for storage purposes and not for human occupancy.

(b) No detached accessory building shall be located closer to a side lot line than five feet.

(c) The normal maximum height permitted shall be 18 feet or 1½ stories.

(d) The height of accessory buildings may be increased to 25 feet or two stories, provided the minimum required five-foot distance from side lot lines is increased one foot for each two feet above the normal maximum height permitted, upon the granting of a special use by the Board of Zoning Appeals. Following are special use considerations which can be granted by the Board of Zoning Appeals:

- (1) Where 25 percent or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimensions of the front yard in the block, but the maximum front yard need not exceed the minimum requirement of the district regulation.
- (2) Front yard or setback lines established in recorded subdivisions establish the dimensions of front yards in such blocks, except when such setback lines may be less restrictive, as provided in section 70-2.
- (3) On lots extending through from one street to another, a front yard is required on each street.
  - a. *Tapered yard.* Where a reversed interior lot abuts a corner lot, or on an alley separating such lots, any accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reserved interior lot; for each foot that such accessory building is placed from the rear line towards the front line of the corner lot, the accessory building may be set four inches closer to the side street line, but in no case closer than five feet.
  - b. *Maximum height.* The normal maximum height of structures may be increased, upon approval of the Board of Zoning Appeals, as follows:
    1. Buildings may be erected higher than the normal maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the normal maximum height.

2. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

(Ord. No. 98.1, art. XI, § 6, 7-20-1998)

**Sec. 70-352. Vehicle parking space; loading and unloading berths.**

(a) Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

(b) Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each participating use.

- (1) Residential: SF-1, SF-2, TF, and MF Districts: one space on the lot for each family housed in the principal building.
- (2) Commercial Business: LB and GB Districts: one parking space for each 300 square feet of gross floor area shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals.
- (3) Industrial Uses: I Districts: parking spaces equaling one space for each employee working on the site during all "work shifts" shall be provided on the lot or within 300 feet thereof on a site approved by the Board of Zoning Appeals.

(c) Loading and unloading berths shall be provided on the lot as follows:

<i>Gross Floor Area (square feet)</i>	<i>Loading and Unloading Berths</i>
15,000 or less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 additional	1 additional

(Ord. No. 98.1, art. XI, § 7, 7-20-1998)

**Sec. 70-353. Paving of parking and loading areas.**

Open parking areas and loading and unloading berths shall be paved with a dustproof or hard surface meeting the standard specifications of the Town.

(Ord. No. 98.1, art. XI, § 8, 7-20-1998)

**Sec. 70-354. Placement of Type I manufactured homes.**

(a) *Intent.* It is the intent of this section to encourage the provision of alternative housing in residential areas by permitting the use of Type I manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements and procedures set forth herein to ensure acceptable similarity in exterior

appearance between such Type I manufactured homes and dwellings that have been or might be construed under these and other lawful regulations on adjacent or nearby lots in the same district.

(b) *Definitions.* For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning given herein:

*Installation standards*, as applied to manufactured homes, means the standards for installation of manufactured homes, Type I, as adopted and copyrighted by the Manufactured Housing Institute and the National Fire Protection Association contained within their publications: "Standard for the Installation of Manufactured Homes," except for footings, foundations, and related support system components which shall conform with subsections (f) through (k) of this section.

*Manufactured home* means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1981, as promulgated by the Indiana Administrative Building Council. The term "manufactured home, Type I" is defined as meeting all of the appropriate requirements of article IV, division 3, except as provided in subsections (f) through (k) of this section.

*Manufactured Housing Construction and Safety Standards Code* means Title VI of the 1974 Housing and Community Development Act (Public Law 93-383, USC 5401 et seq.), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which has been stamped and approved by a Design Approval Primary Inspection Agency, who is an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulation and interpretations of said code by the Indiana Administrative Building Council, except as provided in subsections (f) through (k) of this section.

*Occupied space*, as applied to manufactured homes, means the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios, and porches.

*One- and Two-Family Code* means the nationally recognized model building code prepared by the Uniform Building Code International Code Council, Inc.

(c) *Where permitted.* The establishment, location, and use of Type I manufactured homes as permanent residences approved individually, by specific materials or by design, shall be permitted in SF-1, and SF-2 residential districts, subject to requirements and limitations applying generally to such residential use in the district, and provided such homes shall meet the following requirements and limitations:

- (1) The dwelling shall meet the appropriate exterior appearance and related installation standards, as hereinafter set forth in subsections (f) through (k) of this section.
- (2) The dwelling shall be sited in a district where such use is permitted.

- (3) The dwelling shall have a ground floor area not less than 1,250 square feet in total area.
- (4) The dwelling shall receive all required permits and conform with all ordinances of the Town.

(d) *Nonconforming existing homes.* A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior to the adoption of this chapter, shall continue to be a legal nonconforming use. If the nonconforming use is discontinued, as provided in article VII, the building and/or land thereafter must be used in conformity with all provisions of the zoning chapter.

(e) *Replacement of existing nonconforming homes.* A manufactured or mobile home, deemed a legal nonconforming use, may be replaced by a manufactured home, provided the replacement is of an equal or higher type, as specified in subsection (f) of this section, the Exterior Appearance Standards. Equal or higher type means that a mobile home may be replaced with a Type I manufactured home; a Type I manufactured home can only be replaced with another Type I manufactured home building after January 1, 1992, that meets all specifications set forth by this chapter. The Building Commissioner has to approve all requests under this section.

