

ZONING ORDINANCE

BLACKFORD COUNTY, INDIANA

ORDINANCE NO. 88-5
BLACKFORD COUNTY, INDIANA

ORDINANCE NO. 1215
HARTFORD CITY, INDIANA

ORDINANCE NO. 88-9
MONTPELIER, INDIANA

ORDINANCE NO. 88-2
SHAMROCK LAKES, INDIANA

BLACKFORD COUNTY AREA PLAN COMMISSION

BLACKFORD COUNTY
HARTFORD CITY
MONTPELIER
SHAMROCK LAKES

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BLACKFORD COUNTY ZONING ORDINANCE

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ZONING ORDINANCE

PREAMBLE

BLACKFORD COUNTY, INDIANA

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR BLACKFORD COUNTY, INDIANA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND PRESCRIBING PENALTIES FOR VIOLATIONS IN ACCORDANCE WITH THE PROVISIONS OF INDIANA CODE (IC) 36-7-4 AND ALL ACTS SUPPLEMENTAL AND AMENDATORY THERETO, AND FOR THE REPEAL OF ORDINANCE #907 OF THE CITY OF HARTFORD CITY, INDIANA AND ORDINANCE #75-1 OF THE CITY OF MONTPELIER, INDIANA.

ARTICLE 1 – GENERAL PROVISIONS

101 **TITLE:** THE OFFICIAL TITLE OF THE ORDINANCE IS: “ZONING ORDINANCE OF BLACKFORD COUNTY, INDIANA.”

102 **AUTHORITY:** THIS ORDINANCE IS ADOPTED PURSUANT TO INDIANA CODE 36-7-4 AND ALL ACTS SUPPLEMENTAL AND AMENDATORY THERETO.

103 **COMPLIANCE:** NO STRUCTURE SHALL BE LOCATED, ERECTED, CONSTRUCTED, RECONSTRUCTED, MOVED, CONVERTED, OR ENLARGED; NOR SHALL ANY STRUCTURE OR LAND BE USED OR BE DESIGNED TO BE USED, EXCEPT IN FULL COMPLIANCE WITH ALL THE PROVISIONS OF THIS ORDINANCE AND AFTER THE LAWFUL ISSUANCES OF THE PERMITS REQUIRED BY THIS ORDINANCE.

104 **SEVERABILITY:** IF ANY PROVISIONS OF THIS ORDINANCE OR THE APPLICATION OF ANY PROVISION TO PARTICULAR CIRCUMSTANCES IS HELD INVALID, THE REMAINDER OF THE ORDINANCE OR THE APPLICATION OF SUCH PROVISION TO OTHER CIRCUMSTANCES SHALL NOT BE AFFECTED.

105 **APPLICATION:** IT IS NOT INTENDED BY THIS ORDINANCE TO INTERFERE WITH, ABROGATE OR AMEND ANY EXISTING EASEMENTS, COVENANTS, OR OTHER AGREEMENTS, BETWEEN PARTIES, NOR IS IT INTENDED BY THIS ORDINANCE TO REPEAL, ABROGATE, ANNUL OR IN ANY WAY INTERFERE WITH ANY EXISTING PROVISIONS OF LAWS OR ORDINANCES NOT SPECIFICALLY REPEALED BY THIS ORDINANCE, OR ANY RULES, REGULATIONS OR PERMITS PREVIOUSLY ADOPTED OR ISSUED PURSUANT TO LAW RELATING TO THE USE OF BUILDINGS OR PREMISES PROVIDED, HOWEVER, THAT WHERE THIS ORDINANCE IMPOSES A GREATER RESTRICTION UPON THE USE OF BUILDINGS OR PREMISES THAN IS IMPOSED OR REQUIRED BY SUCH EXISTING PROVISIONS OF LAW OR BY SUCH RULES, REGULATIONS, AGREEMENTS, COVENANTS, OR PERMITS, THE PROVISIONS OF THE ORDINANCE SHALL CONTROL; BUT WHERE SUCH PRIVATE COVENANTS, PERMITS, AGREEMENTS, RULES OR REGULATIONS IMPOSE A GREATER RESTRICTION THAN IS IMPOSED BY THIS ORDINANCE, THE GREATER RESTRICTION SHALL CONTROL.

106 **JURISDICTIONAL AREA:** THIS ORDINANCE SHALL APPLY TO ALL UNINCORPORATED LAND WITHIN BLACKFORD COUNTY AND ALL INCORPORATED LAND WITHIN THE CITY OF HARTFORD CITY, THE CITY OF MONTPELIER AND THE TOWN OF SHAMROCK LAKES.

ARTICLE 2 –DISTRICT REGULATIONS

201 **ZONING MAPS:** A “ZONING MAP” OF THE CITY OF HARTFORD CITY, THE CITY OF MONTPELIER AND EACH TOWNSHIP IN BLACKFORD COUNTY IS HEREBY ADOPTED AS A PART OF THIS ORDINANCE. THE ZONE MAPS SHALL BE KEPT ON FILE AND AVAILABLE FOR EXAMINATION AT THE OFFICES OF THE COUNTY RECORDER AND THE COUNTY PLAN COMMISSION.

202 **ZONING DISTRICTS:** THE ENTIRE COUNTY IS DIVIDED INTO THE DISTRICTS STATED IN THIS ORDINANCE AS SHOWN BY THE DISTRICT BOUNDARIES ON THE ZONING MAPS. THE DISTRICTS ARE:

FP	FLOOD PLAIN
FW	FLOODWAY
FF	FLOOD FRINGE
A-1	AGRICULTURE
R-1	RESIDENTIAL
R-2	RESIDENTIAL
R-3	RESIDENTIAL
B-1	BUSINESS
B-2	BUSINESS
B-3	BUSINESS
I-1	INDUSTRIAL
I-2	INDUSTRIAL

203 **DISTRICT BOUNDARIES:** DISTRICT BOUNDARIES SHOWN WITHIN THE LINES OF STREETS, STREAMS, AND TRANSPORTATION RIGHTS-OF-WAY, SHALL BE DEEMED TO FOLLOW THEIR CENTERLINES. THE VACATION OF STREETS SHALL NOT AFFECT THE LOCATION OF SUCH DISTRICT BOUNDARIES. WHEN THE ZONING ADMINISTRATOR CANNOT DEFINITELY DETERMINE THE LOCATION OF A DISTRICT BOUNDARY BY SUCH CENTERLINES, BY THE SCALE OR DIMENSIONS STATED ON THE ZONING MAP, OR BY THE FACT THAT IT CLEARLY COINCIDES WITH A PROPERTY LINE, HE SHALL REFUSE ACTION, AND THE BOARD OF ZONING APPEALS, UPON APPEAL, SHALL INTERPRET THE LOCATION OF THE DISTRICT BOUNDARY WITH REFERENCE TO THE SCALE OF THE ZONING MAP AND THE PURPOSES SET FORTH IN ALL RELEVANT PROVISIONS OF THIS ORDINANCE.

204 **FLOOD PLAIN DISTRICT:** THE PURPOSE OF THE **FP** DISTRICT IS TO GUIDE DEVELOPMENT IN FLOOD HAZARD AREAS IN WHICH A COMMISSION FLOODWAY HAS NOT BEEN ESTABLISHED.

205 **FLOODWAY DISTRICT:** THE PURPOSE OF THE **FW** DISTRICT IS TO DELINEATE THE AREA ESTABLISHED BY THE NATURAL RESOURCES AS A COMMISSION FLOODWAY, NATURAL RESOURCES EXERCISES PRIMARY JURISDICTION WITHIN THE FLOODWAY DISTRICT UNDER THE PROVISIONS OF CHAPTER 318, ACTS OF 1945, AS AMENDED (I.C.1971, 13-2-22). THE COMMISSION MAY PLACE TERMS AND CONDITIONS ON ANY PERMIT IT ISSUES IN THE FLOODWAY DISTRICT WHICH ARE MORE RESTRICTIVE THAN THOSE IMPOSED BY NATURAL RESOURCES.

206 **FLOODWAY FINGE DISTRICT:** THE PURPOSE OF THE **FF** DISTRICT IS TO REGULATE LAND USE IN THE FLOOD HAZARD AREA OUTSIDE THE FLOODWAY. THE FLOODWAY FRINGE **FF** DISTRICT MAY STAND BY ITSELF OR BE COMBINED WITH ANY DISTRICT WHICH THE PLAN COMMISSION DEEMS APPROPRIATE. GENERALLY SPEAKING, ALL CONSTRUCTION OF BUILDINGS IN THE DISTRICT SHALL BE TWO FEET ABOVE REGULATORY FLOOD PROFILE AS ESTABLISHED BY THE NATURAL RESOURCES. IN THE **FP, FW AND FF** DISTRICTS ESTABLISHED HEREIN, THE DEGREE OF FLOOD PROTECTION ESTABLISHED IN THIS ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON ENGINEERING AND SCIENTIFIC CONSIDERATIONS. LARGER FLOODS CAN AND WILL OCCUR ON RARE OCCASIONS. FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES SUCH AS ICE OR DEBRIS JAMS. THIS ORDINANCE DOES NOT IMPLY THAT AREAS OUTSIDE FLOOD HAZARD DISTRICTS AS DEFINED HEREIN WILL BE FREE OF FLOODING OR FLOOD DAMAGE. THIS ORDINANCE DOES NOT CREATE ANY LIABILITY ON THE PART OF THE CITY OF HARTFORD CITY, THE CITY OF MONTPELIER OR THE COUNTY OF BLACKFORD, INDIANA, THE COMMISSION, THE OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THIS ORDINANCE OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE THEREUNDER.

207 **AGRICULTURE DISTRICT:** THE DISTRICT DESIGNATED FOR AGRICULTURE USE, **A-1**, IS INTENDED TO PRESERVE AND PROTECT AGRICULTURAL LAND FROM UNDESIRABLE URBAN GROWTH. LIMITED RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WHEN IT DOES NOT ADVERSELY AFFECT AN AGRICULTURAL USE, DISPLACE PRIME CROPLAND ACREAGE, OR CREATE UNSANITARY CONDITIONS AND IF LOCATED ON LARGE SIZE LOTS WHICH PROVIDE ADEQUATE SPACE FOR PRIVATE WATER AND SEWAGE FACILITIES.

208 **RESIDENTIAL DISTRICTS:** DISTRICTS DESIGNATED FOR RESIDENTIAL USE, **R-1, R-2 AND R-3**, ARE LIMITED TO DWELLINGS AND PUBLIC OR SEMI-PUBLIC USES WHICH ARE NORMALLY ASSOCIATED WITH RESIDENTIAL NEIGHBORHOODS. THE ONLY USES PERMITTED IN THE RESIDENTIAL DISTRICTS ARE THOSE WHICH WOULD NOT DETRACT FROM THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. THE PURPOSE OF THESE THREE DISTRICTS IS TO CREATE AN ATTRACTIVE, STABLE AND ORDERLY RESIDENTIAL ENVIRONMENT. HOWEVER, THE FAMILIES PER DWELLING AND THE LOT AND YARD REQUIREMENTS ARE DIFFERENT IN THE THREE DISTRICTS TO PROVIDE FOR THE VARIOUS HOUSING NEEDS AND DESIRES OF THE CITIZENS.

209 **BUSINESS DISTRICTS:** THE DISTRICTS DESIGNATED FOR BUSINESS, **B-1, B-2 AND B-3**, ARE LIMITED TO BUSINESS, PUBLIC AND CERTAIN RESIDENTIAL USES. BY ESTABLISHING COMPACT DISTRICTS FOR SUCH USES, MORE EFFICIENT TRAFFIC MOVEMENT, PARKING FACILITIES, FIRE PROTECTION AND POLICE PROTECTION MAY BE PROVIDED. INDUSTRIAL USES ARE EXCLUDED IN ORDER TO REDUCE THE HAZARDS CAUSED BY EXTENSIVE TRUCK AND RAIL MOVEMENTS NORMALLY ASSOCIATED WITH SUCH USES. THE PURPOSE OF THESE DISTRICTS IS TO PROVIDE UNIFIED SHOPPING DISTRICTS CONVENIENTLY LOCATED. THE **B-1** BUSINESS DISTRICT IS INTENDED TO BE UTILIZED ONLY IN THE EXISTING CENTRAL BUSINESS DISTRICTS OF HARTFORD CITY AND

MONTPELIER. THE **B-2** BUSINESS DISTRICT IS INTENDED TO BE UTILIZED FOR LOCAL OR NEIGHBORHOOD BUSINESS WHERE THE BUSINESSES COULD BE COMPATIBLE WITH ADJOINING RESIDENTIAL USES. THE **B-3** BUSINESS DISTRICT IS A GENERAL, ALL-PURPOSE BUSINESS DISTRICT THAT INCLUDES MANY AUTOMOBILE-ORIENTED USES.

210 **INDUSTRIAL DISTRICTS:** THE DISTRICTS DESIGNATED FOR INDUSTRY, **I-1** AND **I-2** PROVIDE SUITABLE SPACE FOR EXISTING INDUSTRIES AND THEIR EXPANSION AS WELL AS FOR FUTURE INDUSTRIAL DEVELOPMENT. PERFORMANCE STANDARDS, PARKING SPECIFICATIONS AND YARD REGULATIONS ARE SET FORTH IN THIS ORDINANCE IN ORDER TO INSURE SAFE INDUSTRIAL DEVELOPMENT THAT IS COMPATIBLE WITH ADJACENT USES. THE LOCATIONS OF THE DISTRICTS ARE NEAR RAILROADS OR HIGHWAYS IN ORDER TO MEET THE TRANSPORTATION NEEDS OF INDUSTRY. **I-1**, THE LIGHT INDUSTRIAL DISTRICT, PROVIDES SPACE FOR INDUSTRIES WHICH DO NOT CAUSE CONDITIONS THAT WOULD BE OBJECTIONABLE TO NEIGHBORING PROPERTIES. **I-2**, THE HEAVY INDUSTRIAL DISTRICT PROVIDES A SPACE FOR CERTAIN INTENSIVE INDUSTRIAL OPERATIONS WHICH MAY HAVE SOME OBJECTIONABLE CHARACTERISTICS. GREATER SEPARATION IS REQUIRED BETWEEN THE INDUSTRIES IN THE **I-2** DISTRICT AND RESIDENTIAL OR BUSINESS USES THAN IS NECESSARY IN THE **I-1** DISTRICT.

211 **PERMITTED USES AND SPECIAL EXCEPTIONS:** THE PERMITTED USES FOR EACH DISTRICT ARE SHOWN ON TABLE A. THE USES THAT ARE LISTED FOR THE VARIOUS DISTRICTS SHALL BE ACCORDING TO THE COMMON MEANING OF THE TERM OR ACCORDING TO DEFINITIONS GIVEN IN ARTICLE 8. USES NOT SPECIFICALLY LISTED OR DEFINED TO BE INCLUDED IN THE CATEGORIES UNDER THIS ARTICLE SHALL NOT BE PERMITTED. THE SPECIAL EXCEPTIONS FOR EACH DISTRICT THAT MAY BE PERMITTED BY THE BOARD OF ZONING APPEALS ARE ALSO SHOWN ON TABLE A. THE BOARD OF ZONING APPEALS SHALL FOLLOW THE PROVISIONS OF SECTION 504 AND ANY OTHER APPLICABLE SECTIONS WHEN CONSIDERING ANY APPLICATION FOR A SPECIAL EXCEPTION.

TABLE A
FP FLOODPLAIN DISTRICT

PERMITTED USES

1. AGRICULTURAL USES SUCH AS THE PRODUCTION OF CROPS, PASTURES, ORCHARDS, PLANT NURSERIES, VINEYARDS AND GENERAL FARMING.
2. FORESTRY, WILDLIFE AREAS AND NATURE PRESERVES.
3. PARKS AND RECREATIONAL USES, SUCH AS FOLF COURSES, DRIVING RANGES AND PLAY AREAS.

SPECIAL EXCEPTIONS (SECTION 504)

THE FOLLOWING SPECIAL EXCEPTION USES MAY BE PERMITTED IN THE FLOODPLAIN (FP) DISTRICT ONLY AFTER A PROPER PERMIT FOR SAME HAS BEEN GRANTED BY THE NATURAL RESOURCES. ALL TERMS AND CONDITIONS IMPOSED BY THE DEPARTMENT OF NATURAL RESOURCES WILL BE INCORPORATED IN ANY PERMIT ISSUED BY THE PLAN COMMISSION.