(f) *Exterior appearance standards.* Manufactured homes shall be classified as to acceptable compatibility or similarity in appearance with site-constructed residences, as follows:

- (1) A Type I manufactured home shall:
  - a. Be no more than five years old or constructed after January 1, 1992;
  - b. Be placed onto a permanent foundation in accordance with approved Installation Standards, as specified in article IV, division 5, specifications B—Residential uses, single-family dwelling, as adopted by the Manufactured Housing Institute and the National Fire Protection Association;
  - c. Be placed onto a permanent exterior perimeter retaining wall, in accordance with approved installation standards, as specified in article IV, division 5;
  - d. Be anchored to the ground and foundation in accordance with approved installation standards, as specified in article IV, division 5;
  - e. Have wheels, axles, and hitch mechanisms removed;
  - f. Meet appropriate utility connection standards, in accordance with approved installation standards, as specified in article IV, division 5;
  - g. Have siding material of a type customarily used on site-constructed residences. See approved material list;
  - h. Have roofing material of a type customarily used on site-constructed residences. See approved material list;
  - i. Each single-family dwelling with 1½ or more stories shall have a minimum first floor area of not less than 1,250 square feet; and

- j. Have a minimum width of 30 feet.
- (2) Approved siding and roofing materials list for Type I manufactured homes.
- a. *Siding.*
    - 1. Residential horizontal aluminum lap siding.
    - 2. Residential horizontal vinyl lap siding.
    - 3. Cedar or other wood siding.
    - 4. Wood grain, weather resistant, pressboard siding.
    - 5. Stucco siding.
    - 6. Brick or stone siding.
  - b. *Roofing.*
    - 1. Fiberglass shingles on a roof pitched according to the design specifications of the shingles.
    - 2. Shake shingles on a roof pitched according to the design specifications of the shingles.
    - 3. Asphalt shingles on a roof pitched according to the design specifications of the shingles.
    - 4. Tile materials on a roof pitched according to the design specifications.

(g) *Perimeter retaining wall.* Those manufactured homes designated in this chapter as requiring permanent perimeter retaining walls must be set onto an excavated area, with foundations, footing and crawlspace or basement walls constructed in accordance with the terms of the one- and two-family dwelling code. The space between the floor joists of the home and the excavated ground and foundation grade shall be completely enclosed with the perimeter retaining wall. The wall shall be composed of solid masonry or concrete block, which in all cases shall extend below the frost line. The design, by a registered professional engineer or architect, shall safely support those loads, as determined by the character of the soil.

(h) *Support system foundation.*

- (1) Type I manufactured homes.
- (2) PL 360 homes. All PL 360 Code Home foundations shall be installed in conformance with the regulations in the one- and two-family dwelling code with the manufacturer's installation specifications.
- (3) Pier design.

In addition to the code requirements in subsections (h)(1) and (2) of this section, the minimum design standards in this subsection shall apply to all manufactured homes.

(i) *Piers and caps.* Piers of load-bearing supports or devices shall be designated and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the home or extend at least six inches from the centerline of the frame member. Manufactured load-bearing supports or devices shall be approved for the use intended, or piers shall be constructed as follows:

- (1) When single eight-inch by 16-inch concrete blocks are used, they shall not exceed three feet high, with open cells vertically placed upon the footing and with the 16-inch dimension perpendicular to the I-beam frame, and they then shall be covered with two-inch by eight-inch by 16-inch preservative-treated hardwood or solid concrete block caps;
- (2) When four-inch high and five-inch high block piers are used, they shall be double blocked with interlocking concrete blocks and they shall be covered with four-inch by eight-inch by 16-inch preservative-treated hardwood or solid concrete block caps;
- (3) For piers extending more than 40 inches above finished grade level, they shall be double blocked with interlocking concrete blocks, with Number Three reinforcing steel in the four corners, poured solid with 2,500 psi concrete, and they shall be covered with four-inch by eight-inch by 16-inch preservative-treated hardwood or concrete caps.

(j) *Plate and shims.* The plate shall be a cushion of preservative-treated hardwood or other approved material not exceeding two inches in thickness. The preservative-treated hardwood shims, which cannot exceed one inch in thickness, shall be used to fill the gap between the top of the pier cap and the frame of the home. Two-inch or four-inch solid concrete blocks may be used to fill the remainder of any gap. Shims shall be fitted and driven tight between the plate and the main frame.

(k) *Anchoring system.* All manufactured homes shall be anchored meeting one of the following approved standards:

- (1) Installation pursuant to manufacturer's specifications.
- (2) Installation pursuant to the design of the entire support and anchoring system by a registered professional engineer or architect.
- (3) Installation pursuant to the regulations established in the ANSI/NFPA 501 A Installation Standards.
- (4) Installation pursuant to standards and requirements of the Indiana Building Code as adopted by the Town.
- (5) Installation pursuant to the standards and requirements of the utility company, as approved by the building department.

(l) *Permits.* Prior to the location, relocation or establishment of any Type I manufactured home, the homeowner or authorized representative shall secure from the Building Commissioner a building permit and electrical permit. Each application for a building permit shall be accompanied by:

- (1) Those site (plot) plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, perimeter retaining wall treatment, foundation construction and materials, exterior finishes, and the like (see building permit).

- (2) Health department approval for any sewage disposal or water supply, where applicable.
- (3) A copy of the approved installation instructions, which will be used for installation purposes, where applicable.
- (4) Such other information as may be required by the Building Commissioner for proper enforcement of this chapter.
- (5) An agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Plan Commission, Board of Zoning Appeals and/or the Town Council.

(m) *Issuance of permits.* After receipt of the information required for a building permit, the Building Commissioner shall review the standards set in this chapter. If the applicant has met all required standards, then within seven days the building permit shall be issued by the Building Commissioner.