1. WATER MANAGEMENT AND USE FACILITIES, SUCH AS DAMS, DOCKS, DOLPHINS, CHANNEL IMPROVEMENTS, DIKES, JETTIES, GRAINS, MARINAS, PIERS, WHARVES, LEVEES, SEAWALLS, FLOODWALLS, WEIRS AND IRRIGATION FACILITIES.
2. TRANSPORTATION FACILITIES, SUCH AS STREETS, BRIDGES, ROADWAYS, FORDS, AIRPORTS, PIPELINES, RAILROAD AND UTILITY TRANSMISSION FACILITIES.
3. TEMPORARY OR SEASONAL FLOODPLAIN OCCUPANCY, SUCH AS CIRCUS SITES, FAIR SITES, CARNIVAL SITES, BOAT RAMPS, CAMPS, ROADSIDE STANDS AND TRANSIENT AMUSEMENT FACILITY SITES.
4. WATER-RELATED URBAN USES SUCH AS WASTEWATER TREATMENT FACILITIES, STORM SEWERS, ELECTRIC GENERATING AND TRANSMISSION FACILITIES AND WATER TREATMENT FACILITIES.
5. OTHER FLOOD-TOLERANT OR OPEN SPACE URBAN USES, SUCH AS FLOOD-PROOFED INDUSTRIAL AND COMMERCIAL BUILDINGS, RACE TRACKS, TENNIS COURTS, PARK BUILDINGS, OUTDOOR THEATERS, FILLS, TRUCK FREIGHT TERMINALS, RADIO OR TV TOWERS, PARKING LOTS AND MINERAL EXTRACTIONS.

FW FLOODWAY DISTRICT

PERMITTED USES

1. AGRICULTURAL USES SUCH AS THE PRODUCTION OF CROPS, PASTURES, ORCHARDS PLANT NURSERIES, VINEYARDS AND GENERAL FARMING.

2. FORESTRY, WILDLIFE AREAS AND NATURE PRESERVES.
3. PARKS AND RECREATIONAL USES, SUCH AS GOLF COURSES, DRIVING RANGES AND PLAY AREAS.

SPECIAL EXCEPTIONS (SECTION 504)

THE FOLLOWING SPECIAL EXCEPTION USES MAY BE PERMITTED IN THE FLOODWAY (FW) DISTRICT ONLY AFTER A PROPER PERMIT FOR SAME HAS BEEN GRANTED BY THE NATURAL RESOURCES. ALL TERMS AND CONDITIONS IMPOSED BY NATURAL RESOURCES WILL BE INCORPORATED IN ANY PERMIT ISSUED BY THE PLAN COMMISSION.

1. WATER MANAGEMENT AND USE FACILITIES, SUCH AS DAMS, DOCKS, DOLPHINS, CHANNEL IMPROVEMENTS, DIKES, JETTIES, GRAINS, MARINAS, PIERS, WHARVES, LEVEES, SEAWALLS, FLOODWALLS, WEIRS AND IRRIGATION FACILITIES.
2. TRANSPORTATION FACILITIES, SUCH AS STREETS, BRIDGES, ROADWAYS, FORDS, AIRPORTS, PIPELINES, RAILROAD AND UTILITY TRANSMISSION FACILITIES.
3. TEMPORARY OR SEASONAL FLOODPLAIN OCCUPANCY, SUCH AS CIRCUS SITES, FAIR SITES, CANIVAL SITES, BOAR RAMPS, CAMPS, ROADSIDE STANDS AND TRANSIENT AMUSEMENT FACILITY SITES.
4. WATER-RELATED URBAN USES, SUCH AS WASTEWATER TREATMENT FACILITIES, STORM SEWERS, ELECTRIC GENERATING AND TRANSMISSION FACILITIES AND WATER TREATMENT FACILITIES.
5. OTHER FLOOD-TOLERANT OR OPEN SPACE URBAN USES, SUCH AS FLOOD-PROOFED INDUSTRIAL AND COMMERCIAL BUILDINGS, RACE TRACKS, TENNIS COURTS, PARK BUILDINGS, OUTDOOR THEATERS, FILLS, TRUCK FREIGHT TERMINALS, RADIO OR TV TOWERS, PARKING LOTS AND MINERAL EXTRACTIONS.

FF FLOODWAY FINGE DISTRICT

WHERE THE FLOODWAY FINGE (FF) DISTRICT OVERLAPS WITH ANY OTHER DISTRICT, THE USES PERMITTED BY RIGHT OR BY SPECIAL EXCEPTIONS IN THE OTHER DISTRICT, SHALL BE CONSTRUCTED TO HAVE A FLOOD PROTECTION GRADE AT LEAST TWO FEET ABOVE THE REGULATORY FLOOD PROFILE AS ESTABLISHED BY THE NATURAL RESOURCES.

IN THE A-1 AGRICULTURAL DISTRICT, NO NON-AGRICULTURAL BUILDING SHALL BE LOCATED CLOSER THAN 750 FEET TO AN EXISTING AGRICULTURAL BUILDING OR A CONFINED FEEDING OPERATION.

PERMITTED USES

SPECIAL EXCEPTIONS (SECTION 504)

A-1 AGRICULTURAL DISTRICT

1. AGRICULTURE
2. SINGLE-FAMILY DWELLING
(SEE B AND C)
3. PUBLIC AND PAROCHIAL SCHOOLS
4. PUBLIC PARKS & PLAYGROUNDS
5. CHURCHES & CEMETERIES
6. ESSENTIAL SERVICES
7. ACCESSORY USES
8. ROADSIDE AGRICULTURE
PRODUCE STAND
9. MANUFACTURED HOMES
(STYLE I)
10. GREENHOUSES & NURSERIES
11. GRAIN ELEVATORS
12. CERTIFIED RESIDENCE CHILD
DAYCARE HOME

1. COMMERCIAL RECREATIONAL USES
2. NURSERY SCHOOLS
3. HOSPITALS & CLINICS
4. PUBLIC UTILITY STRUCTURE
5. SWIMMING POOLS (PUBLIC)
6. FIRE STATIONS
7. MUNICIPAL BULDINGS & LIBRARIES
8. NURSING HOMES
9. MANUFACTURED HOME PARKS
10. FEED MILLS & FERTILIZER SALES
11. GOLF COURSES
12. PRIVATE CLUBS & CAMPS
13. HOE OCCUPATIONS
14. WATER & SEWAGE TREATMENT PLANTS
15. MINERAL EXCAVATION
16. SANITARY LANDFILLS
17. VETERINARY HOSPITAL
18. TWO-FAMILY DWELLINGS
19. PRIVATE AIR STRIP
20. ANIMAL KENNEL
21. TRUCK TERMINALS (SEE D)
22. SALVAGE & JUNK YARD
23. SUPPLY YARD
24. WAREHOUSES
25. AUCTION HOUSE
26. GENERAL STORE (SEE E)
27. RECREATIONAL VEHICLE PARK
28. PLANNED UNIT RESIDENT DEVELOP.
29. RESOURCE RECOVERY FACILITY
30. MAUFACTURED HOMES (STYLE II & III)
31. CONFINED FEEDING OPERATION (SEE A)

A. PROVIDING THAT NAY CONFINED FEEDING OPERATION IS LOCATED AT LEAST 100 FEET FROM A STREET RIGHT-OF-WAY LINE, 750 FEET FROM A RESIDENTIAL DISTRICT BOUNDARY LINE AND 750 FEET FROM A RESIDENTIAL USE OTHER THAN THAT OF THE APPLICANT.

B. SINGLE-FAMILY DWELLINGS AND MANUFACTURED HOMES PROVIDED THEY ARE OCCUPIED BY A FAMILY ENGAGED IN AGRICULTURE; OR, SINGLE-FAMILY DWELLINGS AND MANUFACTURED HOMES PROVIDED THEY ARE ON A LOT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OR LAND CONTRACTS DATE PRIOR TO THE EFFECTIVE DATE OF THE ADOPTION OF THE ORDINANCE; OR, SINGLE-FAMILY DWELLINGS WHICH HAVE BEEN OCCUPIED BY A FAMILY ENGAGED IN AGRICULTURE AND SUBSEQUENTLY DIVIDED FROM THE FARM.

C. SINGLE-FAMILY DWELLINGS NOT OCCUPIED BY A FAMILY ENGAGED IN AGRICULTURE, PROVIDED THE LOT IS THREE (3) ACRES OR MORE.

D. SHALL BE A MINIMUM OF FIVE (5) ACRES AND NOT TO EXCEED TEN (10) TRUCKS

E. BUILDING SHALL NOT EXCEED 2400 SQUARE FEET AND MERCHANDISE SHALL BE CONFINED TO BUILDING UNLESS OTHERWISE STATED IN APPEAL.

PERMITTED USES

SPECIAL EXCEPTIONS (SEC. 504)

R-1 RESIDENTIAL DISTRICT

1. SINGLE-FAMILY DWELLINGS
2. PUBLIC & PAROCHIAL SCHOOLS
3. PUBLIC PARKS & PLAYGROUNDS
4. CHURCHES & CEMETERIES
5. ESSENTIAL SERVICES
6. ACCESSORY USES
7. AGRICULTURE, EXCEPT CONFINED FEEDING OPERATION
8. PLANNED UNIT RESIDENTIAL DEVELOP.
9. MANUFACTURED HOMES (STYLE 1)
10. CERTIFIED RESIDENCE CHILD DAYCARE HOME

1. NURSERY SCHOOLS
2. HOSPITALS & CLINICS
3. PUBLIC UTILITY STRUCTURES
4. SWIMMING POOLS (PUBLIC)
5. FIRE STATION
6. MUNICIPAL BUILDINGS & LIBRARIES
7. PRIVATE CLUBS
8. PARKING LOTS
9. GOLF COURSES
10. HOME OCCUPATIONS
11. WATER & SEWAGE TREATMENT PLANTS
12. NURSING HOMES

R-2 RESIDENTIAL DISTRICT

1. SINGLE-FAMILY DWELLINGS
2. TWO-FAMILY DWELLINGS
3. PUBLIC & PAROCHIAL SCHOOLS
4. CHURCHES
5. PUBLIC PARKS & PLAYGROUNDS
6. ESSENTIAL SERVICES
7. ACCESSORY USES
8. PLANNED UNIT RESIDENTIAL DEVELOP.
9. MANUFACTURED HOMES (STYLE I)
10. CERTIFIED RESIDENCE CHILD DAYCARE HOME

1. NURSERY SCHOOLS
2. HOSPITALS & CLINICS
3. PUBLIC UTILITY STRUCTURES
4. SWIMMING POOLS (PUBLIC)
5. FIRE STATIONS
6. MULTIPLE-FAMILY DWELLINGS
7. MUNICIPAL BUILDINGS & LIBRARIES
8. NURSING HOMES
9. PRIVATE CLUBS
10. PARKING LOTS
11. HOME OCCUPATIONS
12. FUNERAL HOMES
13. BOARDING HOUSES

R-3 RESIDENTIAL DISTRICT

1. SINGLE FAMILY DWELLINGS
2. TWO-FAMILY DWELLINGS
3. MULTIPLE -FAMILY DWELLINGS
4. PUBLIC & PAROCHIAL SCHOOLS

1. NURSERY SCHOOLS
2. HOSPITALS & CLINICS
3. PUBLIC UTILITY STRUCTURES
4. SWIMMING POOLS (PUBLIC)

PERMITTED USES

SPECIAL EXCEPTIONS (SEC.504)

R-3 RESIDENTIAL DISTRICT CONTINUED

5. CHURCHES
6. PUBLIC PARKS & PLAYGROUNDS
7. PARKING LOTS
8. BOARDING HOUSES
9. ESSENTIAL SERVICES
10. ACCESSORY USES
11. PLANNED UNIT RESIDENTIAL DEVELOP.
12. MANUFACTURED HOMES (STYLE I)
13. CERTIFIED RESIDENCE CHILD DAYCARE HOME

5. FIRE STATIONS
6. MUNICIPAL BUILDINGS & LIBRARIES
7. NURSING HOMES
8. PRIVATE CLUBS
9. HOME OCCUPATIONS
10. FUNERAL HOMES
11. MAUFACTURED HOME PARKS
12. PROFESSIONAL OFFICES
13. CRAFT SHOP
14. BEAUTY SHOP
15. REAL ESTATE OFFICES
16. VETERINARY OFFICE
17. MANUFACTURED HOMES (STYLE II & III)
18. RETAIL BUSINESS
19. OFFICES
20. INDOOR AUCTION HOUSE (SEE A)

A. NO LIVESTOCK, VERTEBRATE OR INVERTEBRATE ANIMALS

B-1 BUSINESS DISTRICT

1. RETAIL BUSINESS
2. EATING & DRINKING ESTABLISHMENTS
3. OFFICES & BANKS
4. PERSONAL & PROFESSIONAL SERVICES
5. FIRE STATIONS & MUNICIPLE BUILDINGS
6. PUBLIC PARKS & PLAYGROUNDS
7. PARKING LOTS
8. ESSENTIAL SERVICES
9. ACCESSORY USES
10. PLANNED UNIT BUSINESS DEVELOP.
11. CERTIFIED RESIDENCE CHILD DAYCARE HOME

1. RESEARCH LABORATORIES
2. THEATERS
3. MULTIPLE-FAMILY DWELLINGS
4. SINGLE-FAMILY DWELLINGS
5. AUTO SALES, SERVICE, REPAIR
6. WHOLESALE BUSINESS
7. HOTELS & MOTELS
8. COMMERCIAL SCHOOLS
9. COMMERCIAL RECREATION
10. PUBLIC UTILITY STRUCTURES
11. PRINTING SHOPS
12. CHURCHES
13. PUBLIC & PAROCHIAL SCHOOLS
14. CLEANING & LAUNDRY PLANTS
15. PRIVATE CLUBS
16. PUBLIC TRANSPORTATION TERMINALS
17. DRIVE-IN BUSINESSES
18. MANUFACTURING (LIGHT)
19. ADULT BOOKSTORE (SEE A)
20. MANUFACTURED HOMES (STYLE II & III)
21. AUCTION HOUSE

A. STORE MUST BE 500 FEET FROM ANY RESIDENCE, CHURCH OR SCHOOL PROPERTY LINE.

PERMITTED USES

1. RETAIL BUSINESS
2. EATING & DRINKING ESTABLISHMENTS
3. OFFICES & BANKS
4. PERSONAL & PROFESSIONAL SERVICES
5. FIRE STATIONS & MUNICIPAL BUILDINGS
6. PUBLIC PARKS & PLAYGROUNDS
7. PARKING LOTS
8. ESSENTIAL SERVICES
9. ACCESSORY USES
10. PLANNED UNIT BUSINESS DEVELOP.
11. CERTIFIED RESIDENCE CHILD DAYCARE HOME

SPECIAL EXCEPTIONS (SEC. 504)

B-2 BUSINESS DISTRICT

1. SINGLE-FAMILY DWELLINGS
2. MULTIPLE-FAMILY DWELLINGS
3. AUTO SALES, SERVICE, REPAIR
4. HOTELS & MOTELS
5. COMMERCIAL RECREATION
6. PUBLIC UTILITY STRUCTURES
7. CHURCHES
8. PUBLIC & PAROCHIAL SCHOOLS
9. PRIVATE CLUBS
10. DRIVE-IN BUSINESSES
11. FUNERAL HOME
12. MANUFACTURED HOMES (STYLE I, II & III)
13. AUCTION HOUSE
14. WAREHOUSES

B-3 BUSINESS DISTRICT

- | | |
|--|--|
| <ol style="list-style-type: none">1. RETAIL BUSINESS2. EATING & DRINKING ESTABLISHMENTS3. OFFICES & BANKS4. PERSONAL & PROFESSIONAL SERVICES5. FIRE STATIONS & MUNICIPAL BUILDINGS6. WHOLESALE BUSINESS7. PARKING LOTS8. PUBLIC PARKS & PLAYGROUNDS9. ACCESSORY USES10. ESSENTIAL SERVICES11. AUTOMOBILE SALES, SERVICE, REPAIR12. HOTELS & MOTELS13. CLEANING & LAUNDRY PLANTS14. PRIVATE CLUBS15. DRIVE-IN BUSINESSES16. VETERINARY HOSPITAL17. ANIMAL KENNEL18. PLANNED UNIT BUSINESS DEVELOP. | <ol style="list-style-type: none">1. THEATERS2. SUPPLY YARDS3. COMMERCIAL RECREATION4. DAIRIES5. SINGLE-FAMILY DWELLINGS6. MULTIPLE-FAMILY DWELLINGS7. PUBLIC UTILITY STRUCTURES8. PRINTING SHOPS9. WAREHOUSES10. COMMERCIAL SCHOOLS11. CHURCHES12. PUBLIC & PAROCHIAL SCHOOLS13. HOSPITALS & CLINICS14. FUNERAL HOMES15. FARM IMPLEMENT SALES, SERVICE, REPAIR16. MANUFACTURED HOME PARKS17. PUBLIC TRANSPORTATION TERMINALS18. MANUFACTURED HOME SALES19. LIVESTOCK AUCTION20. LIGHT MANUFACTURING21. RECREATIONAL VEHICLE PARK22. MANUFACTURED HOMES (STYLE I, II & III)23. AUCTION HOUSE |
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PERMITTED USES

SPECIAL EXCEPTIONS (SEC.504)

I-1 INDUSTRIAL DISTRICT

- | | |
|------------------------------------|--|
| 1. RESEARCH & TESTING LABORATORIES | 1. MOTELS |
| 2. OFFICES | 2. RESTAURANTS |
| 3. WAREHOUSES | 3. TRUCK & RAILROAD TERMINALS |
| 4. PARKING LOTS | 4. SUPPLY YARDS |
| 5. MANUFACTURING | 5. FIRE STATIONS & MUNICIPAL BUILDINGS |
| 6. AGRICULTURE | 6. WATER & SEWAGE TREATMENT PLANTS |
| 7. ESSENTIAL SERVICES | 7. OUTDOOR STORAGE (SEE A) |
| 8. ACCESSORY USES | 8. PROCESSING |
| 9. WHOESALE BUSINESS | 9. RESOURCE RECOVERY FACILITY |
| 10. PUBLIC UTILITY STRUCTURES | |
| 11. PLANNED UNIT INDUSTRIAL DEVEL. | |

A. MATERIAL SHALL BE STORED IN A SAFE AND ORDERLY MANNER AND THE PROPERTY SHALL BE FENCED.

I-2 INDUSTRIAL DISTRICT

- | | |
|------------------------------------|---|
| 1. AGRICULTURE | 1. RESTAURANTS |
| 2. RESEARCH & TESTING LABORATORIES | 2. STOCKYARDS & SLAUGHTERHOUSES |
| 3. OFFICES | 3. FIRE STATIONS & MUNICIPAL BUILDINGS |
| 4. WAREHOUSES | 4. WATER & SEWAGE TREATMENT PLANTS |
| 5. PARKING LOTS | 5. AIRPORTS |
| 6. MANUFACTURINIG | 6. MINERAL EXCAVATION |
| 7. ESSENTIAL SERVICES | 7. JUNK YARDS |
| 8. ACCESSORY USES | 8. BULK FUEL STORAGE |
| 9. WHOLESALE BUSINESSES | 9. CONCRETE MIXING |
| 10. GRAIN ELEVATORS | 10. MANUFACTURING & PROCESSING OF EXPLOSIVE MATERIALS |
| 11. SUPPLY YARDS | 11. OUTDOOR STORAGE (SEE A) |
| 12. TRUCK & RAILROAD TERMINALS | 12. RESOURCE RECOVERY FACILITY |
| 13. PUBLIC UTILITY STRUCTURES | |
| 14. PLANNED UNIT INDUSTRIAL DEVEL. | |

A. MATERIAL SHALL BE STORED IN A SAGE AND ORDERLY MANNER AND THE PROPERTY SHALL BE FENCED.

212 **LOT AND YARD REQUIREMENTS:** THE MINIMUM LOT AREA, MINIMUM WIDTH OF LOT, MINIMUM DEPTH OF FRONT YARD, MINIMUM WIDTH OF EACH SIDE YARD AND MINIMUM DEPTH OF REAR YARD FOR EACH DISTRICT SHALL BE AS SHOWN ON THE FOLLOWING TABLE:

DISTRICT	MIN. LOT AREA	MIN. LOT ARE PER FAMILY	MIN. LOT WIDTH	MIN. FRONT SETBACK	MIN.* SIDE SETBACK	MIN.* REAR SETBACK
	SQ. FT.	SQ. FT.	FEET	FEET	FEET	FEET
FP	40,000	NA	150	40	20	20
FW	40,000	NA	150	40	20	20
A-1	40,000	20,000	150	40	20	20
R-1	10,000**	10,000	80	35	10	10
R-2	7000**	3500	60	30	8	10
R-3	6000**	2500	50	20	8	10
B-1	3000**	3500	30	0	0	0
B-2	7200**	3500	60	30	8	10
B-3	10,000**	5000	75	30	10	10
I-1	20,000	NA	100	30	20	20
I-2	80,000	NA	200	40	20	20

* PRINCIPAL STRUCTURES

** THE MINIMUM LOT AREA SHALL BE 40,000 SQUARE FEET OR THE MINIMUM AREA DETERMINED BY THE SANITARIAN FOR AN APPROVED SEPTIC SYSTEM, WHICHEVER IS LARGER, IF THE LOT IS NOT SERVED BY A COMMUNITY SANITARY SEWER SYSTEM APPROVED BY THE STATE BOARD OF HEALTH.

212.1 LOTS WHICH ABUT ON MORE THAN ONE THOROUGHFARE SHALL PROVIDE THE REQUIRED FRONT YARD ALONG EVERY THOROUGHFARE, EXCEPT ALLEYS.

212.2 NO PORTION OF A PRINCIPAL STRUCTURE, WHETHER OPEN OR ENCLOSED, INCLUDING GARAGES, PORCHES, CARPORTS, BALCONIES, ROOFS OR PLATFORMS ABOVE NORMAL GRADE LEVEL, SHALL PROJECT INTO ANY MINIMUM FRONT, SIDE OR REAR YARD.

212.3 ANY LOT OF RECORD EXISTING AT THE EFFECTIVE DATE OF THIS ORDINANCE AND THEN HELD IN SEPARATE OWNERSHIP DIFFERENT FROM THE OWNERSHIP OF ADJOINING LOTS MAY BE USED FOR THE ERECTION OF A STRUCTURE CONFORMING TO THE USE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED, EVEN THOUGH IT'S AREA AND WIDTHS ARE LESS THAN THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.

212.4 IN ANY RESIDENTIAL DISTRICT WHERE AT LEAST TWENTY-FIVE PERCENT OF THE LOTS IN A BLOCK ARE OCCUPIED BY EXISTING RESIDENTIAL STRUCTURES, THE MINIMUM DEPTH OF A FRONT YARD SHALL NOT BE ANY LESS THAN THE AVERAGE OF THE DEPTHS OF THE FRONT YARDS OF THE EXISTING RESIDENTIAL STRUCTURES.

212.5 ACCESSORY STRUCTURES SHALL NOT BE LOCATED CLOSER THAT FIVE (5) FEET FROM THE SIDE AND REAR PROPERTY LINES AND SHALL NOT BE LOCATED IN ANY REQUIRED FRONT YARD.

213 HEIGHT **REGULATIONS:** EXCEPT IN THE **A-1, B-1, I-1 AND I-2 DISTRICTS**, NO PRINCIPAL STRUCTURE SHALL EXCEED THIRTY-FIVE (35) FEET IN HEIGHT ABOVE AVERAGE GROUND LEVEL AND NO ACCESSORY BUILDING SHALL EXCEED TWENTY (20) FEET IN HEIGHT ABOVE AVERAGE GROUND LEVEL UNLESS APPROVED BY THE BOARD OF ZONING APPEALS. IN ANY DISTRICT, THE BOARD MAY AUTHORIZE A VARIANCE TO THIS HEIGHT REGULATION IF:

213.1 ALL FRONT AND SIDE YARD DEPTHS ARE INCREASED ONE FOOT FOR EACH ADDITIONAL FOOT OF HEIGHT; OR

213.2 THE STRUCTURE IS ANY OF THE FOLLOWING AND DOES NOT CONSTITUTE A HAZARD TO AN ESTABLISHED AIRPORT, TELEVISION AND RADIO TOWERS, CHURCH SPIRES, BELFRIES, MONUMENTS, TANKS, WATER AND FIRE TOWERS, STAGE TOWERS AND SCENERY LOFTS, COOLING TOWERS, ORNAMENTAL TOWERS AND SPIRES, CHIMNEYS, SILOS, ELEVATOR BULKHEADS, SMOKESTACKS, CONVEYORS, FLAG POLES AND ELECTRICAL SUB STATIONS.

ARTICLE 3 – GENERAL REGULATIONS

301 **NON-CONFORMING USES OF LAND AND STRUCTURES:** IF A LAWFUL USE OF LAND, A STRUCTURE, OR OF A STRUCTURE AND LAND IN COMBINATION EXISTS AT THE EFFECTIVE DATE OF THE ADOPTION OR AMENDMENT OF THIS ORDINANCE THAT WOULD NOT BE PERMITTED IN THE DISTRICT UNDER THE TERMS OF THIS ORDINANCE, THAT USE MAY BE CONTINUED SUBJECT TO THE FOLLOWING PROVISIONS:

301.1 NO EXISTING LAND OR STRUCTURE DEVOTED TO A USE NO PERMITTED BY THIS ORDINANCE IN THE DISTRICT IN WHICH IT IS LOCATED SHALL BE ENLARGED, EXTENDED, CONTRUCTED, RECONSTRUCTED, MOVED OR STRUCTURALLY ALTERED EXCEPT IN CHANGING THE USE OF THE LAND OR STRUCTURE TO A USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED. IN THE COUNTY JURISDICTION, THIS PROVISION MAY BE MODIFIED BY THE BOARD OF ZONING APPEALS.

301.2 ANY NON-CONFORMING USE MAY BE EXTENDED THROUGHOUT ANY PARTS OF A BUILDING WHICH WERE MANIFESTLY ARRANGED OR DESIGNED FOR SUCH USE AT THE TIME OF ADOPTION OR AMENDMENT OF THIS ORDINANCE, BUT NO SUCH USE SHALL BE EXTENDED TO OCCUPY ANY LAND OUTSIDE SUCH BUILDING.

301.3 ANY NON-CONFORMING USE OF LAND, A STRUCTURE, OR STRUCTURE AND LAND TOGETHER, MAY BE CHANGED TO ANOTHER NON-CONFORMING USE PROVIDED THAT THE BOARD, EITHER BY GENERAL RULE OR BY MAKING FINDINGS IN THE SPECIFIC CASE, SHALL FIND THAT THE PROPOSED USE IS EQUALLY APPROPRIATE OF MORE APPROPRIATE TO THE DISTRICT THAN THE EXISTING NON-CONFORMING USE. IN PERMITTING SUCH CHANGE, THE BOARD MAY REQUIRE APPROPRIATE CONDITIONS AND SAFEGUARDS IN ACCORD WITH THE PROVISIONS OF THIS ORDINANCE.

301.4 ANY LAND, STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION, IN OR ON WHICH A NON-CONFORMING USE IS SUPERSEDED BY A PERMITTED USE, SHALL THEREAFTER CONFORM TO THE REGULATIONS FOR THE DISTRICT IN WHICH SUCH STRUCTURE IS LOCATED AND THE NON-CONFORMING USE MAY NOT THEREAFTER BE RESUMED.

301.5 WHEN A NON-CONFORMING USE OF LAND, A STRUCTURE, OR STRUCTURE AND PREMISES IN COMBINATION, IS DISCONTINUED OR ABANDONED FOR TWELVE (12) CONSECUTIVE MONTHS, THE STRUCTURE OR STRUCTURE AND PREMISES IN COMBINATION SHALL NOT THEREAFTER BE USED EXCEPT IN CONFORMANCE WITH REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED. IN THE COUNTY AND MONTPELIER JURISDICTIONS, THIS PROVISION MAY BE MODIFIED BY THE BOARD OF ZONING APPEALS.

301.6 WHERE NON-CONFORMING STRUCTURE USE STATUS APPLIES TO A STRUCTURE AND PREMISES IN COMBINATION, REMOVAL OR DESTRUCTION OF THE STRUCTURE SHALL ELIMINATE THE NON-CONFORMING STATUS OF THE LAND.

301.7 ANY NON-CONFORMING STRUCTURE DAMAGED BY FIRE, FLOOD, EXPLOSION OR OTHER CASUALTY MAY BE RECONSTRUCTED AND USED AS BEFORE IF SUCH RECONSTRUCTION IS UNDERTAKEN WHITHIN TWELVE MONTHS OF SUCH CASUALTY, AND IF THE RESTORED STRUCTURE HAS NO GREATER COVERAGE AND CONTAINS NO GREATER CUBIC

CONTENT THAN BEFORE SUCH CASUALTY. THIS PROVISION MAY BE MODIFIED BY THE BOARD OF ZONING APPEALS.

301.8 ALL MOBILE HOMES WHICH WERE INSTALLED BEFORE MAY 16, 1973, IN THE CITY OF HARTFORD CITY, BEFORE JULY 1, 1974, IN THE CITY OF MONTPELIER AND BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE IN THE UNINCORPORATED PORTION OF BLACKFORD COUNTY ARE HEREBY SPECIFICALLY DELARED TO BE LEGAL NON-CONFORMING USES, SUCH MOBILE HOMES MAY BE ENLARGED OR REPLACED WITHOUT BOARD APPROVAL UPON THE CONDITION THAT SUCH ENLARGEMENT OR REPLACEMENT CONFORMS WITH ALL OTHER PROVISIONS OF THIS ORDINANCE AND THE NECESSARY PERMITS ARE OBTAINED.

301.9 NO NON-CONFORMING USE IN A FLOODWAY DISTRICT SHALL BE EXPANDED OR ENLARGED WITHOUT A PERMIT FOR CONSTRUCTION IN A FLOODWAY FROM NATURAL RESOURCES.

301.10 A NON-CONFORMING USE IN A FLOODWAY FRINGE DISTRICT MAY BE ALTERED, ENLARGED OR EXTENDED, ON A ONE TIME ONLY BASIS, PROVIDED SUCH ALTERATIONS, ENLAREMENTS OR EXTENSIONS DO NOT INCREASE THE VALUE OF THE BUILDING OR STRUCTURE, EXCLUDING THE VALUE OF LAND, BY MORE THAN FIFTY PERCENT (50%) OF ITS PRE-IMPROVEMENT MARKET VALUE, UNLESS SUCH BUILDING OR STRUCTURE IS PERMANENTLY CHANGED TO A CONFORMING USE.

301.11 A NON-CONFORMING USE IN A FLOODPLAIN DISTRICT MAY BE ALTERED, ENLARGED OR EXTENDED, ON A ONE TIME ONLY BASIS, PROVIDED THE PROCEDURES SET FORTH IN THIS ORDINANCE ARE FOLLOWED AND FUTHER PROVIDED SUCH ALTERATIONS, ENLARGEMENTS OR EXTENSIONS DO NOT INCREASE THE VALUE OF THE BULDING OR STRUCTURE, EXCLUDING THE VALUE OF LAND, BY MORE THAN FIFTY PERCENT (50%) OF ITS PRE-IMPROVEMENT MARKET VALUE, UNLESS SUCH BUILDING OR STRUCTURE IS PERMANENTLY CHANGED TO A CONFORMING USE.

301.12 ANY NON-CONFORMING USE IN THE FP, FW ANDFF DISTRICTS WHICH IS DAMAGED BY FLOOD, FIRE, EXPLOSION, ACT OF GOD OR THE PUBLIC ENEMY MAY BE RESTORED TO ITS ORIGINAL DIMENSIONS AND CONDITIONS, PROVIDED THE DAMAGE DOES NOT REDUCE THE VALUE OF THE BUILDINGS, EXCLUDING THE VALUE OF THE LAND BY MORE THAN FIFTY PERCENT (50%) OF IT PRE-DAMAGED VALUE.

302 ACCESSORY USES AND STRUCTURES:

302.1 FENCES, HEDGES, WALKS, DRIVEWAYS, CURBS, RETAINING WALLS, LATTICE-WORK SCREENS, TREES, FLOWERS, PLANTS, MAIL BOXES, NAMEPLATES, LAMP POSTS, BIRDBATHS, BENCHES AND LANDSCAPING OF A LIKE NATURE ARE PERMITTED IN ANY REQUIRED FRONT, SIDE OR REAR YARD PROVIDED THEY DO NO VIOLATE THE REQUIREMENTS OF SECTION 303.

302.2 ACCESSORY STRUCTURES SHALL BE PERMITTED INANY REAR YARD PROVIDED ANY STRUCTURE OVER 100 SQUARE FEET IN AREA (WHETHER TEMPORARY OR PERMANENT) SHALL REQUIRE A PERMIT, NO STRUCTURE SHALL OCCUPY MORE THAN THIRTY PERCENT (30%) OF THE REQUIRED REAR YARD AND THE STRUCTURE SHALL CONFORM TO SECTION 212.5 OF THIS ORDINANCE. ANY ACCESSORY BUILDING HAVING MORE THAN 1200 SQUARE FEET MUST BE APPROVED BY THE BOARD OF ZONING APPEALS AS A SPECIAL EXCEPTION BEFORE A PERMIT CAN BE GRANTED.

302.3 NO PERMANENT ACCESSORY STRUCTURE SHALL BE CONSTRUCTED ON ANY LOT PRIOR TO THE TIME OF CONSTRUCTION OF THE PRINCIPAL BUILDING TO WHICH IT IS ACCESSORY.

302.4 MIGRANT HOUSING FACILITIES OF ALL TYPES MAY BE PERMITTED AS ACCESSORY USES IN CONJUNCTION WITH AN AGRICULTURAL OPERATION PROVIDED THAT THE HOUSING IS NOT OCCUPIED MORE THAN SIX MONTHS IN EVERY CALENDAR YEAR, THAT THE MIGRANT HOUSING CONFORMS TO ALL APPLICABLE COUNTY AND STATE REQUIREMENTS AND IS LOCATED AT LEAST 200 FEET FROM A RESIDENTIAL LOT OR DISTRICT BOUNDARY LINE.