(n) *Additional action necessary.* If after receipt of the information required for a building permit, the Building Commissioner finds that the applicant has not fully met the standards set in this chapter and other ordinances and the changes or additional actions needed are deemed by the Commissioner to be relatively minor or simple, within ten days a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the applications to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied, with reasons stated in writing.

(o) *Denial of permit.* If an application for the permit for a Type I manufactured home deviates from the requirements of this chapter, the permit will be denied with a written statement specifying the reasons for the denial.

(p) *Certificate of occupancy.* Prior to the occupancy of any manufactured home, Type I, the homeowner or authorized representative shall secure from the Building Commissioner a Certificate of Occupancy, stating that the building and its use comply with all provisions of the ordinance applicable to the building or the use in the district in which it is to be located.

(q) *Removal for violation.* A home, sited upon property in violation of this chapter, shall be subject to removal from such property. However, the homeowner must be given a 30-day period to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

(r) *Violation to be prevented, abated or removed.* The Building Commissioner may institute a suit in an appropriate court for the injunctive relief to cause such violation to be prevented, abated or removed.

(Ord. No. 98.1, art. XI, § 9, 7-20-1998)



**Sec. 70-355. Regulation and permitting of pools, decks and fences.**

(a) *Permit requirements and application.* Any person desiring to commence construction of a new fence, deck or pool, before commencing any excavation, building or similar activity, shall file an application for a permit with the Building Commissioner with the following information:

- (1) The name and address of the person applying for the permit;
- (2) The name and address of all neighboring landowners and other parties of interest, as shall be determined by the Building Commissioner;
- (3) A sketch of the construction planned;
- (4) A brief narrative description of the structure being built, the methods and material to be used in construction, including whether any power equipment will be employed, and whether any impact on neighbors' trees, shrubs, lawn or other plantings or property are anticipated;
- (5) The methods used to determine the location of the property line and compliance with the setback requirements set forth herein shall be described;
- (6) The date of anticipated completion of the construction;
- (7) Any other information required by the Building Commissioner reasonably necessary to effectuate this section; and
- (8) The application fee, as established by the Town Council.

(b) All fences, decks, and pools and other construction permitted hereunder shall be set back from the neighboring property lines, easements of record and streets a minimum of ten feet, and the owner of thereof shall continue to be responsible for all maintenance up to the property line, unless the adjoining landowners shall file a joint application together with any and all documents, covenants and agreements required to create a party fence agreement binding on the parties and heir successors in interest. In the event that a greater setback shall be required by any covenant, regulation or other ordinance, such more restrictive setback requirement shall govern. A fence of six feet in height or less that does not create a visual barrier, such as a chainlink or woven wire fence with the post located on the permittee's side of the property line, may be exempted from the setback requirements, but in no case shall a fence be constructed upon an easement.

(c) No fence, wall, screen or partition that creates a visual barrier greater than six feet in height abovegrade shall be permitted, unless written agreement from all neighboring landowners is submitted with the application. In the event that a neighboring landowner cannot be contacted, a return of certified mail to his last known address as shown for the property tax purposes in the Auditor's office showing the mail was undeliverable, together with an affidavit of the applicant showing diligent and good faith efforts to contact the landowner were to no avail, may be accepted by the Building Commissioner as a basis for the waiver or objection by the neighboring landowner.

(Ord. No. 98.1, art. XI, § 10, 7-20-1998)

**Sec. 70-356. Parking, storage or use of major recreational equipment.**

(a) For purposes of this chapter, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot other than in GB General Business District or I Industrial District except:

- (1) In the SF-1, SF-2, MF Residential or LB Local Business Districts unless a special use permit for outside display has been approved;
- (2) In an enclosed building; or
- (3) In a residential district where equipment is stored on property owned, or rented and occupied by the owner of the recreational equipment, when placed in an enclosed building or in a rear yard.

(b) Boats must be trailerable and stored without benefit of cradles or other artificial stationary supports.

(c) No such major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

(Ord. No. 98.1, art. XI, § 11, 7-20-1998)

**Sec. 70-357. Parking and storage of certain vehicles.**

Automotive vehicles, including trucks, semi-tractors, tractor-trailer combinations or trailers of any kind or type (which shall be operable in accordance with Town ordinance provisions) without current license plates shall not be parked or stored on any SF-1, SF-2 or MF residentially zoned property other than in completely enclosed buildings. The number of operable automotive or other vehicles which can be parked or stored, nonenclosed, on a residentially zoned lot shall not exceed the number of licensed vehicle operators residing in the dwelling unit, other than commercial business vehicles owned or assigned to vehicle operators residing on the premises.

(Ord. No. 98.1, art. XI, § 12, 7-20-1998)

**Sec. 70-358. Dumping of rubbish.**

No person shall store, dump, or cause to be dumped, any garbage, tin cans, papers, automobile vehicles or truck bodies or parts, machinery, stoves, refrigerators, junk, movable structures, or waste materials of any kind of description on any land, private or public, situated in the Town unless such place has been expressly designated as a public dumping ground to receive such materials by the Town Council as hereinafter provided.

- (1) The storing or dumping of garbage anywhere in the Town is expressly prohibited as a menace to public health.

- (2) The storing or dumping of papers, tin cans, household refuse, brush and tree limbs only is permitted on the public dumping grounds designated by, and subject to, the rules established therefor by the Town.
  - (3) The dumping and accumulation of rubble, used building materials waste from razed structures, trees and stumps is expressly forbidden on any land, public or private, including the aforesaid designated public dumping grounds; provided, however, nothing in this section is intended to preclude the use of such materials for fill or in approved conservation practices where such materials are to be covered in reclaiming land or preventing the erosion thereof.
  - (4) Automobile and truck bodies or parts, and junk or inoperable machinery and equipment may be disposed of only at designated junkyard or recycling centers.
- (Ord. No. 98.1, art. XI, § 13, 7-20-1998)

**Sec. 70-359. Junk or inoperable cars, trucks or vehicles.**

No property owner in any district may maintain, or allow to be maintained, any junk or inoperable cars, trucks, trailers, motorcycle, machinery or other similar equipment or vehicles on the premises.