302.5 A PRIVATE SWIMMING POOL SHALL BE PERMITTED AS AN ACCESSORY USE IF IT IS SURROUNDED BY A WALL OR FENCE SO AS TO PREVENT UNCONTROLLED ACCESS.

302.6 AN ACCESSORY STRUCTURE SHALL BE PERMITTED AS AN ACCESSORY DWELLING PROVIDED THE ACCESSORY DWELLING SHALL BE OCCUPIED BY ELDERLY, BLOOD RELATIVES (MOTHER, FATHER, GRANDMOTHER, GRANDFATHER, ETC.) OF THE FAMILY RESIDING IN THE PRINCIPAL DWELLING AND SHALL CONFORM TO SECTIONS 212.5 AND 302.2 OF THIS ORDINANCE.

302.7 FENCES SHALL BE SETBACK ONE (1) FOOT FROM THE PROPERTY LINE UNLESS IT IS A JOINT FENCE, IN WHICH CASE THE FENCE SHALL BE PLACED ON THE PROPERTY LINE AND PROVIDED THE FENCE SHALL CONFORM TO SECTION 303 OF THIS ORDINANCE.

302.8 EARTHEN STRUCTURES SHALL BE PERMITTED TO A TWENTY (20) FOOT MAXIMUM HEIGHT AND TWENTY (20) FOOT EXCAVATION OR LESS.

303 VISUAL **CLEARANCE ON CORNER LOTS:** ON A CORNER LOT IN ANY DISTRICT, EXCEPT THE B-1 DISTRICT, NOTHING SHALL BE ERECTED, PLACED, PLANTED OR ALLOWED TO GROW IN SUCH A MANNER AS TO MATERIALLY IMPEDE VISION BETWEEN A HEIGHT OF TWO AND ONE-HALF (2 ½) AND TEN (10) FEET ABOVE THE CENTERLINE GRADES OF THE INTERSECTING STREETS, IN THE AREA BOUNDED BY THE STREET RIGHT OF WAY LINES OF THE CORNER LOT AND A LINE JOINING TWO POINTS ON THE STREET RIGHT OF WAY LINES THIRTY-FIVE (35) FEET FROM THE POINT OF THEIR INTERSECTION.

304 TEMPORARY **USES OF LAND OR STRUCTURES:** A PERMIT FOR A TEMPORARY STRUCTURE OR LAND USE SUCH AS CARNIVALS, REVIVAL MEETINGS, CONSTRUCTION FACILITIES, SEASONAL SALES OR USES OF A SIMILAR NATURE MAY BE ISSUED BY THE ZONING ADMINISTRATOR PROVIDED THE FOLLOWING CONDITIONS ARE ADHERED TO:

304.1 THE USE IS, IN FACT, TEMPORARY AND WILL TERMINATE AT A SPECIFIC TIME.

304.2 THE PROPOSED SITE IS OF ADEQUATE SIZE TO ACCOMMODATE THE USE WITHOUT CREATING CONGESTION IN THE STREETS OR INADEQUATE CIRCULATION FOR FIRE AND OTHER EMERGENCY VEHICLES.

304.3 ADEQUATE PARKING, BOTH OFF-STREET AND ON-STREET, IS AVAILABLE WITHING 1400 FEET OF THE PROPOSED SITE.

304.4 OUTDOOR LIGHTING WILL BE SHIELDED OR DIRECTED AWAY FROM ADJOINING RESIDENTIAL PROPERTY AND STREETS.

304.5 THE SIGN REGULATIONS OF SECTION 306 SHALL BE OBSERVED.

304.6 NEIGHBORING USES ARE NOT ADVERSELY AFFECTED.

304.7 A MANUFACTURED HOME MAY BE MOVED ONTO A LOT AND BE USED AS A TEMPORARY DWELLING UNTIL THE PERMANENT DWELLING IS BUILT OR REPAIRED DUE TO ITS DESTRUCTION BY NAURAL CAUSES. THE TEMPORARY PERMIT SHALL BE VALID FOR A PERIOND OF NOT MORE THAN SIX (6) MONTHS. ONE (1) EXTENSION OF NOT MORE THAN SIX (6) MONTHS MAY BE PERMITTED.

305 **OFF-STREET PARKING AND LOADING:** THE OFF-STREET PARKING AND LOADING PROVISIONS OF THIS ORDINANCE SHALL APPLY AS FOLLOWS:

305.1 EXCEPT IN THE B-1 DISTRICT, ALL BUILDINGS AND STRUCTURES ERECTED AND ALL USES OF LAND ESTABLISHED AFTER THE ADOPTION OF THIS ORDINANCE SHALL BE PROVIDED WITH OFF-STREET PARKING AND LOADING SPACES AS SET FORTH IN THIS SECTION.

305.2 THE PROVISIONS OF THE SECTION, EXCEPT WHERE THERE IS A CHANGE OF USE, SHALL NOT APPLY TO ANY EXISTING BUILDING OR STRUCTURE.

305.3 WHENEVER A BUILDING OR STRUCTURE CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE IS CHANGED OR ENLARGED, IN FLOOD AREA, NUMBER OF EMPLOYEES, NUMBER OF HOUSING UNITS, SEATING CAPACITY, OR OTHERWISE, TO CREATE A NEED FOR AN INCREASE IN THE NUMBER OF PARKING SPACES, ADDITIONAL PARKING SPACES SHALL BE PROVIDED ON THE BASIS OF THE ENLARGEMENT OR CHANGE, PROVIDED, WHENEVER A BUILDING OR STRUCTURE EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE IS ENLARGED TO THE EXTENT OF FIFTY PERCENT (50%) OR MORE IN FLOOR AREA, NUMBER OF EMPLOYEES, NUMBER OF HOUSING UNITS, SEATING CAPACITY OR THERWISE, SAID BUILDING OR STRUCTURE SHALL THEN AND THEREAFTER COMPLY WITH THE FULL PARKING REQUIREMENTS SET FORTH HEREIN.

305.4 ACCESSORY OFF-STREET PARKING FACILITIES IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE AND LOCATED ON THE SAME LOT AS THE BUILDING OR USE SERVED SHALL NOT HEREAFTER BE REDUCED BELOW, OR IF ALREADY LESS THAN, SHALL NOT BE FURTHER REDUCED BELOW THE REQUIREMENTS FOR A SIMILAR NEW BUILDING OR USE UNDER THE PROVISIONS OF THIS ORDINANCE.

305.5 THE FOLLOWING REGULATIONS HSALL GOVERN THE LOCATION OF OFF-STREET PARKING SPACES AND AREAS:

A. PARKING SPACES FOR ALL DETACHED RESIDENTIAL USES SHALL BE LOCATED ON THE SAME LOT AS THE USE WHICH THEY ARE INTENDED TO SERVE.

B. PARKING SPACES FOR COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL USES SHALL BE LOCATED NOT MORE THAN SEVEN HUNDRED (700) FEET FROM THE PRINCIPAL USE.

PARKING LOTS FATHER THAN SEVEN HUNDRED (700) FEET FROM THE PRINCIPAL USE MAY BE APPROVED BY THE BOARD.

C. PARKING SPACES FOR APARTMENTS, DORMITORIES OR SIMILAR RESIDENTIAL USES SHALL BE LOCATED NOT MORE THAN THREE HUNDRED (300) FEET FROM THE PRINCIPAL USE.

305.6 OFF-STREET PRKING SPACES MAY BE LOCATED IN ANY YARD, EXCEPT THE REQUIRED FRONT YARD.

305.7 A PARKING SPACE SHALL HAVE MINIMUM RECTANGULAR DIMENSIONS OF NOT LESS THAN NINE (9) FEET IN WIDTH AND NINETEEN (19) FEET IN LENGTH FOR NINETY (90) DEGREE PARKING, NINE (9) FEET IN WIDTH AND TWENTY-THREE (23) FEET IN LENGTH FOR PARALLEL PARKING, TEN (10) FEET IN WIDTH AND NINETEEN (19) FEET IN LENGTH FOR SIXTY (60) DEGREE PARKING AND TWELVE (12) FEET IN WIDTH AND NINETEEN (19) FEET IN LENGTH FOR FORTY-FIVE (45) DEGREE PARKING. ALL DIMENSIONS SHALL BE EXCLUSIVE OF DRIVEWAYS, AISLES AND OTHER CIRCULATION AREAS.

305.8 DRIVEWAYS SERVING INDIVIDUAL PARKING SPACES SHALL BE NOT LESS THAN TWENTY-FIVE (25) FEET WIDE FOR NINETY (90) DEGREE PARKING, TWELVE (12) FEET WIDE FOR PARALLEL PARKING, SEVENTEEN AND ONE-HALF (17 ½) FEET FOR SIXTY (60) DEGREE PARKING AND THIRTEEN (13) FEET FOR FORTY-FIVE (45) DEGREE PARKING.

305.9 TWO OR MORE NON-RESIDENTIAL USES MAY JOINTLY PROVIDE AND USE PARKING SPACES WHEN THEIR HOURS OF OPERATION DO NOT NORMALLY OVERLAP, PROVIDING THAT A WRITTEN AGREEMENT APPROVED BY THE COMMISSION SHALL BE FILED WITH THE APPLICATION FOR A PERMIT.

305.10 THE REQUIRED OFF-STREET PARKING SPACES FOR ANY NUMBER OF SEPARATE BUILDINGS, STRUCTURES OR USES MAY BE PROVIDED COLLECTIVELY ON ONE LOT PROVIDING THE TOTAL NUMBER OF SUCH SPACES SHALL NOT BE LESS THAN THE SUM OF THE REQUIREMENTS FOR THE VARIOUS INDIVIDUAL BUILDINGS, STRUCTURES OR USES COMPUTED SEPARATELY IN ACCORDANCE WITH SECTION 305.14.

305.11 WHEN TWO OR MORE USES ARE LOCATED WITHIN THE SAME BUILDING OR STRUCTURE, OFF-STREET PARKING SPACES EQUAL IN NUMBER TO THE SUM OF THE SEPARATE REQUIREMENTS FOR EACH USE SHALL BE PROVIDED.

305.12 ALL OFF-STREET PARKING AREAS REQUIRED BY THIS ORDINANCE SHALL BE USED ONLY FOR THE PARKING OF VEHICLES OF OCCUPANTS, PATRONS, VISITORS OR EMPLOYEES AND SHALL NOT BE USED FOR ANY KIND OF LOADING, SALES, SERVICING OR CONTINUOUS STORAGE OF A VEHICLE FOR MORE THAN FORTY-EIGHT (48) HOURS.

305.13 EVERY PARCEL OF LAND HEREAFTER USED AS A PUBLIC OR PRIVATE OFF-STREET PARKING AREA CAPABLE OF ACCOMMODATING FIVE (5) OR MORE VEHICLES SHALL BE DEVELOPED AND MAINTAINED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

A. EACH REQUIRED OFF-STREET PARKING SPACE SHALL HAVE DIRECT ACCESS TO AN AISLE OR DRIVEWAY AND ALL REQUIRED OFF-STREET PARKING AREAS SHALL HAVE VEHICULAR ACCESS TO A STREET OR ALLEY SO DESIGNED TO MINIMIZE INTERFERENCE WITH PEDESTRIAN AND TRAFFIC MOVEMENT.

B. ALL REQUIRED OFF-STREET PARKING SHALL BE PAVED WITH BITUMINOUS, CONCRETE OR OTHER ALL-WEATHER, DUST-PROOF SURFACING AND SHALL BE PROVIDED WITH BUMPER GUARDS OR BARRIER CURBS WHERE NEEDED.

C. ANY LIGHTING USED TO ILLUMINATE A REQUIRED OFF-STREET PARKING AREA SHALL BE PROVIDED WITH BUMPER GUARDS OR BARRIER CURBS WHERE NEEDED.

305.14 FOR THE PURPOSE OF THIS ORDINANCE, THE FOLLOWING PARKING SPACE REQUIREMENTS SHALL APPLY:

PARKING SPACE REQUIREMENTS

<u>TYPE OF USE</u>	<u>PARKING SPACES</u>
<u>RESIDENTIAL:</u>	
SINGLE FAMILY OR TWO-FAMILY DWELLING	TWO FOR EACH UNIT
APARTMENT HOTELS, APARTMENTS OR MULTI-FAMILY DWELLINGS	TWO FOR EACH UNIT
BOARDING HOUSES, ROOMING HOUSES, DORMITORIES AND FRATERNITY HOUSES WHICH HAVE SLEEPING ROOMS	TWO FOR EACH SLEEPING ROOM OR TWO FOR EACH PER OCCUPANT
MANUFACTURED HOMES	TWO FOR EACH UNIT
<u>COMMERCIAL:</u>	
AUTOMOBILE SERVICE STATIONS WHICH ALSO PROVIDE REPAIR	ONE FOR EACH TWO GASOLINE PUMPS AND TWO FOR EACH SERVICE BAY
HOTELS AND MOTELS	ONE PER EACH SLEEPING ROOM PLUS ONE SPACE FOR EACH TWO EMPLOYEES
FUNERAL PARLORS, MORTUARIES AND SIMILAR TYPE USES	ONE FOR EACH 100 SQ. FT. OF FLOOR AREA IN SLUMBER ROOMS, PARLORS OR SERVICE ROOMS

DINING ROOMS, RESTAURANTS, TAVERNS, NIGHT CLUBS, ETC.	ONE FOR EACH 200 SQ. FT. OF FLOOR SPACE
BOWLING ALLEYS	FOUR FOR EACH ALLEY OR LANE PLUS ONE ADDITIONAL SPACE FOR EACH 100 SQ. FT. OF THE AREA USED FOR RESTAURANT, COCKTAIL LOUNGE OR SIMILAR USE.
DANCE FLOORS AND SKATING RINKS	ONE FOR EACH 100 SQ. FT. OF FLOOR AREA USED FOR THE ACTIVITY
OUTDOOR SWIMMING POOLS (PUBLIC)	ONE FOR EACH 5 PERSONS CAPACITY
CLUBS	ONE FOR EACH 4 SEATS OR ONE FOR EACH 30 SQ. FT. OF FLOOR AREA USED FOR SEATING PURPOSES, WHICHEVER IS GREATER
AUDITORIUMS, SPORTS ARENAS, THEATERS AND SIMILAR USES	ONE FOR EACH 4 SEATS
RETAIL STORES	ONE FOR EACH 250 SQ. FT. OF FLOOR AREA
BANKS, FINANCIAL INSTITUTIONS AND SIMILAR USES	ONE FOR EACH 200 SQ. FT. OF FLOOR AREA
OFFICES, PUBLIC OR PROFESSIONAL, ADMINISTRATION OR SERVICE BUILDINGS	ONE FOR EACH 400 SQ. FT. OF FLOOR AREA
ALL OTHER TYPES OF BUSINESS OR COMMERCIAL USES PERMITTED IN ANY COMMERCIAL DISTRICT	ONE FOR EACH 300 SQ. FT. OF FLOOR AREA
<u>INSTITUTIONAL:</u>	
CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY	ONE FOR EACH 5 SEATS
HOSPITALS	ONE FOR EACH BED
SANITARIUMS, HOMES FOR THE AGED, NURSING HOMES, CHILDREN'S HOMES ASYLUMS AND SIMILAR USES	ONE FOR EACH 2 BEDS

MEDICAL AND DENTAL CLINICS

ONE FOR EVERY 200 SQ. FT. OF FLOOR AREA OF EXAMINATION, TREATING ROOM, OFFICE AND WAITING ROOM

LIBRARIES, MUSEUMS AND ART GALLERIES

ONE FOR EACH 400 SQ. FT. OF FLOOR AREA

SCHOOLS (PUBLIC, PAROCHIAL OR PRIVATE):

ELEMENTARY AND JUNIOR HIGH SCHOOLS

TWO FOR EACH CLASSROOM AND ONE FOR EVERY EIGHT SEATS IN AUDITORIUM OR ASSEMBLY HALLS

HIGH SCHOOLS

ONE FOR EVERY TEN STUDENTS AND ONE FOR EACH TEACHER AND EMPLOYEE

BUSINESS, TECHNICAL AND TRADE SCHOOLS

ONE FOR EACH TWO STUDENTS

COLLEGES AND UNIVERSITIES

ONE FOR EACH FOUR STUDENTS

KINDERGARTENS, CHILD CARE CENTERS, NURSERY SCHOOLS AND SIMILAR USES

TWO FOR EACH CLASSROOM BUT NOT LESS THAN SIX FOR THE BUILDING

INDUSTRIAL:

ALL TYPES OF MANUFACTURING, STORAGE AND WHOLESALE USES PERMITTED IN ANY INDUSTRIAL DISTRICT

ONE FOR EVERY 2 EMPLOYEES (ON THE LARGEST SHIFT FOR WHICH THE BUILDING IS DESIGNED) PLUS ONE FOR EACH MOTOR VEHICLE USED IN THE BUSINESS

CARTAGE, EXPRESS, PARCEL DELIVERY AND FREIGHT TERMINALS

ONE FOR EVERY 2 EMPLOYEES (ON THE LARGEST SHIFT FOR WHICH THE BUILDING IS DESIGNED) AND ONE FOR EACH MOTOR VEHICLE MAINTAINED ON THE PREMISES

OTHER:

PARKING SPACES FOR OTHER PERMITTED USES OR SPECIAL EXCEPTIONS NOT LISTED IN THIS ARTICLE SHALL BE DETERMINED BY THE BOARD.