(Ord. No. 98.1, art. XI, § 14, 7-20-1998)

**Sec. 70-360. Bed and breakfast operations.**

Bed and breakfast operations shall be subject to the following special provisions:

- (1) Because many older, single-family homes are larger and represent sizeable maintenance and energy costs for a single family, it is feared that restriction to only single-family use may foster inadequate maintenance or even abandonment. The possible consequences may be a general appearance of blight which, if allowed to proceed in a downward trend, could erode the social stability of a neighborhood. Based upon the above, some areas are regarded as conducive for limited use for bed and breakfast purposes; but only when certain conditions as may be required by the Plan Commission in order to preserve the character, as well as the health, safety and welfare of the neighborhood are met.
- (2) A residential structure shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this amendment and adequate living space must be preserved for manager or owner's quarters. A common room for guest relaxation is required in these facilities. Unless owner occupied, the manager must reside on and have more than a nominal equity interest in the premises.
- (3) Off-street parking for one vehicle for each bedroom to be rented must be available in addition to requirements for residential family vehicles.
- (4) Bathrooms must be furnished for guestrooms. One bathroom is to serve not more than four guestrooms.

- (5) No separate cooking facilities are permitted for a bed and breakfast operation if continental breakfast is served.
- (6) One sign in residential areas shall be permitted not to exceed nine square feet of display area.
- (7) Inspection and approval by the Building Commissioner are required prior to occupancy of the bed and breakfast. Health department approval is required if other than continental breakfast is planned.
- (8) Bed and breakfast operations shall be limited to short-term occupancy, not to exceed 30 continuous days.
- (9) A residence must contain a minimum of 2,400 square feet of livable floor space to be converted into a bed and breakfast.
- (10) Parking shall be provided according to the following formula; two spaces, plus one space for each guestroom, plus one space for each employee on duty at any one time.  
(Ord. No. 98.1, art. XI, § 15, 7-20-1998)

**Sec. 70-361. Adult entertainment facilities.**

Adult entertainment businesses, meeting the definition of adult entertainment business as set forth in section 70-3 or those similar in character, shall be subject to the following special provisions:

- (1) All business shall be the principal use of a building located in the I Industrial District and subject to the provisions of article II, division 2 and be approved as a special use in accordance with the provisions of this chapter.
- (2) No business shall be located within 1,000 feet, measured from the perimeter of the building to the lot line of zoning lot containing a residential, commercial or public building.
- (3) All business shall be conducted in an enclosed building having an occupancy of less than 50 persons, as determined by the Fire Chief or Building Commissioner based on nationally recognized occupancy standards established by the National Fire Insurance Board or Town Building Code or Fire Protection Standard organization.
- (4) Any building used may have not more than 40 percent of the floor area devoted to storage purposes incidental to such primary use.

(Ord. No. 98.1, art. XI, § 16, 7-20-1998)

**Sec. 70-362. Signs and sign construction permit.**

(a) *Purpose, intent and scope.* The requirement of this section is to provide the minimum requirements to promote the public health, safety, aesthetics and welfare of the Town, and to maintain, enhance, improve and protect the appearance and character of residential, commercial, and industrial areas of the Town. This section seeks to balance the individual rights of property owners to communicate their message with the public's right to be free of unreason-

able distractions and aesthetic intrusions. Additionally, this section will improve traffic safety and control the number, location, size and type of signs while still permitting reasonable identification and advertising.

(b) *Rules of interpretation; compliance.*

- (1) If not otherwise specified, the owner of the property upon which a sign is located will be held responsible for compliance with this section.
- (2) For political signs, the violation will be construed to have been made by the individual affixing the sign, the candidate whose name or picture appears on the sign, or the campaign organization of the candidate.
- (3) If a conflict occurs between the contents of this section with those of any other Town ordinance as pertains to signs, this section will prevail.
- (4) Any dispute or ambiguity concerning the interpretation of this section shall be resolved by the Building Commissioner, subject to appeal of this decision to the Town Council.

(c) *Administration, inspection and enforcement.* The Building Commissioner shall have the power to administer and enforce the provisions of this section. The Building Commissioner may, in his discretion and with their consent, delegate and assign such administrative, enforcement and inspection duties hereunder, to the Town Police Department, the Town Fire Department, or other appropriate person or agency.

(d) *Permit requirements; exceptions.* Signs will be permitted in all zoning districts subject to the requirements of this section. All new signs shall be required to have a permit. Application for a sign permit shall be accompanied by a fee pursuant to a fee schedule established by motion or resolution of the Town Council, and such application shall be on file in the Clerk-Treasurer's office. No sign shall be constructed, structurally altered, extended or relocated until such a permit has been issued. No permit shall be issued until the Building Commissioner determines that the sign is in compliance with this section.

(1) *Sign requirements—Residential districts:*

- a. No sign shall exceed five square feet in total area; nor be closer than eight feet to any side and rear lot line, and ten feet from the front lot line, or one-half the depth of the front yard, whichever is greater; nor project higher than one story, or ten feet above curb level, whichever is lower. All temporary signs shall be removed within seven days after the event advertised has taken place.
- b. Illuminated nameplates are permitted subject to the following regulations:
  1. In any residential district and residential portion of a PUD, a nameplate shall not exceed two square feet in total area, and shall indicate only the name, or name and address, of the occupant, and the home occupation as defined herein, if authorized as a special use and a permit is obtained. There shall be not more than one such nameplate for each dwelling.

2. In MF districts, a nameplate may be not more than three square feet in total area, provided it indicates only the name or name and address of the dwelling; such a nameplate may be located in a front yard not less than four feet from the front lot line, or one-half the depth of the front yard, whichever is greater, nor be higher than one story, or ten feet above curb level, whichever is lower.
  - c. Illuminated, nonflashing and nonblinking (defined as intermittent illumination) church bulletin signs are permitted subject to the following regulations: there shall be not more than one sign per lot, except that on a corner lot two signs, one facing each street, shall be permitted; no sign shall exceed 16 square feet in area, nor be closer than eight feet to any side and rear lot line, and four feet to the front lot line, or one-half the depth of the front yard, whichever is greater; nor project higher than one story, or ten feet above curb level, whichever is lower.
- (2) *Same—Business industrial districts.* In addition to a sign mounted to the building or painted onto a window, one elevated or ground nonflashing and nonblinking (defined as intermittent illumination) but illuminated business sign with no moving parts, awnings, and/or marquees is permitted subject to regulations set forth elsewhere in the ordinances of the Town and the following:
- a. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam onto any adjoining property or onto any street. A sign in any direct line of vision of any traffic signal shall not have red, green, or amber illumination.
  - b. The gross surface area in square feet of all signs on a lot shall not exceed 1.0 times the linear feet of frontage of the lot, and for lots fronting on more than one street, only the established front lot line shall be considered as frontage of the lot.
  - c. Any sign affixed to a building shall not project there from nearer than two feet from the abutting curb.
  - d. Any elevated sign shall be not nearer than two feet from the nearest street right-of-way line and not nearer than five feet from a side or rear lot line. The leading edge of the sign shall be the point of measurement for determination of the setback.
  - e. A sign affixed to a building shall not project higher than four feet above the building height, and a sign projecting more than 15 inches from a building wall shall have its lowest level not less than 12 feet above the grade below it.
  - f. Any elevated sign shall not project higher than 24 feet above the grade below it, and shall have its lowest levels not less than 12 feet from the natural grade below. Such signs may be constructed with or supported by not more than two columns, each having a width not greater than eight inches in width. Nothing shall be added to the columns which exceeds the width dimension.
  - g. Any ground-mounted sign shall not exceed six feet in height measured from the surrounding natural grade and shall not be located closer than ten feet to the

right-of-way line of a front yard or side yard abutting a street, measured perpendicular to the street. On a corner lot a ground-mounted sign near the intersection of two streets shall not be located within a triangle formed by measuring 30 feet from each street along the right-of-way lines and connecting the points. A ground sign may not be located closer than ten feet from the edge of the usable surface of any driveway, alley, or other "curb cut" which provides vehicular access to the lot. The leading edge of the sign shall be the point of measurement for determination of the setback.

- h. In a unified shopping center, in single ownership or control, one additional sign may be erected for it; the sign shall not exceed 150 square feet in area nor display more than the name and location of the shopping center; such sign shall be setback at least half the required yard depth distance from each abutting street and its bottom edge shall be at least 12 feet above the level of the ground, and its overall height shall not exceed 24 feet above the curb level.
  - i. No additions, modifications or attachments shall be permitted inconsistent with an approved sign permit without amendment of the sign permit using the same procedures as provided by the issuance of the original sign permit.
  - j. The Board of Zoning Appeals is hereby granted the authority to grant a variance up to 25 percent of the setback and sign size dimensions, set forth in this section, based on the finding that such a variance will not adversely affect adjacent property owners or inhibit visual sight lines required along streets and road rights-of-way.
  - k. An inflatable balloon used for the purpose of product advertising shall be permitted as a temporary sign in the GB zoning district for a period not to exceed seven days. A sign permit is required from the Building Commissioner who shall determine that the usage and placement of the balloon will meet safety standards.
- (3) *Exceptions to sign requirements.* The following temporary signs shall be exempt from this permit requirement, provided that: such signs have no electrical parts or usage; any such sign is only erected by or with the express consent of the occupant of the premises or the owner of the property; such signs do not exceed five square feet in total area; and the sign setback requirements for the appropriate zoning district are met:
- a. Political campaign signs and signs promoting community or not-for-profit events.
  - b. Real estate signs.
  - c. Construction signs in connection with a specific construction project taking place on the property where the sign is located.
  - d. Garage and yard sale signs. A permit, however, is required for the sale.
  - e. Warning and/or nonadvertising signs or symbols (e.g. no trespassing or no dumping signs) located on and pertaining to the parcel of property on which the sign is located.

(e) *Prohibited signs.* The following types of signs are prohibited in all districts, unless authorized by the Town Council:

- (1) Any sign which is in need of maintenance, or which is no longer functional or is abandoned. Signs shall be considered no longer functional and abandoned when such sign is materially obstructed from view, when its essential elements are no longer readable, when a sign has been left by a business or other use which has ceased to operate, or when a condition of deterioration or dilapidation of the sign face or structure is in evidence. All signs shall be repaired, removed or relocated in compliance with the regulations of this chapter within 30 days after official notification by the Building Commissioner.
- (2) Any sign which is constructed, altered, located or illuminated in any manner which causes undue glare, distraction, confusion, nuisance, noise, or hazard to traffic or to other properties. No sign may be illuminated after 11:00 p.m. if it is located within or adjacent to any residential district, except those businesses remaining open beyond that time, in which case illumination shall cease upon closing.
- (3) No sign which has a rotating beam, beacon, flashing or alternating illumination shall be permitted for advertising or identification purposes where no hazard or need for caution exists. This section shall not be construed as prohibiting time or temperature devices customarily identified with banks or lending institutions or barber poles, provided such devices meet all other applicable provisions of the chapter. Scrolling message signs are permitted.
- (4) Any sign that is attached to a tree or other living vegetation, utility pole, rock, curbstone, sidewalk, lamppost, hydrant, bridge, highway marker, or other sign, except for public informational signs.
- (5) Any sign displayed on a stationary vehicle or trailer when said vehicle or trailer is used primarily for the purpose of serving the functions of a sign.
- (6) Any sign so placed that it obstructs any window, door, fire escape, stairway, ladder, opening, or access intended for light, air, ingress to, or egress from any building.
- (7) Signs advertising activities which are illegal under federal, state, or county laws or regulations or city ordinances.
- (8) Any sign which makes use of a word such as "stop," "look," "danger," or similar words, phrases, symbols, or characters in such manner as to imply the need or requirement of stopping or the existence of danger.
- (9) Any sign on public property, including a right-of-way, or in any location obstructing the view of motorists.

(f) *Penalties.*

- (1) *Temporary signs.* If any temporary sign violation is not corrected within three days after notification by the Building Commissioner, then a fine shall be assessed to the



property owner and/or political candidate pursuant to the schedule established by the Town Council. Each day the violation continues thereafter shall constitute an additional violation.

- (2) *Permanent signs.* If any permanent sign violation is not corrected within 30 days after notification by the Building Commissioner, then a fine shall be assessed to the property owner and/or tenant pursuant to the schedule established by the Town Council. Each day the violation continues thereafter shall constitute an additional violation.

(Ord. No. 98.1, art. XI, § 17, 7-20-1998)

**Sec. 70-363. Home occupation defined; approval procedures.**

- (a) The term "home occupation" means an accessory use which:
  - (1) Is clearly incidental to or secondary to the residential use of a dwelling unit or rooming unit.
  - (2) Is carried on within a dwelling unit, rooming unit, or accessory building by one or more occupants of such dwelling unit or rooming unit, except that, in connection with the practice of a profession, one person not residing in such dwelling unit or rooming unit may be employed.
  - (3) Occupies no more than 25 percent of the total floor area of such dwelling unit or rooming unit and not more than 500 square feet of floor area if located in an accessory building.
- (b) In connection with the operation of a home occupation it shall not be permitted to:
  - (1) Sell articles produced elsewhere than on the premises.
  - (2) Have exterior displays, or a display of goods visible from the outside.
  - (3) Store materials or products outside of a principal or accessory building or other structure.
  - (4) Display, in any district, a nameplate or other sign except as permitted in connection with the practice of a profession.
  - (5) Make external structural alterations which are not customary in residential buildings.
  - (6) Produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects.
- (c) Home occupations include:
  - (1) Fine arts studios.
  - (2) Professional offices.
  - (3) Barbershops.
  - (4) Beauty parlors.

- (5) Teaching of not more than four pupils simultaneously, or, in the case of musical instruction, of not more than a single pupil at a time.
- (6) Similar occupations and businesses as determined by the Board of Zoning Appeals.
- (d) Home occupations shall not include:
  - (1) Commercial stables or kennels.
  - (2) Depilatory, electrolysis, or similar offices.
  - (3) Any and all other similar occupations and businesses or any business operation which may cause traffic congestion, noises or a visual appearance which is inconsistent with the surrounding neighborhood.
- (e) No home occupation shall commence operations, without application for a permit for such purposes filed with the Building Commissioner and receipt of approval for such use issued by the Board of Zoning Appeals, pursuant to article II, division 2.  
(Ord. No. 98.1, art. XI, § 18, 7-20-1998)

**Secs. 70-364—70-382. Reserved.**

#### **ARTICLE VI. NONCONFORMING USE SPECIFICATIONS**

**Sec. 70-383. Continuation thereof and reconstructions.**

The lawful use of a building or premises, existing at the time of passage of the ordinance from which this article is derived, may be continued although such use does not conform to all the provisions of this chapter, except as hereinafter provided.  
(Ord. No. 98.1, art. XII, § 1, 7-20-1998)

**Sec. 70-384. Extension throughout building.**

A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.  
(Ord. No. 98.1, art. XII, § 2, 7-20-1998)

**Sec. 70-385. Change to another nonconforming use.**

A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. 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 or a less restricted one.  
(Ord. No. 98.1, art. XII, § 3, 7-20-1998)

**Sec. 70-386. Erection and re-erection of buildings.**

No building shall be erected upon any premises devoted to a nonconforming use, and no building located upon any such premises which has been damaged by fire or other causes to the

extent of more than 50 percent of its appraised valuation as determined by the Township Assessor, shall be repaired or rebuilt, except in conformity with the regulations of this chapter. (Ord. No. 98.1, art. XII, § 4, 7-20-1998)

**Sec. 70-387. Right to construct if permit issued.**

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been issued before the date of adoption of the comprehensive zoning ordinance amendment from which this chapter is derived. (Ord. No. 98.1, art. XII, § 5, 7-20-1998)

**Sec. 70-388. Use to conform after discontinuance.**

In the event that a nonconforming use of any building or premises is discontinued for a period of six months, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. (Ord. No. 98.1, art. XII, § 6, 7-20-1998)

**Sec. 70-389. Nonconforming use created by amendment.**

These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this chapter. (Ord. No. 98.1, art. XII, § 7, 7-20-1998)

**Secs. 70-390—70-408. Reserved.**

**ARTICLE VII. ADMINISTRATION**

**Sec. 70-409. Enforcement by Building Commissioner.**

The Building Commissioner of the Town is hereby designated and authorized to enforce this chapter. (Ord. No. 98.1, art. XIII, § 1, 7-20-1998)

**Sec. 70-410. Zoning compliance prior to issuance of building permit.**

(a) Within the jurisdiction area of the Town no structure, improvement or 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 ordinances of the Town and a building permit for such structure, improvement or use has been issued.