305.15 A LOADING SPACE SHALL HAVE MINIMUM DIMENSIONS OF NOT LESS THAN TWELVE (12) FEET IN WIDTH, FIFTY (50) FEET IN LENGTH, EXCLUSIVE OF DRIVEWAYS, AISLES AND OTHER CIRCULATION AREAS AND A CLEARANCE HEIGHT OF NOT LESS THAN FIFTEEN (15) FEET, ONE OFF-STREET LOADING SPACE SHALL BE PROVIDED AND MAINTAINED ON THE SAME LOT FOR EVERY SEPARATE OCCUPANCY REQUIRING DELIVERY OF GOODS AND HAVING A GROSS FLOOR AREA OF UP TO FIVE THOUSAND (5000) SQUARE FEET, ONE LOADING SPACE SHALL BE PROVIDED FOR EACH ADDITIONAL TEN THOUSAND (10,000) SQUARE FEET OR FRACTION THEREOF.

305.16 ALL REQUIRED LOADING BERTHS SHALL BE LOCATED ON THE SAME LOT AS THE USE SERVED. NO PERMITTED OR REQUIRED LOADING BERTH SHALL BE LOCATED WITHIN FORTY (40) FEET OF THE NEAREST POINT OF INTERSECTION OF ANY TWO STREETS. NO LOADING BERTH SHALL BE LOCATED IN A REQUIRED FRONT YARD.

305.17 ALL OPEN OFF-STREET LOADING BERTHS SHALL BE IMPROVED WITH A CONCRETE PAVEMENT OR A COMPARABLE HARD SURFACE PAVEMENT.

306 **LIMITATION ON SIGNS:** NO SIGN SHALL BE PERMITTED IN ANY DISTRICT EXCEPT AS HEREIN PROVIDED:

306.1 **GENERAL REQUIREMENTS:**

A. NO SIGN SHALL BE PLACED IN OR OVER ANY PUBLIC RIGHT-OF-WAY EXCEPT PUBLICLY OWNED SIGNS, SUCH AS TRAFFIC CONTROL SIGNS AND DIRECTIONAL SIGNS, SIGNS DIRECTING AND GUIDING TRAFFIC AND PARKING ON PRIVATE PROPERTY BUT BEARING NO ADVERTISING MATTER SHALL BE PERMITTED ON ANY PROPERTY.

B. ALL NEW SIGNS IN EXCESS OF SIXTEEN (16) SQUARE FEET AND NOT AN INTEGRAL PART OF ANOTHER STRUCTURE SHALL REQUIRE AN IMPROVEMENT LOCATION PERMIT.

C. TEMPORARY SIGNS NOT EXCEEDING FIFTY (50) SQUARE FEET IN AREA, ANNOUNCING SPECIAL PUBLIC OR INSTITUTIONAL EVENTS, THE ERECTION OF A BUILDING, THE ARCHITECT, THE BUILDERS OR CONTRACTORS MAY BE ERECTED FOR A SPECIFIC PREDESIGNATED TIME PERIOD AND SHALL BE PROMPTLY REMOVED WHEN THEY HAVE FULFILLED THEIR FUNCTION.

D. SIGNS SHALL NOT BE ILLUMINATED IN ANY MANNER WHICH CAUSES UNDUE DISTRACTION, CONFUSION OR HAZARD TO VEHICULAR TRAFFIC.

E. LIGHTING USED TO ILLUMINATE A SIGN SHALL BE SHIELDED FROM RESIDENTIAL PROPERTIES.

F. NO SIGN SHALL BE PLACED ON PRIVATE OR PUBLIC PROPERTY WITHOUT THE WRITTEN CONSENT OF THE OWNER OR AGENT THEREOF.

306.2 SIGNS PERMITTED IN ALL DISTRICTS: THE FOLLOWING SIGNS SHALL BE PERMITTED IN ALL DISTRICTS.

A. SIGNS ADVERTISING THE SALE, LEASE OR RENTAL OF THE PREMISES UPON WHICH THE SIGN IS LOCATED SHALL NOT EXCEED TWELVE (12) SQUARE FEET IN AREA, EXCEPT IN ALL RESIDENTIAL DISTRICTS WHERE THE AREA OF THE SIGN SHALL NOT BE MORE THAN SIX (6) SQUARE FEET.

B. PROFESSIONAL NAME PLATES AND SIGNS SHALL NOT EXCEED (6) SQUARE FEET IN AREA.

C. SIGNS DENOTING THE NAME AND ADDRESS OF THE OCCUPANTS OF THE PREMISES SHALL NOT EXCEED (3) SQUARE FEET IN AREA.

D. SIGNS OR BULLETIN BOARDS CUSTOMARILY INCIDENTAL TO PLACES OF WORSHIP, LIBRARIES, MUSEUMS, SOCIAL CLUBS OR SOCIETIES SHALL NOT EXCEED (15) SQUARE FEET IN AREA AND SHALL BE LOCATED ON THE PREMISES OF SUCH INSTITUTION.

E. ANY SIGN ADVERTISING A COMMERCIAL ENTERPRISE, INCLUDING REAL ESTATE DEVELOPERS OR SUBDIVIDERS, IN A DISTRICT ZONED RESIDENTIAL SHALL NOT EXCEED TWELVE (12) SQUARE FEET IN AREA AND SHALL ADVERTISE ONLY THE NAMES OF THE OWNERS, TRADE NAMES, PRODUCTS SOLD AND/OR THE BUSINESS OR ACTIVITY CONDUCTED ON THE PREMISES WHERE SUCH SIGN IS LOCATED.

306.3 IN ANY **B-1, B-2, B-3, I-1 OR I-2 DISTRICT EXCEPT AS NOTED, AN ADVERTISING SIGN MAY BE PERMITTED, PROVIDED:**

A. ANY SIGN OVER TWENTY-FOUR (24) SQUARE FEET SHALL NOT BE LOCATED CLOSER THAN FIVE HUNDRED (500) FEET TO ANY RESIDENTIAL, SCHOOL, CHURCH, PARK, PLAYGROUND OR SIMILAR USE PROPERTY LINE.

B. THE SIGN SHALL NOT HAVE AN AGGREGATE SURFACE SIZE GREATER THAN FIVE (5) SQUARE FEET FOR EACH FOOT OF WIDTH OF THE PRINCIPAL STRUCTURE ON THE PREMISES.

C. THE SIGN SHALL NOT EXCEED ONE HUNDRED FIFTY (150) FEET IN AREA NOR FIFTEEN (15) FEET IN LENGTH, NOR TEN (10) FEET IN HEIGHT. THE MAXIMUM TOTAL HEIGHT OF THE SIGN FROM GROUND LEVEL SHALL NOT EXCEED TWENTY (20) FEET.

D. THE SIGN SHALL NOT CONTAIN INFORMATION OR ADVERTISING FOR ANY PRODUCT NOT SOLD OR PRODUCED ON THE PREMISES IN ANY **B-1, B-2 OR I-2 DISTRICT.**

E. THE SIGN SHALL NOT BE LOCATED CLOSER THAN TWO HUNDRED FIFTY (250) FEET FROM A ROAD INTERSECTION EXCEPT FOR SIGNS WHICH ARE LESS THAN TWELVE (12) SQUARE FEET IN AREA.

F. THE SIGN SHALL NOT BE LOCATED IN A LOCATION WHICH WOULD INTERFERE WITH HIGHWAY HORIZONTAL SIGHT DISTANCES.

306.4 IN ANY **B-3 AND I-2 DISTRICT**, AN ADVERTISING SIGN MAY BE PERMITTED BY SPECIAL EXCEPTION PROVIDED IT CONFORMS WITH **SECTION 306.3, A THRU F**.

306.5 **PORTABLE SIGNS:** PORTABLE SIGNS SHALL BE PERMITTED IN ANY **A-1, B-2, B-3, I-1 OR I-2 DISTRICT** PROVIDED SUCH SIGNS SHALL NOT BE GREATER THAN FIFTY (50) SQUARE FEET IN AREA AND SHALL CONFORM WITH **SECTION 303** OF THIS ORDINANCE. ALL PORTABLE SIGNS SHALL HAVE BEEN ISSUED A TEMPORARY IMPROVEMENT LOCATION PERMIT BY THE ZONING ADMINISTRATOR.

307 **MANUFACTURED HOME PARKS:** IN ANY DISTRICT IN WHICH MANUFACTURED HOME PARKS ARE PERMITTED, THE FOLLOWING MINIMUM REQUIREMENTS SHALL APPLY:

307.1 CONDITIONS OF SOIL, GROUNDWATER LEVEL, DRAINAGE, GEOLOGIC STRUCTURES AND TOPOGRAPHY SHALL NOT CREATE HAZARDS TO THE PARK SITE OR TO THE HEALTH AND SAFETY OF OCCUPANTS, NOR SHALL THE SITE BE SUBJECT TO THE HAZARD OF OBJECTIONAL SMOKE, ODOR, NOISE OR THE POSSIBILITY OF SUBSIDENCE, SUDDEN FLOODING OR SEVERE EROSION.

307.2 THE MINIMUM AREA OF A MANUFACTURED HOME PARK SHALL BE FIVE (5) ACRES.

307.3 THE DENSITY OF A PARK SHALL NOT EXCEED EIGHT (8) MANUFACTURED HOMES PER ACRE OF GROSS SITE AREA.

307.4 NO MANUFACTURED HOME AND ENCLOSED ACCESSORY STRUCTURES DESIGNED FOR LIVING SPACE SHALL BE LOCATED CLOSER THAN TWENTY (20) FEET FROM ANY OTHER MANUFACTURED HOME OR PERMANENT BUILDING WITHIN THE MANUFACTURED HOME PARK.

307.5 MANUFACTURED HOME PARKS SHALL HAVE DIRECT ACCESS TO AN ADEQUATE PUBLIC THOROUGHFARE WITH SUFFICIENT FRONTAGE THEREON FOR THE PROPER CONSTRUCTION OF ENTRANCES AND EXITS. SUCH ENTRANCES AND EXITS SHALL BE DESIGNED FOR THE SAGE MOVEMENT OF MANUFACTURED HOMES INTO AND OUT OF THE PARK.

307.6 ALL MANUFACTURED HOMES SHALL BE LOCATED 25 FEET OR MORE FROM THE RIGHT-OF-WAY LINE OF AN ABUTTING DEDICATED PUBLIC THOROUGHFARE AND 10 FEET OR MORE FROM OTHER BOUNDARY LINES OF THE PARK.

307.7 INTERNAL MANUFACTURED HOME PARK STREETS, IF DEDICATED TO THE PUBLIC USE, SHALL MEET THE MINIMUM STANDARDS FOR DESIGN AND CONSTRUCTION AS REQUIRED IN THE COUNTY SUBDIVISION CONTROL ORDINANCE.

307.8 EACH PARK SHALL PROVIDE A RECREATIONAL AREA OR AREAS EQUAL IN SIZE TO AT LEAST EIGHT PERCENT (8%) OF THE AREA OF THE PARK, GENERALLY IN A CENTRAL LOCATION. STREETS, PARKING AREAS AND PARK SERVICE FACILITY AREAS SHALL NOT BE INCLUDED IN THE REQUIRED RECREATIONAL AREA.

307.9 IN OTHER THAN BUSINESS DISTRICTS, COIN-OPERATED LAUNDRIES, LAUNDRY AND DRY-CLEANING PICK-UP STATIONS AND OTHER COMMERCIAL CONVENIENCE ESTABLISHMENTS MAY BE PERMITTED IN MANUFACTURED HOME PARKS, PROVIDED:

- A. THEY ARE SUBORDINATE TO THE RESIDENTIAL CHARACTER OF THE PARK.
- B. THEY ARE LOCATED, DESIGNED AND INTENDED TO SERVE ONLY THE NEEDS OF PERSONS LIVING IN THE PARK;
- C. THE ESTABLISHMENTS AND THE PARKING AREAS RELATED TO THEIR USE SHALL NOT OCCUPY MORE THAN 10 PERCENT (10%) OF THE TOTAL AREA OF THE PARK;
- D. THE ESTABLISHMENTS SHALL PRESENT NO VISIBLE EVIDENCE OF THEIR COMMERCIAL NATURE TO AREAS OUTSIDE THE PARK.

307.10 EACH PARK SHALL PROVIDE EITHER ONE OR MORE CENTRAL WATERPROOF STRUCTURES AVAILABLE TO ALL MANUFACTURED HOME SITES OR A SINGLE WATERPROOF STRUCTURE FOR EACH MANUFACTURED HOME SITE SUITABLE FOR STORAGE OF GOODS AND THE USUAL EFFECTS OF PERSONS OCCUPYING THE PARK.

307.11 EACH MANUFACTURED HOME SITE SHALL BE PROVIDED WITH A STAND CONSISTING OF A SOLID CONCRETE SLAB, TWO CONCRETE RIBBONS OR CONCRETE PILLARS OF A THICKNESS AND SIZE ADEQUATE TO SUPPORT THE MAXIMUM ANTICIPATED LOADS DURING ALL SEASONS. WHEN CONCRETE RIBBONS ARE USED, THE AREA BETWEEN THE RIBBONS OR PILLARS SHALL BE FILLED WITH A LAYER OF CRUSHED ROCK OR STONE.

307.12 ALL EXTERIOR PARK LIGHTS SHALL BE AS LOCATED AND SHIELDED AS TO PREVENT ILLUMINATION OF ANY AREAS OUTSIDE THE PARK.

307.13 EACH MANUFACTURED HOME SHALL BE SUPPORTED UNDER THE I-BEAMS AND SHALL BE SKIRTED ON ALL SIDES WITH A PERMANENTLY ATTACHED, SUBSTANTIAL MATERIAL, SUCH AS PAINTED METAL, FIBERGLASS, CONCRETE OR MASONARY, THAT WILL NOT DETRACT FROM THE APPEARANCE OF THE MANUFACTURED HOME.

308 **MANUFACTURED HOME SUBDIVISIONS:** IN ANY DISTRICT IN WHICH MANUFACTURED HOME PARKS ARE PERMITTED AS A SPECIAL EXCEPTION, MANUFACTURED HOME SUB-DIVISIONS MAY ALSO BE PERMITTED AND THE FOLLOWING MINIMUM REQUIREMENTS SHALL APPLY:

308.1 THE PROCEDURES, DESIGN STANDARDS AND REQUIRED IMPROVEMENTS OF THE COUNTY SUBDIVISION CONTROL ORDINANCE SHALL BE ADHERED TO.

308.2 EACH MANUFACTURED HOME SHALL BE SUPPORTED UNDER THE I-BEAMS AND SHALL BE SKIRTED ON ALL SIDES WITH A PERMANENTLY ATTACHED, SUBSTANTIAL MATERIAL, SUCH AS PAINTED METAL, FIBERGLASS, CONCRETE OR MASONARY THAT WILL NOT DETRACT FROM THE APPEARANCE OF THE MANUFACTURED HOME.

308.3 THE MINIMUM AREA OF A MANUFACTURED HOME SUBDIVISION SHALL BE FIVE (5) ACRES.

309 **RECREATIONAL VEHICLES:** RECREATIONAL VEHICLES SHALL NOT BE OCCUPIED FOR LONGER THAN FOUR (4) WEEKS IN ANY COUNTY LOCATION OTHER THAN AN APPROVED RECREATIONAL VEHICLE PARK.

310 **RECREATIONAL VEHICLE PARKS:** IN ANY DISTRICT IN WHICH RECREATIONAL VEHICLE PARKS ARE PERMITTED, THE FOLLOWING REQUIREMENTS SHALL APPLY:

310.1 RECREATIONAL VEHICLE PARKS SHALL HAVE DIRECT ACCESS TO A PUBLIC HIGHWAY OR ROAD WITH SUFFICIENT FRONTAGE THEREON FOR THE PROPER CONSTRUCTION OF ENTRANCES AND EXITS. SUCH ENTRANCES AND EXITS SHALL BE DESIGNED FOR THE SAFE MOVEMENT OF RECREATIONAL VEHICLES INTO AND OUT OF THE PARK.