(b) The Building Commissioner of the Town shall issue a building permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the master plan of the Town.

(c) Every application for a building permit shall be accompanied by a plot (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 a building permit for new construction of a principal building, an accessory building or for alteration of an existing building, shall be accompanied by the fee set forth in the schedules of fees adopted by the Town Council, as recommended by the Plan Commission.

(d) Any decision of the Building Commissioner of the Town concerning the issuance of a building permit may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

(Ord. No. 98.1, art. XIII, § 2, 7-20-1998)

**Sec. 70-411. Certificate of occupancy.**

(a) 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 by the Building Commissioner stating that the building and use comply with all of the provisions of this chapter applicable to the building or premises or the use in the district in which it is to be located.

(b) No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered without a Certificate of Occupancy having been issued by the Building Commissioner, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this chapter.

(c) The Certificate of Occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection, reconstruction or structural alteration of such building shall have been completed.

(d) 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.

(e) No building 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.

(Ord. No. 98.1, art. XIII, § 3, 7-20-1998)

**Secs. 70-412—70-430. Reserved.**

**ARTICLE VIII. SPECIAL USES****Sec. 70-431. Permits for special uses.**

(a) The following uses or structural alterations thereto, which are classified as special uses, may be permitted by the Board of Zoning Appeals, in accordance with the procedure specified herein:

- (1) Airport or aircraft landing field;
- (2) Amusement park;
- (3) Baseball park;
- (4) Cemetery or crematory;
- (5) Country club or golf course;
- (6) Fire station;
- (7) Golf driving range or golf course;
- (8) Hospital;
- (9) Motel, tourist lodge or bed and breakfast operation;
- (10) Outdoor theater;
- (11) Penal or correctional institution;
- (12) Philanthropic or charitable institution;
- (13) Radio or television transmitting tower;
- (14) Sanitary fill or refuse dump;
- (15) Sewage disposal or garbage disposal;
- (16) Trailer or public camp.

(b) Upon receipt of an application for a special use by the Board of Zoning Appeals, it shall be referred to the Town Plan Commission for investigation as to the manner in which the proposed location and character of the special use will affect the master plan of the Town. The Town Plan Commission shall report the results of its study of the proposal to the Board of Zoning Appeals, and if the report is favorable to the proposal, the Board of Zoning Appeals, may, after public notice and hearing according to law, grant the permit, including the imposition of conditions of use, which the Board deem essential to insure that the special use is consistent with the spirit, purpose and intent of this chapter, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(c) The following uses may be permitted in the I Industrial District only in accordance with the procedure specified in subsection (b) of this section, and the inclusion of a report by the Town Health Officer or the State Board of Health and the State Fire Marshal that uses applied for will not be injurious to the public health or safety:

- (1) Acid manufacture;
- (2) Arsenal;
- (3) Cement, lime, gypsum or plaster of Paris manufacture;
- (4) Distillation of bones, coal or wood;
- (5) Explosive manufacture or storage;
- (6) Incineration or reduction of garbage, dead animals, offal or refuse, except for municipal purposes;
- (7) Packing plants;
- (8) Slag, stone, cinder or coal crushing or pulverizing;
- (9) Any other use which may, under some circumstances be injurious to public health or safety, but which may, with adequate safeguards, be designed so as not to be injurious in such manner.

(Ord. No. 98.1, art. XIV, § 1, 7-20-1998)

**Sec. 70-432. Where permitted; vehicle parking spaces required.**

Contingent uses, as listed herein, are permitted in the district indicated below. Each use shall provide on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals, parking space (open or enclosed) as follows:

<i>Contingent Use</i>	<i>Locations Permitted</i>	<i>Parking Spaces Required</i>
Bed/breakfast operations and lodginghouses	MF, LB, GB	1 for each 3 occupants
Bulletin board for a church or public building	All	
Church or temple	All	1 for each 6 seats in main auditorium
College or university	All	1 for each 3 students or staff
Community center	All	1 for each 6 seats
Farm, vegetable or flower garden, or plant nursery, and general agricultural operations	All	
Home occupation	All	1 additional
Lodge or private club (which is of a noncommercial character)	LB, GB	1 for each 125 square feet of ground floor area

<i>Contingent Use</i>	<i>Locations Permitted</i>	<i>Parking Spaces Required</i>
Mortuary	LB, GB	1 for each six seats in chapel
Municipal or governmental building	All	1 for each 125 square feet of ground floor area
Nursing home or homes for the aged	MF, LB, GB	1 for each 7 persons
Professional office in residence of practicing professionals	SF, TF, MF	2 additional
Public library or museum	All	1 for each 125 square feet of ground floor area
Public park or public recreational facility	All	
Public utilities building or right-of-way, including purposes essential to utilities operation, but not including commercial or industrial structures	All	1 for each 3 employees in the building
Railroad right-of-way, including purposes essential to railroad operation, but not including railroad yards, shops, stations, engine storage, commercial or industrial structure or uses	All	
School, public or parochial	All	1 for each 3 members of the staff plus 1 for each 8 seats in auditorium.
Temporary sign, pertaining to lease, hire or sale of a building or premises	All	

(Ord. No. 98.1, art. XIV, § 2, 7-20-1998)

**Sec. 70-433. Permits for parking lots in residential zones.**

In order to meet requirements for vehicle parking space, where such space is not available on the lot occupied by a building, as specified in section 70-432, the Board of Zoning Appeals may after receipt of a favorable report from the Town Plan Commission on the proposal, and after public notice and hearing, grant a permit for the establishment of a parking lot in an SF-1 or SF-2 Residential District, provided that the entire area of the parking lot is within 300 feet

of an LB, GB or I District or, in the case of a church or other place of congregation in an SF-1 or SF-2 Residential District, immediately adjacent to such church or other place of congregation, and provided further that:

- (1) There shall be no sales, dead storage, repair work, dismantling or servicing of any kind on said parking lot.
  - (2) Entrances and exits shall be approved as to location by the Town Plan Commission.
  - (3) No parking shall be permitted nearer than two feet from the front or side lot line.
  - (4) Except for otherwise approved entrances, and exits, a curb or rail not more than two feet in height and not less than eight inches in height, shall be erected so as to conform with the required front lot line and may be required along boundaries of the parking lots determined by the Town Plan Commission for the protection of adjoining residentially zoned or used property.
  - (5) The lot shall be surfaced with a dustproof or hard surface meeting the standard specifications of the Town.
  - (6) No advertising signs shall be erected upon such lot, except not more than one sign on each street side to indicate the operator and purpose of the lot. Such sign shall not exceed 20 square feet in area and shall not extend more than ten feet in overall height above the ground level.
  - (7) Lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.
  - (8) If at any time after the issuance of the required permits any of the provisions of this section are not complied with, the permits shall be revoked.
- (Ord. No. 98.1, art. XIV, § 3, 7-20-1998)

**Secs. 70-434—70-452. Reserved.**

## ARTICLE IX. AMENDMENTS

### **Sec. 70-453. Amendments.**

All amendments to this chapter shall be in conformance with the provisions of Indiana State Statutes 600 Series, IC 36-7-4-601—611, and all Acts amendatory thereto.  
(Ord. No. 98.1, art. XV, § 1, 7-20-1998)

**Secs. 70-454—70-472. Reserved.**



**ARTICLE X. DEVELOPMENT (SITE) PLAN****Sec. 70-473. When required and procedures for review.**

A development plan, including a preliminary and final site plan, shall be required for all multiple-family and nonresidential projects prior to the issuance of a building permit. The purpose of the development plan and site plans is to allow the Building Commissioner to determine if the proposed development conforms to the requirements of this chapter. The review of preliminary and final site plans will be carried out by the Building Commissioner and, if required, referred for final review and/or interpretation to the Plan Commission. A minimum of three copies of all development plans shall be submitted to the Building Commissioner for review purposes.

(Ord. No. 98.1, art. XVI, § 1, 7-20-1998)

**Sec. 70-474. Preliminary and final plan review.**

(a) *Preliminary plan review.* An applicant shall submit to the Building Commissioner a sketch of the proposed project for a preliminary review. The requirements for this sketch are minimal but should show approximate scale and sufficient information concerning the size and dimensions of the property proposed for development, the location of buildings, driveways and other physical features proposed for development on the property, proposed uses of buildings and grounds, access to streets (or roads) and any other information necessary for the Building Commissioner to determine if the proposal meets the requirements of this chapter. After reviewing the sketch plan with the applicant, the Building Commissioner shall suggest any changes in the proposal deemed necessary in order to comply with the provisions of this chapter and, if applicable, the subdivision regulations in chapter 58.

(b) *Final plan review.* The applicant, upon completion of the review required in subsection (a) of this section, shall prepare and submit proper plans of the project to the Building Commissioner. Development plans shall be drawn to scale and shall show:

- (1) Location of main and accessory buildings;
- (2) Location of yards, driveways, sidewalks, parking areas, and other site improvements;
- (3) Proposed water, sewer and storm drainage facilities;
- (4) Surrounding streets and nearby buildings;
- (5) Proposed building plans.

(Ord. No. 98.1, art. XVI, § 2, 7-20-1998)

**Sec. 70-475. Approval of development plans.**

(a) The Building Commissioner shall review the plan and determine if the plan submitted conforms to the terms of this chapter and, if applicable, the subdivision regulations in chapter 58. If the Building Commissioner finds the plan is in conformance with the terms of this chapter and the subdivision regulations in chapter 58, the Building Commissioner shall approve the plan by affixing the date and signature on each copy of the drawing submitted.

The Building Commissioner shall attach the other two copies to the report to the Plan Commission with a report of findings concerning each approval issued. Should a plan not conform to the provisions of this chapter and the subdivision regulations in chapter 58, the Building Commissioner shall schedule a review by the Plan Commission. Plan Commission findings and comments shall be transmitted to the applicant with the statement of approval or rejection.

(b) After approval of the site plan by the Building Commissioner and Plan Commission, one copy of the plan containing signatures indicating approval by the Building Commissioner and Plan Commission shall be retained as a permanent file copy and the other copy shall be returned to the applicant.

(Ord. No. 98.1, art. XVI, § 3, 7-20-1998)

**Secs. 70-476—70-494. Reserved.**

#### **ARTICLE XI. AVAILABILITY FOR PUBLIC INSPECTION**

##### **Sec. 70-495. Duty of the Clerk-Treasurer.**

The Clerk-Treasurer of the Town is hereby directed to keep on file the Zone Map referred to in section 70-28, for public inspection during all regular office hours of the said Clerk-Treasurer.

(Ord. No. 98.1, art. XX, § 1, 7-20-1998)