310.2 CONDITIONS OF SOIL, GROUNDWATER LEVEL, DRAINAGE, GEOLOGIC STRUCTURE AND TOPOGRAPHY SHALL NOT CREATE HAZARDS TO THE PARK SITE OR TO THE HEALTH AND SAFETY OF OCCUPANTS, NOR SHALL THE SITE BE SUBJECT TO THE HAZARDS OF OBJECTIONABLE SMOKE, ODOR, NOISE OR THE POSSIBILITY OF SUBSIDENCE, SUDDEN FLOODING OR SEVERE EROSION.

310.3 THE DENSITY OF A PARK SHALL NOT EXCEED 15 RECREATIONAL VEHICLE SPACES PER ACRE OF GROSS SITE AREA.

310.4 THE MINIMUM AREA OF A RECREATIONAL VEHICLE PARK SHALL BE 5 ACRES.

310.5 RECREATIONAL VEHICLES SHALL BE SEPARATED FROM EACH OTHER AND FROM OTHER PARK BUILDINGS OR STRUCTURES BY AT LEAST 10 FEET.

310.6 IN ADDITION TO COMPLYING WITH THE REQUIRED MINIMUM YARD PROVISIONS OF THIS ORDINANCE:

A. NO RECREATIONAL VEHICLE SPACE SHALL BE NEARER THAN 25 FEET TO THE RIGHT-OF-WAY LINE OF A HIGHWAY OR ROAD.

B. WHERE THE BOUNDARY LINE OF A RECREATIONAL VEHICLE PARK COINCIDES WITH THAT OF A RESIDENTIAL DISTRICT OTHER THAN ALONG A THOROUGHFARE OR ALLEY, A YARD SEPARATION OF AT LEAST 25 FEET IN WIDTH SHALL BE REQUIRED.

310.7 AT LEAST ONE CENTRALLY LOCATED RECREATION AREA EQUAL IN SIZE TO 8 PERCENT (8%) OF THE GROSS PARK AREA SHALL BE PROVIDED IN EACH RECREATIONAL VEHICLE PARK, STREETS, PARKING AREA AND PARK SERVICE FACILITY AREAS SHALL NOT BE INCLUDED IN THE REQUIRED RECREATIONAL AREA.

310.8 IN ADDITION TO BUSINESS DISTRICT LOCATIONS, FOOD STORES, RESTAURANTS, SPORTING GOOD, LAUNDROMATS, DRY-CLEANING PICK-UP STATIONS AND SIMILAR CONVENIENCE AND SERVICE SHOPS MAY BE PERMITTED IN RECREATIONAL VEHICLE PARKS CONTAINING 50 OR MORE SPACES, PROVIDED:

A. SUCH SHOPS AND THE PARKING AREA REQUIRED BY THEIR USE SHALL NOT OCCUPY MORE THAN 10 PERCENT (10%) OF THE TOTAL AREA OF THE PARK.

B. THE SHOPS SHALL BE PRIMARILY FOR THE USE OF THE OCCUPANTS OF THE PARK.

C. SUCH SHOPS SHALL BE SO LOCATED OR DESIGNED WITHIN THE PARK TO PRESENT NO VISIBLE EVIDENCE OF THEIR COMMERCIAL NATURE TO PERSONS OUTSIDE THE PARK.

310.9 MANAGEMENT OFFICES AND STORAGE, PLAYGROUND AND PICNIC EQUIPMENT, SANITATION AND LAUNDRY FACILITIES, INFORMATIONAL SIGNS AND OTHER STRUCTURES CUSTOMARILY INCIDENTAL TO A RECREATIONAL VEHICLE PARK SHALL BE PERMITTED AS NECESSARY USES.

311 **HOME OCCUPATIONS:** A HOME OCCUPATION MAY BE PERMITTED AS A SPECIAL EXCEPTION IF IT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

311.1 THE HOME OCCUPATION SHALL BE CARRIED ON BY A MEMBER OF THE FAMILY RESIDING IN THE DWELLING UNIT WITH NOT MORE THAN ONE EMPLOYEE WHO IS NOT PART OF THE FAMILY.

311.2 THE HOME OCCUPATION SHALL BE CARRIED ON WHOLLY WITHIN THE PRINCIPAL OR ACCESSORY STRUCTURES.

311.3 EXTERIOR DISPLAYS OR SIGNS OTHE THAN THOSE PERMITTED UNDER SECTION 306, EXTERIOR STORAGE OF MATERIALS AND EXTERIOR INDICATION OF THE HOME OCCUPATION OR VARIATION FROM THE RESIDENTIAL CHARACTER OF THE PRINCIPAL STRUCTURE SHALL NOT BE PERMITTED.

311.4 OBJECTIONABLE NOISE, VIBRATION, SMOKE, DUST, ELECTRICAL DISTURBANCE, ODORS HEAT OR GLARE SHALL NOT BE PRODUCED.

311.5 THE HOME OCCUPATION SHALL NOT CREATE ANY TRAFFIC OR PARKING PROBLEMS.

312 **PERFORMANCE STANDARDS:** ALL USES ESTABLISHED OR PLACED INTO OPERATION AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SHALL COMPLY WITH THE FOLLOWING PERFORMANCE STANDARDS IN THE INTERESTS OF PROTECTING THE PUBLIC HEALTH, SAFETY AND WELFARE AND LESSEN INJURY TO PROPERTY. NO USE IN EXISTENCE ON THE EFFECTIVE DATE OF THE ORDINANCE SHALL BE SO ALTERED OR MODIFIED TO CONFLICT WITH THESE STANDARDS.

312.1 **FIRE PROTECTION:** FIRE FIGHTING EQUIPMENT AND PREVENTION MEASURES ACCEPTABLE TO THE LOCAL FIRE DEPARTMENT SHALL BE READILY AVAILABLE AND APPARENT WHEN ANY ACTIVITY INVOLVING THE HANDLING OR STORAGE OF FLAMMABLE OR EXPLOSIVE MATERIALS IS CONDUCTED.

312.2 **ELECTRICAL DISTURBANCE:** NO USE SHALL CAUSE ELECTRICAL DISTURBANCE ADVERSELY AFFECTING RADIO, TELEVISION OR OTHER EQUIPMENT IN THE VICINITY.

312.3 **NOISE:** NO USE SHALL PRODUCE NOISE IN SUCH A MANNER AS TO BE OBJECTIONABLE BECAUSE OF VOLUME FREQUENCY, INTERMITTENCE, BEAT, SHRILLNESS OR VIBRATION. SAID NOISE SHALL BE MUFFLED OR OTHERWISE CONTROLLED SO AS NOT TO BECOME DETRIMENTAL, PROVIDED, HOWEVER, PUBLIC SAFETY SIRENS AND RELATED APPARATUS USED SOLELY FOR PUBLIC PURPOSES SHALL BE EXEMPT FROM THIS STANDARD.

312.4 **VIBRATION:** NO USE SHALL CAUSE VIBRATIONS OR CONCUSSIONS DETECTABLE BEYOND THE LOT LINES WITHOUT THE AID OF INSTRUMENTS.

312.5 **ODOR:** NO USE SHALL EMIT ACROSS THE LOT LINES MALODOROUS GAS OR MATTER IN SUCH QUANTITY AS TO BE READILY DETECTABLE AT ANY POINT ALONG THE LOT LINES.

312.6 **AIR POLLUTION:** NO USE SHALL DISCHARGE ACROSS THE LOT LINES FLYASH, DUST, SMOKE, VAPORS, NOXIOUS, TOXIC OR CORROSIVE MATTER OR OTHER AIR POLLUTANTS IN SUCH CONCENTRATION AS TO BE DETRIMENTAL TO HEALTH, ANIMALS, VEGETATION OR PROPERTY.

312.7 **HEAT AND GLARE:** NO USE SHALL PRODUCE HEAT OR GLARE IN SUCH A MANNER AS TO CREATE A NUISANCE PERCEPTIBLE FROM ANY POINT BEYOND THE LOT LINES.

312.8 **WATER POLLUTION:** NO USE SHALL PRODUCE EROSION OR OTHER POLLUTANTS IN SUCH QUANTITY AS TO BE DETRIMENTAL TO ADJACENT PROPERTIES AND CONFLICT WITH WATER POLLUTION STANDARDS ESTABLISHED BY THE PUBLIC AGENCIES.

312.9 **WASTE MATTER:** NO USE SHALL ACCUMULATE WITHIN THE LOT OR DISCHARGE BEYOND THE LOT LINES ANY WASTE MATTER, WHETHER LIQUID OR SOLID, IN VIOLATION OF APPLICABLE PUBLIC HEALTH, SAFETY AND WELFARE STANDARDS AND REGULATIONS.

312.10 **SURFACE WATER RUNOFF:** NO USE SHALL PRODUCE INCREASED RATE OF SURFACE WATER RUNOFF INTO ANY LEGAL OPEN DRAIN OR TILE SO THAT ANY FLOODING OR PONDING OCCURS.

313 **PLANNED UNIT RESIDENTIAL BUSINESS OR INDUSTRIAL DEVELOPMENT:** THE DISTRICT REGULATIONS OF THIS ORDINANCE MAY BE MODIFIED BY THE AREA PLAN COMMISSION IN THE CASE OF A PLAN UTILIZING AN UNUSUAL CONCEPT OF DEVELOPMENT WHICH MEETS THE REQUIREMENTS OF THIS SECTION. THE PLANNED UNIT DEVELOPMENT PROVISION IS INTENDED TO ENCOURAGE ORIGINAL AND IMAGINATIVE DEVELOPMENT AND SUBDIVISION DESIGN WHICH PRESERVES THE NATURAL AMENITIES OF THE SITE AND PROVIDES FOR THE GENERAL WELFARE OF THE COUNTY. AFTER THE UNIT PLAN IS APPROVED, ALL DEVELOPMENT, CONSTRUCTION AND USE SHALL BE IN ACCORDANCE WITH THAT PLAN UNLESS A NEW PLANNED UNIT DEVELOPMENT PLAN IS SUBMITTED TO AND APPROVED BY THE PLAN COMMISSION AS REQUIRED BY THIS ORDINANCE. ANY DEVELOPMENT CONTRARY TO THE APPROVED UNIT PLAN SHALL CONSTITUTE A VIOLATION OF THIS ORDINANCE.

313.1 THE AREA OF LAND TO BE DEVELOPED SHALL NOT BE LESS THAN FIVE (5) ACRES.

313.2 PROPERTIES ADJACENT TO THE UNIT PLAN SHALL NOT BE ADVERSELY AFFECTED.

313.3 IN PLANNED UNIT RESIDENTIAL DEVELOPMENT, THE MINIMUM LOT AND YARD REQUIREMENTS MAY BE REDUCED; HOWEVER, THE AVERAGE DENSITY OF DWELLING UNITS IN THE TOTAL UNIT PLAN SHALL NOT BE HIGHER THAN THAT PERMITTED IN THE DISTRICT IN WHICH THE PLAN IS LOCATED.

313.4 IN PLANNED UNIT BUSINESS AND INDUSTRIAL DEVELOPMENT, THE MINIMUM LOT AND YARD REQUIREMENTS MAY BE REDUCED. HOWEVER, THE TOTAL LAND AREA OF THE UNIT PLAN SHALL EQUAL THE ACCUMULATIVE LOT AREA REQUIREMENTS OF EACH USE OR STRUCTURE CONTAINED WITHIN THE UNIT PLAN.

313.5 THE UNIT PLAN SHALL PERMANENTLY PRESERVE LAND SUITABLE FOR THE COMMON USE OF THE PUBLIC OR THE OWNERS IN A PARTICULAR DEVELOPMENT. THIS MAY BE ACCOMPLISHED BY DEDICATION, COVENANT OR EASEMENT. THIS LAND MAY BE FOR FUTURE PUBLIC FACILITIES, FOR RECREATIONAL OR SCENIC OPEN SPACE OR FOR A LANDSCAPE BUFFER ZONE AS APPROVED BY THE PLAN COMMISSION. PROVISIONS FOR PERMANENT CONTROL AND MAINTENANCE OF THIS LAND SHALL BE OUTLINED IN A FORM ACCEPTABLE TO THE AREA PLAN COMMISSION WITH THE ADVICE OF THEIR ATTORNEY.

313.6 THE USE OF THE LAND SHALL NOT DIFFER SUBSTANTIALLY FROM THE USES PERMITTED IN THE DISTRICT IN WHICH THE PLAN IS LOCATED, EXCEPT THAT LIMITED BUSINESS FACILITIES, INTENDED TO SERVE ONLY THE PLANNED UNIT RESIDENTIAL DEVELOPMENT AREA AND FULLY INTEGRATED INTO THE DESIGN OF THE PROJECT MAY BE CONSIDERED AND MULTI-FAMILY DWELLINGS MAY BE CONSIDERED IN SINGLE-FAMILY RESIDENTIAL DISTRICTS IF THEY ARE SO DESIGNED AND SITED THAT THEY DO NOT DETRACT FROM THE CHARACTER OF THE NEIGHBORHOOD IN WHICH THEY OCCUR.

313.7 THE UNIT PLAN SHALL BE CONSISTENT WITH THE PURPOSE OF THIS ORDINANCE.

313.8 THE UNIT PLAN SHALL BE REVIEWED AND APPROVED OR REJECTED BY THE AREA PLAN COMMISSION FOLLOWING THE GUIDELINES OF THIS SECTION AND THE PROCEDURES AND STANDARDS IN THE COUNTY SUBDIVISION CONTROL ORDINANCE.

314 **IN FILL OF RUBBISH:** OWNERS OF PROPERTY USED FOR THE BURIAL OF RUBBISH SHALL COVER SUCH WITHIN THIRTY (30) DAYS.

ARTICLE 4 – ADMINISTRATION AND ENFORCEMENT

401 **ADMINISTRATIVE RESPONSIBILITY:** THE AREA PLAN COMMISSION AND PLANNING DIRECTOR SHALL ESTABLISH THE PROCEDURES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE IN ACCORDANCE WITH THE FOLLOWING PROVISIONS AND STATE LEGISLATION.

402 **PERMITS:** NO PERMIT SHALL BE ISSUED UNLESS THE PROPOSED STRUCTURE OR USE OF STRUCTURE OR LAND IS IN COMPLETE CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE OR UNLESS A WRITTEN ORDER IS RECEIVED FROM THE BOARD OF ZONING APPEALS, THE AREA PLAN COMMISSION OR A COURT IN ACCORDANCE WITH THIS ORDINANCE AND STATE LEGISLATION.

402.1 **AN IMPROVEMENT LOCATION PERMIT:** SHALL BE OBTAINED BEFORE ANY STRUCTURE MAY BE CONSTRUCTED, RECONSTRUCTED, MOVED ENLARGED OR STRUCTURALLY ALTERED. IF AN IMPROVEMENT LOCATION PERMIT IS ISSUED, THE APPLICANT SHALL APPLY FOR AN OCCUPANCY PERMIT, WHICH PERMIT SHALL NOT BE ISSUED UNTIL THE STRUCTURE IS COMPLETE AND COMPLIANCE WITH THIS ORDINANCE IS IN EVIDENCE. A TEMPORARY DWELLING REQUIRES AN IMPROVEMENT LOCATION PERMIT.

402.2 **AN OCCUPANCY PERMIT:** SHALL BE OBTAINED BEFORE ANY PERSON MAY:

- A. OCCUPY OR USE ANY VACANT LAND;
- B. OCCUPY OR USE ANY STRUCTURE HEREAFTER CONSTRUCTED, RECONSTRUCTED, MOVED, ENLARGED OR STRUCTURALLY ALTERED;
- C. CHANGE THE USE OF A STRUCTURE OR LAND TO A DIFFEREDNT USE; OR
- D. CHANGE THE USE OF A NON-CONFORMING USE.

402.3 NO PERMIT SHALL BE REQUIRED FOR:

- A. ROUTINE MAINTENANCE, REPAIR OR REMODELING OF EXISTING STRUCTURES NOT INVOLVING ANY CHANGE OF USE, ADDITIONAL LOT COVERAGE OR INCREASE IN STRUCTURE SIZE;
- B. ESSENTIAL SERVICES AS DEFINED IN ARTICLE 8;
- C. LOT AND YARD IMPROVEMENTS SUCH AS FENCES, DRIVES, SIDEWALKS, PATIOS, RETAINING WALLS, PLAY EQUIPMENT AND LANDSCAPING;
- D. SIGNS WITH A SURFACE AREA OF LESS THAN FOUR SQUARE FEET; AND
- E. STRUCTURES WITH A VALUE OF LESS THAN \$1000 WHICH ARE USED EXCLUSIVELY FOR AGRICULTURAL PRODUCTION PURPOSE.

402.4 ALL APPLICATIONS FOR PERMITS SHALL BE ACCOMPANIED BY A PLOT PLAN WHICH IS DRAWN TO SCALE AND SHOWS CLEARLY AND COMPLETELY:

- A. THE LOCATION, DIMENSIONS AND NATURE OF THE PROPERTY;
- B. THE LOCATION AND DIMENSIONS OF ANY EXISTING PROPOSED STRUCTURES;
- C. ALL ADJOINING THOROUGHFARES AND ANY EXISTING OR PROPOSED ACCESS TO THESE THOROUGHFARES;
- D. THE EXISTING AND PROPOSED USE OF ALL STRUCTURES AND LAND;
- E. THE LOCATION AND TYPE OF SEWERAGE SYSTEMS, WATER SYSTEM AND DRAINAGE FACILITIES AND, IF THE USE IS NOT SERVED BY A COMMUNITY SANITARY SEWER SYSTEM, THE APPLICANT SHALL ATTACH EVIDENCE THAT A SEPTIC PERMIT HAS BEEN ISSUED BY THE COUNTY BOARD OF HEALTH.
- F. SUCH OTHER INFORMATION AS MAY BE NECESSARY TO DETERMINE CONFORMANCE WITH THIS ORDINANCE.

402.5 IF THE WORK DESCRIBED IN ANY PERMIT HAS NOT BEGUN WITHIN 180 DAYS FROM THE DATE OF ISSUANCE THEREOF, SAID PERMIT SHALL EXPIRE AND A WRITTEN CANCELLATION NOTICE SHALL BE SENT TO THE PROPERTY OWNER.

402.6 IF THE WORK DESCRIBED IN ANY PERMIT HAS NOT BEEN SUBSTANTIALLY COMPLETED WITHIN TWO YEARS OF THE DATE OF ISSUANCE THEREOF, SAID PERMIT SHALL EXPIRE AND A WRITTEN CANCELLATION NOTICE SHALL BE SENT TO THE PROPERTY OWNER, FURTHER WORK SHALL NOT PROCEED UNLESS A NEW PERMIT IS OBTAINED.

403 **FEEES:** APPLICATIONS FILED PURSUANT TO THE PROVISIONS OF THIS ORDINANCE REQUIRING PLAN COMMISSION OR BOARD OF ZONING APPEALS APPROVAL SHALL BE ACCOMPANIED BY THE FILING FEES SPECIFIED BY THE FEE SCHEDULE ADOPTED BY COMMISSION RESOLUTION. THE FEE SCHEDULE SHALL NOT BE A PART OF THIS ORDINANCE AND MAY BE REVISED ANNUALLY BY COMMISSION RESOLUTION. ALL FEES SHALL BE NON-REFUNDABLE. FEES MAY BE APPLIED, BUT NOT LIMITED TO, THE FOLLOWING APPLICATIONS:

403.1 IMPROVEMENT LOCATION PERMIT

403.2 OCCUPANCY PERMIT

403.3 PETITION FOR AMENDMENT TO THIS ORDINANCE

403.4 PETITION FOR BOARD OF ZONING APPEALS ACTION

404 VIOLATIONS **AND PENALTIES:** ANY PERSON, WHETHER AS PRINCIPAL AGENT, OWNER, LESSEE, TENANT, CONTRACTOR, BUILDER, ARCHITECT, ENGINEER OR OTHERWISE, WHO VIOLATES ANY PROVISIONS OF THIS ORDINANCE, SHALL UPON ENTRY OF JUDGMENT, BE FINED NOT LESS THAN TEN DOLLARS (\$10) NOR MORE THAN THREE HUNDRED (\$300) FOR EACH OFFENSE PLUS ALL ATTORNEY FEES AND COSTS. EACH DAY THE VIOLATION

CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

405 **METHOD OF APPEAL:** ANY PERSON AGGRIEVED OR AFFECTED BY ANY PROVISION OF THIS ORDINANCE OR BY ANY DECISION OF THE ADMINISTRATOR MAY APPEAL TO THE BOARD OF ZONING APPEALS, AS PROVIDED BY THE RULES OF THE BOARD, BY FILING A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. EVERY DECISION OF THE BOARD SHALL BE SUBJECT TO REVIEW BY CERTIORARI.

ARTICLE 5 – BOARD OF ZONING APPEALS

501 **GENERAL:** IN ACCORDANCE WITH STATE LAW, A BOARD OF ZONING APPEALS SHALL BE APPOINTED, WHICH BOARD MAY ADOPT RULES TO GOVERN ITS PROCEDURE. THE BOARD OF ZONING APPEALS SHALL HOLD MEETINGS, KEEP MINUTES AND PURSUANT TO NOTICE, SHALL CONDUCT HEARINGS, COMPEL THE ATTENDANCE OF WITNESSES, TAKE TESTIMONY AND RENDER DECISIONS IN WRITING, ALL AS REQUIRED BY LAW. WHEN PERMITTING ANY USE THE BOARD MAY IMPOSE SUCH CONDITIONS AND REQUIREMENTS AS IT DEEMS NECESSARY FOR THE PROTECTION OF ADJACENT PROPERTY AND THE PUBLIC INTEREST.

501.1 WITH RESPECT TO APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF NON-CONFORMING USES WITHIN THE JURISDICTION ENCOMPASSED BY THE COMPREHENSIVE ZONING MAPS FOR HARRISON TOWNSHIP, ONE OF SAID CONDITIONS SHALL BE THAT THE BOARD OF COMMISSIONERS OF BLACKFORD COUNTY SHALL BE NOTIFIED AT LEAST TEN (10) DAYS PRIOR TO PROCESSING OF ANY SUCH APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF A NON-CONFORMING USE WITH SUFFICIENT DETAIL TO ADVISE THE NATURE OF SUCH ACTION.

501.2 WITH RESPECT TO APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF NON-CONFORMING USES WITHIN THE JURISDICTION ENCOMPASSED BY THE COMPREHENSIVE ZONING MAP FOR THE CITY OF MONTPELIER, INDIANA, ONE OF SAID CONDITIONS SHALL BE THAT THE COMMON COUNCIL OF THE CITY OF MONTPELIER SHALL BE NOTIFIED AT LEAST TEN (10) DAYS PRIOR TO PROCESSING OF ANY SUCH APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF A NON-CONFORMING USE WITH SUFFICIENT DETAIL TO ADVISE THE NATURE OF SUCH ACTION.

501.3 WITH RESPECT TO APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF NON-CONFORMING USES WITHIN THE JURISDICTION ENCOMPASSED BY THE COMPREHENSIVE ZONING MAP FOR THE CITY OF HARTFORD CITY, INDIANA, ONE OF SAID CONDITIONS SHALL BE THAT THE COMMON COUNCIL OF THE CITY OF HARTFORD CITY SHALL BE NOTIFIED AT LEAST TEN (10) DAYS PRIOR TO PROCESSING OF ANY SUCH APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF A NON-CONFORMING USE WITH SUFFICIENT DETAIL TO ADVISE THE NATURE OF SUCH ACTION.

501.4 WITH RESPECT TO APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF NON-CONFORMING USES WITHIN THE JURISDICTION ENCOMPASSED BY THE COMPREHENSIVE ZONING MAP FOR THE TOWN OF SHAMROCK LAKES, INDIANA, ONE OF SAID CONDITIONS SHALL BE THAT TOWN BOARD OF THE TOWN OF SHAMROCK LAKES SHALL BE NOTIFIED AT LEAST TEN (10) DAYS PRIOR TO PROCESSING OF ANY SUCH APPEALS, VARIANCES, SPECIAL EXCEPTIONS OR CHANGES OF A NON-CONFORMING USE WITH

SUFFICIENT DETAIL TO ADVISE THE NATURE OF SUCH ACTION.

501.5 WITH RESPECT TO ANY HEARING OF THE BOARD OF ZONING APPEALS, CONCERNING ANY MATTER WITHIN THE JURISDICTION OF THE “MONTPELIER COMPREHENSIVE ZONING MAP”, SUCH HEARING SHALL BE HELD IN THE COUNCIL CHAMBERS OF THE CITY COUNCIL OF MONTPELIER.

501.6 THE MEMBERSHIP TO THE FIRST BOARD OF ZONING APPEALS WAS SELECTED SUCH THAT, ASIDE FROM THE APPOINTMENT OF THE MAYOR OF HARTFORD CITY, THERE WOULD BE ONE MEMBER FROM JACKSON TOWNSHIP, LICKING TOWNSHIP AND WASHINGTON TOWNSHIP AND ONE MEMBER FROM THE MONTPELIER, HARRISON TOWNSHIP AREA. IT IS THE REQUEST OF THE CITY OF MONTPELIER THAT THIS “GENTLEMEN’S AGREEMENT” BE HONORED IN THE FUTURE.

502 **APPEALS:** THE BOARD SHALL HAVE THE POWER TO HEAR AND DECIDE APPEALS FROM ANY ORDER, REQUIREMENT, DECISION, GRANT OR REFUSAL MADE BY THE ADMINISTRATOR OF THIS ORDINANCE.

503 **VARIANCES:** THE BOARD OF ZONING APPEALS, UPON APPEAL, SHALL HAVE THE POWER TO AUTHORIZE VARIANCES FROM THE REQUIREMENTS OF THIS ORDINANCE AND TO ATTACH SUCH CONDITIONS TO THE VARIANCES AS IT DEEMS NECESSARY TO ASSURE COMPLIANCE WITH THE PURPOSE OF THIS ORDINANCE. A VARIANCE MAY BE PERMITTED IF ALL THE FOLLOWING REQUIREMENTS ARE MET:

503.1 LITERAL ENFORCEMENT OF THE ORDINANCE WOULD RESULT IN AN UNNECESSARY HARDSHIP WITH RESPECT TO THE PROPERTY; AND

503.2 SUCH UNNECESSARY HARDSHIP RESULTS BECAUSE OF THE UNIQUE CHARACTERISTICS OF THE NEIGHBORHOOD; AND

503.3 THE VARIANCE WOULD NOT CHANGE THE LAND USE OF THE PROPERTY OR THE CHARACTER OF THE NEIGHBORHOOD; AND

503.4 THE VARIANCE OBSERVES THE SPIRIT OF THIS ORDINANCE, PRODUCES SUBSTANTIAL JUSTICE AND IS NOT CONTRARY TO THE PUBLIC INTEREST; AND

503.5 THE BOARD OF ZONING APPEALS MAY NOT GRANT A VARIANCE TO ANY OF THE REQUIREMENTS OF THE FLOOD PROTECTION GRADE REQUIREMENTS OF THE FLOODWAY FRINGE DISTRICT WITHOUT THE WRITTEN APPROVAL OF NATURAL RESOURCES.

504 **SPECIAL EXCEPTIONS:** THE BOARD OF ZONING APPEALS SHALL HAVE THE POWER TO AUTHORIZE SPECIAL EXCEPTIONS IF THE FOLLOWING REQUIREMENTS ARE MET:

504.1 THE SPECIAL EXCEPTION SHALL BE LISTED AS SUCH IN TABLE A OF THIS ORDINANCE FOR THE DISTRICT REQUESTED.

504.2 THE SPECIAL EXCEPTION CAN BE SERVED WITH ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES.

504.3 THE SPECIAL EXCEPTION SHALL NOT INVOLVE ANY ELEMENT OR CAUSE ANY CONDITION THAT MAY BE DANGEROUS, INJURIOUS OR NOXIOUS TO ANY OTHER PROPERTY OR PERSONS AND SHALL COMPLY WITH THE PERFORMANCE STANDARDS OF SECTION 312.

504.4 THE SPECIAL EXCEPTION SHALL BE SITED, ORIENTED AND LANDSCAPED TO PRODUCE A HARMONIOUS RELATIONSHIP OF BUILDINGS AND GROUNDS TO ADJACENT BUILDINGS AND PROPERTIES.

504.5 THE SPECIAL EXCEPTION SHALL PRODUCE A TOTAL VISUAL IMPRESSION AND ENVIRONMENT WHICH IS CONSISTENT WITH THE ENVIRONMENT OF THE NEIGHBORHOOD.

504.6 THE SPECIAL EXCEPTION SHALL PLAN VEHICLE ACCESS AND PARKING TO MINIMIZE TRAFFIC CONGESTION IN THE NEIGHBORHOOD.

504.7 THE SPECIAL EXCEPTION SHALL PRESERVE THE PURPOSE OF THIS ORDINANCE.

505 **NON-CONFORMING USES OF LAND AND STRUCTURES:** THE BOARD SHALL HAVE THE POWER TO AUTHORIZE CHANGE OF LAWFUL NON-CONFORMING USES IN ACCORDANCE WITH SECTION 301 OF THIS ORDINANCE.

506 **TRANSITIONAL USES:** THE BOARD OF ZONING APPEALS SHALL HAVE THE POWER TO AUTHORIZE A TRANSITIONAL USE AND TO ATTACH SUCH CONDITIONS TO THE TRANSITIONAL USE AS IT DEEMS NECESSARY TO ASSURE COMPLIANCE WITH PURPOSES OF THIS ORDINANCE. A TRANSITIONAL USE MAY BE PERMITTED IF ALL THE FOLLOWING REQUIREMENTS ARE MET:

506.1 THE BOARD SHALL REQUEST AND RECEIVE A RECOMMENDATION CONCERNING THE PROPOSED TRANSITIONAL USE FROM THE AREA PLAN COMMISSION.

506.2 THE BOARD SHALL NOTIFY THE COUNTY COMMISSIONERS, THE HARTFORD CITY COUNCIL OR THE MONTPELIER CITY COUNCIL TEN (10) DAYS PRIOR TO THE PUBLIC HEARING CONCERNING THE TRANSITIONAL USE.

506.3 THE TRANSITIONAL USE SHALL ADJOIN OR BE ACROSS THE STREET FROM A ZONING DISTRICT THAT PERMITS THE PROPOSED TRANSITIONAL USE.

506.4 UNLESS OTHERWISE MODIFIED BY THE BOARD, THE TRANSITIONAL USE SHALL MEET ALL OF THE REQUIREMENTS OF THIS ORDINANCE SUCH AS SETBACK, YARD, PARKING AND LOADING FOR THE EXISTING ZONING DISTRICT.

506.5 THE TRANSITIONAL USE SHALL BE CAPABLE OF BEING SERVED WITH ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES.

506.6 THE TRANSITIONAL USE SHALL NOT INVOLVE ANY ELEMENT OR CAUSE ANY CONDITION THAT MAY BE DANGEROUS, INJURIOUS OR NOXIOUS TO ANY OTHER PROPERTY OR PERSONS AND SHALL COMPLY WITH THE PERFORMANCE STANDARDS OF SECTION 312.

506.7 THE TRANSITIONAL USE SHALL BE SITED, ORIENTED AND LANDSCAPED TO PRODUCE A HARMONIOUS RELATIONSHIP OF BUILDINGS AND GROUNDS TO ADJACENT BUILDINGS AND PROPERTIES.

506.8 THE TRANSITIONAL USE SHALL PRODUCE A TOTAL VISUAL IMPRESSION AND ENVIRONMENT WHICH IS CONSISTENT WITH THE ENVIRONMENT OF THE NEIGHBORHOOD.

506.9 THE TRANSITIONAL USE SHALL PLAN VEHICLE ACCESS AND PRKING TO MINIMIZE TRAFFIC CONGESTION IN THE NEIGHBORHOOD.

506.10 A TRANSITIONAL USE SHALL PRESERVE THE PURPOSES OF THIS ORDINANCE.

506.11 A TRANSITIONAL USE MAY BE CONSIDERED ONLY FOR A SPECIFIC USE AND IF GRANTED BY THE BOARD, NO OTHER USE OR MODIFICATION OF THE USE SHALL BE PERMITTED EXCEPT AS OUTLINED IN 506.1 THROUGH 506.10 AND APPROVED BY THE BOARD.

ARTICLE 6 – MANUFACTURED HOMES

601 **INTENT:** IT IS THE INTENT OF THIS ORDINANCE TO ENCOURAGE THE PROVISIONS OF ALTERNATIVE MODEST INCOME HOUSING IN CERTAIN AREAS UNDER SPECIFIC GUIDELINES.

602 **LOCATIONS OUT OF PARKS:** THIS CHAPTER SHALL ONLY APPLY TO MANUFACTURED HOMES LOCATED OUTSIDE OF MANUFACTURED COMMUNITIES (PARKS).

602.1 **REPLACEMENT OF NON-CONFORMING HOMES:** THEREAFTER, UPON APPLICATION TO THE DESIGNATED ADMINISTRATOR AND SUBSEQUENT APPROVAL THEREOF, A MANUFACTURED OR MOBILE HOME, DEEMED A LEGAL NON-CONFORMING USE, MAY BE REPLACED BY A MANUFACTURED HOME, PROVIDED THE REPLACEMENT IS OF AN EQUAL OR A HIGHER STYLE NUMBER, AS SPECIFIED IN SECTION 603 OF THIS ORDINANCE, (EXTERIOR APPEARANCE STANDARDS). EQUAL OR HIGHER STYLE MEANS THAT A MOBILE HOME MAY BE REPLACED WITH A STYLE I, II, III OR IV MANUFACTURED HOME; A STYLE IV MANUFACTURED HOME COULD BE REPLACED WITH A STYLE I, II, III OR IV MANUFACTURED HOME; A STYLE III MANUFACTURED HOME COULD BE REPLACED WITH A STYLE I, II OR III MANUFACTURED HOME; A STYLE II MANUFACTURED HOME COULD BE REPLACED WITH A STYLE I OR II MANUFACTURED HOME; A STYLE I MANUFACTURED HOME COULD ONLY BE REPLACED WITH ANOTHER STYLE I MANUFACTURED HOME.

602.2 **STRUCTURAL ALTERATION:** DUE TO ITS INTEGRAL DESIGN, ANY STRUCTURAL ALTERATION OR MODIFICATION OF A MANUFACTURED HOME AFTER IT IS PLACED ON THE SITE, MUST BE APPROVED BY THE EXECUTIVE DIRECTOR OF BLACKFORD COUNTY.

603 **EXTERIOR APPEARANCE STANDARDS:**

603.1 MANUFACTURED HOME CLASSIFICATION: MANUFACTURED HOMES SHALL BE CLASSIFIED AS TO ACCEPTABLE COMPATIBILITY OR SIMILARITY IN APPEARANCE WITH SITE CONSTRUCTED RESIDENCES, AS FOLLOWS:

603.1 (A) A MANUFACTURED HOME OF **STYLE I** SHALL:

1. HAVE MORE THAN 950 SQUARE FEET OF OCCUPIED SPACE IN A DOUBLE SECTIONAL OR LARGER MULTI-SECTIONAL UNIT, WITH A MINIMUM WIDTH OF 23 FEET, MANUFACTURED AFTER JANUARY 1, 1981;
2. BE PLACED ON A PERMANENT FOUNDATION AND UTILIZE A PERMANENT PERIMETER ENCLOSURE;
3. BE ANCHORED TO THE GROUND;
4. HAVE WHEELS, AXLES AND HITCHES REMOVED;
5. HAVE SIDING MATERIAL OF A TYPE NORMALLY USED ON SITE-CONSTRUCTED RESIDENCES;
6. HAVE A PTICED ROOF AND ROOFING MATERIAL OF A TYPE CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES.

603.1 (B) A MANUFACTURED HOME OF **STYLE II** SHALL:

1. HAVE MORE THAN 900 SQUARE FEET OF OCCUPIED SPACE;
2. BE PLACED ON A PERMANENT FOUNDATION;
3. BE ENCLOSED WITH A SOLID PERMANENT PERIMETER ENCLOSURE;
4. BE ANCHORED TO THE GROUND;
5. HAVE SIDING OF A TYPE CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES;
6. HAVE A PITCHED ROOF AND ROOFING MATERIAL OF A TYPE CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES;
7. HAVE WHEELS, AXLES AND HITCH REMOVED.

603.1 (C) A MANUFACTURED HOME OF **STYLE III** SHALL:

1. HAVE MORE THAN 900 SQUARE FEET OF OCCUPIED SPACE;
2. BE PLACED ON A PERMANENT FOUNDATION;
3. BE ENCLOSED WITH FOUNDATION SIDING/SKIRTING;
4. BE ANCHORED TO THE GROUND;
5. HAVE A PITCHED ROOF AND ROOFING MATERIAL CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES;
6. HAVE SIDING OF A TYPE CUSTOMARILY USED ON SITE-CONSTRUCTED RESIDENCES;
7. HAVE WHEELS, AXLES AND HITCH REMOVED.

603.1 (D) A MANUFACTURED HOME OF **STYLE IV** SHALL:

1. HAVE MORE THAN 650 SQUARE FEET OF OCCUPIED SPACE;
2. BE PLACED ON A PERMANENT FOUNDATION;
3. BE ENCLOSED WITH FOUNDATION SIDING/SKIRTING;
4. BE ANCHORED TO THE GROUND;
5. HAVE A STANDARD MANUFACTURED DESIGN.

603.1 (E) MOBILE HOME:

1. MANUFACTURED BEFORE JANUARY 1, 1981;
2. HAVE A MINIMUM OF 650 SQUARE FEET OF OCCUPIED SPACE;
3. BE PLACED ON A PERMANENT FOUNDATION;
4. BE ENCLOSED WITH FOUNDATION SIDING/SKIRTING;
5. BE ANCHORED TO THE GROUND.

604 **SCHEDULE OF USES FOR MANUFACTURED HOMES (MH):**

<u>DISTRICT</u>	<u>STYLE I</u>	<u>STYLE II</u>	<u>STYLE III</u>	<u>STYLE IV</u>	<u>MOBILE HOME</u>
A-1	P	SE*	SE*	X	X
R-1	P**	X	X	X	X
R-2	P	X	X	X	X
R-3	P	SE*	SE*	X	X
B-1	SE	SE*	SE*	X	X
B-2	SE	SE*	SE*	X	X
B-3	SE	SE*	SE*	X	X
I-1	X	X	X	X	X
I-2	X	X	X	X	X
MH PARK	P	P	P	P	P
MH SUBDIV.	P	P	P	P	P

CODE FOR ABOVE CHART:

P – PERMITTED USE
SE – SPECIAL EXCEPTION
X – PROHIBITED USE

PERMITTED USE: THE APPLICANT IS GRANTED A PERMIT BY THE DIRECTOR.

SPECIAL EXCEPTION: THE SPECIAL EXCEPTION FOR EACH DISTRICT THAT MAY BE PERMITTED BY THE BLACKFORD COUNTY BOARD OF ZONING APPEALS ARE SHOWN IN THE ABOVE CHART AND ON TABLE A OF THE ORDINANCE. THE BOARD SHALL FOLLOW THE PROVISIONS OF SECTION 504 AND ANY OTHER APPLICABLE SECTIONS WHEN CONSIDERING

ANY APPLICATION FOR A SPECIAL EXCEPTION.

PROHIBITED USE: THIS PROHIBITS THE PLACEMENT OF THE DESCRIBED UNIT IN THAT DISTRICT.

*-WITH RESPECT TO THAT AREA WITHIN THE JURISDICTION OF BLACKFORD COUNTY, THERE SHALL BE PERMITTED, AS A SPECIAL EXCEPTION IN **A-1, R-3, B-1, B-2 AND B-3** DISTRICTS, A MANUFACTURED HOME, **STYLE II** AND **STYLE III**, IF THE FOLLOWING CONDITIONS ARE FULFILLED:

- A.** THAT SAID MANUFACTURED HOME SHALL BE PLACED ON A PERMANENT FOUNDATION AND FURTHER THAT IT BE SECURED BY TIE-DOWNS;
- B.** THAT SAID MANUFACTURED HOME, EXCLUSIVE OF CARPORTS, PARTITIONS AND OTHER PERTINENT ADDITIONS, SHALL HAVE AN OCCUPIED SPACE OF NOT LESS THAN 900 SQUARE FEET;
- C.** THAT NO LANDOWNER WITHIN 250 FEET ON ANY PORTION OF THE PLOT UPON WHICH THE MANUFACTURED HOME SHALL BE LOCATED SHALL OPPOSE SAID USE;
- D.** THAT ALL OTHER REQUIREMENTS RELATING TO PERMANENT HOUSING AND SPECIAL EXCEPTIONS, WITHIN THE RESPECTIVE ZONING DISTRICTS, BE FULFILLED;
- E.** EACH MANUFACTURED HOME SHALL BE ENCLOSED ON ALL SIDES WITH A PERMANENTLY ATTACHED, SUBSTANTIAL MATERIAL, SUCH AS PAINTED METAL, FIBERGLASS, CONCRETE, VINYL OR MASONARY THAT WILL NOT DETRACT FROM THE APPEARANCE OF THE MANUFACTURED HOME;
- F.** MANUFACTURED HOMES, PERMITTED BY SPECIAL EXCEPTION, CANNOT BECOME RENTAL PROPERTY AT A LATER DATE.

**-DOES NOT INCLUDE THE INCORPORATED TOWN OF SHAMROCK LAKES.

ARTICLE 7 – AMENDMENTS

701 **GENERAL:** ANY LEGISLATIVE BODY THAT HAS ADOPTED THIS ORDINANCE MAY INTRODUCE AND CONSIDER AMENDMENTS TO THIS ORDINANCE AND TO THE ZONE MAPS COVERING THEIR JURISDICTION, AS PROPOSED BY THE LEGISLATIVE BODY, BY THE AREA PLAN COMMISSION OR BY A PETITION OF THE OWNERS OF PROPERTY OF FIFTY PERCENT (50%) OR MORE OF THE AREA INVOLVED IN THE PETITION.

702 **PETITIONS:** PETITIONS FOR AMENDMENT SHALL BE FILED WITH THE AREA PLAN COMMISSION, AND THE PETITIONER, UPON SUCH FILING, SHALL, WHETHER OR NOT THE PROPOSED AMENDMENT IS ENACTED, PAY A FILING FEE AND THE COST OF PUBLIC NOTICE THAT IS REQUIRED.

703 **REFERRAL:** ANY PROPOSED AMENDMENT NOT ORIGINATING FROM THE AREA PLAN COMMISSION SHALL BE REFERRED TO THE AREA PLAN COMMISSION FOR CONSIDERATION AND REPORT BEFORE ANY FINAL ACTION IS TAKEN BY THE LEGISLATIVE BODY. THE AREA PLAN COMMISSION SHALL HOLD A PUBLIC HEARING, AS PRESCRIBED BY LAW, AND REPORT ITS FINDINGS AND RECOMMENDATION IN WRITING TO THE LEGISLATIVE BODY.

704 **ACTION:** AFTER RECEIVING THE AREA PLAN COMMISSION REPORT, THE LEGISLATIVE BODY MAY PROCEED TO TAKE ACTION ON THE PROPOSED AMENDMENT IN ACCORDANCE WITH STATE LAW.

ARTICLE 8 – DEFINITIONS

801 **WORD INTERPRETATIONS:** FOR THE PURPOSE OF THIS ORDINANCE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED BELOW.

801.1 THE PRESENT TENSE INCLUDES THE FUTURE TENSE.

801.2 THE SINGULAR NUMBER INCLUDES THE PLURAL AND THE PLURAL INCLUDES THE SINGULAR.

801.3 THE WORD “SHALL” IS MANDATORY; THE WORD “MAY” IS PERMISSIVE.

801.4 THE WORD “USED” INCLUDES “DESIGNED” OR “INTENDED TO BE USED.”

802 **WORD DEFINITIONS:** CERTAIN WORDS USED IN THIS ORDINANCE ARE DEFINED BELOW. ANY WORDS NOT DEFINED AS FOLLOWS SHALL BE CONSTRUED IN THEIR GENERAL ACCEPTED MEANINGS AS DEFINED BY **WEBSTER’S DICTIONARY.**

802.1 **ACCESSORY USE OR STRUCTURE:** ONE WHICH (A) IS SUBORDINATE TO AND SERVES A PRINCIPAL BUILDING OR PRINCIPAL USE; (B) IS SUBORDINATE IN AREA, EXTENT OR PURPOSE TO THE PRINCIPAL BUILDING OR PRINCIPAL USE SERVED; (C) CONTRIBUTES TO THE COMFORT, CONVENIENCE OR NECESSITY OF OCCUPANTS OF THE PRINCIPAL BUILDING OR PRINCIPAL USE SERVED; AND (D) IS LOCATED ON THE SAME LOT AS THE PRINCIPAL BUILDING OR PRINCIPAL USE SERVED, WITH THE SINGLE EXCEPTION OF SUCH ACCESSORY OFF-STREET PARKING FACILITIES AS ARE PERMITTED TO LOCATE ELSEWHERE THAN ON THE SAME LOT WITH THE BUILDING OR USE SERVED.

802.2 **AGRICULTURE:** THE USE OF LAND OR STRUCTURES FOR AGRICULTURAL PURPOSE, INCLUDING FARMING, DAIRYING, PASTURAGE, AGRICULTURE, HORTICULTURE, FLORICULTURE, VITICULTURE AND ANIMAL AND POULTRY HUSBANDRY AND THE NECESSARY ACCESSORY STRUCTURES AND USES SUCH AS TENANT HOUSING AND FOR THE PACKING, TREATING OR STORING OF PRODUCE; PROVIDED, HOWEVER, THAT THE OPERATION OF ANY SUCH ACCESSORY USES SHALL BE SECONDARY TO THAT OF THE NORMAL AGRICULTURAL ACTIVITIES.

802.3 **AIR POLLUTION:** PRESENCE IN THE OUTDOOR ATMOSPHERE OF ONE OR MORE AIR CONTAMINANTS IN SUFFICIENT QUANTITIES AND OF SUCH CHARACTERISTICS AND DURATION AS TO BE INJURIOUS TO HUMAN, PLANT OR ANIMAL LIFE, TO PROPERTY OR WHICH UNREASONABLY INTERFERE WITH THE COMFORT ENJOYMENT OF LIFE AND PROPERTY.

802.4 **ALLEY:** A PUBLIC RIGHT-OF-WAY WHICH NORMALLY AFFORDS A SECONDARY MEANS OF ACCESS TO ABUTTING PROPERTY.

802.5 **BOARD:** THE BOARD OF ZONING APPEALS.

802.6 **BUILDING:** A STRUCTURE BUILT FOR THE SUPPORT, ENCLOSURE, SHELTER OR PROTECTION OF PERSONS, ANIMALS, CHATTELS OR MOVABLE PROPERTY OF ANY KIND AND WHICH IS PERMANENTLY AFFIXED TO THE LAND.

802.7 **CERTIFIED RESIDENCE CHILD DAYCARE HOME:** A STRUCTURE IN WHICH THE OPERATOR RESIDES AND PROVIDES CHILD DAYCARE AS DEFINED BY IC 12-17-5.

802.8 **CLINIC:** ANY ESTABLISHMENT WHERE HUMAN PATIENTS ARE EXAMINED AND TREATED BY DOCTORS OR DENTISTS BUT NOT HOSPITALIZED OVERNIGHT.

802.9 **COMMISSION:** BLACKFORD COUNTY AREA PLAN COMMISSION.

802.10 **CONFINED FEEDING:** THE CONFINED FEEDING OF ANIMALS FOR FOOD, FUR OR PLEASURE PURPOSES IN LOTS, PENS, PONDS, SHEDS OR BUILDINGS WHERE: (A) ANIMALS ARE CONFINED, FED AND MAINTAINED FOR AT LEAST FORTY-FIVE (45) DAYS DURING ANY TWELVE (12) MONTH PERIOD; AND (B) GROUND COVER OR VEGETATION IS NOT SUSTAINED OVER AT LEAST FIFTY PERCENT (50%) OF THE ANIMAL CONFINEMENT AREA. THE TERM DOES NOT INCLUDE THE FOLLOWING: (A) A LIVESTOCK MARKET, WHERE ANIMALS ARE ASSEMBLED FROM AT LEAST TWO (2) SOURCES TO BE PUBLICLY AUCTIONED OR PRIVATELY SOLD ON A COMMISSION BASIS; AND (B) THAT IS UNDER STATE OF FEDERAL SUPERVISION. A LIVESTOCK SALE BARN OR AUCTION MARKET WHERE ANIMALS ARE KEPT FOR NOT MORE THAN TEN (10) DAYS.

802.11 **CONFINED FEEDING OPERATION:** “CONFINED FEEDING OPERATION,” FOR PURPOSES OF IC 13-18-10, MEANS: (1) ANY CONFINED FEEDING OF: (A) AT LEAST THREE HUNDRED (300) CATTLE; (B) AT LEAST SIX HUNDRED (600) SWINE OR SHEEP; AND (C) AT LEAST THIRTY THOUSAND (30,000) FOWL; (2) ANY ANIMAL FEEDING OPERATION ELECTING TO BE SUBJECT TO IC 13-18-10; OR (3) ANY ANIMAL FEEDING OPERATION THAT IS CAUSING A VIOLATION OF: (A) WATER POLLUTION CONTROL LAWS; (B) ANY RULES OF THE WATER POLLUTION CONTROL BOARD; OR (C) IC 13-18-10. A DETERMINATION BY THE DEPARTMENT UNDER THIS SUBDIVISION IS APPEALABLE UNDER IC 4-21-5.

802.12 **DWELLING:** A PERMANENT BUILDING OR PORTION THEREOF, HAVING A MINIMUM OCCUPIED SPACE OF 950 SQUARE FEET, A MINIMUM AVERAGE WIDTH OF 23 FEET AND SUPPORTED BY A PERMANENT, SOLID PERIMETER FOUNDATION OR SOLID PERIMETER ENCLOSURE ON A SLAB, DESIGNED OR USED EXCLUSIVELY FOR RESIDENTIAL OCCUPANCY, INCLUDING SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTIPLE-FAMILY DWELLINGS, BUT NOT INCLUDING HOTELS, MOTELS OR LODGING HOUSES.

802.13 **DWELLING UNIT:** ONE OR MORE ROOMS WHICH ARE ARRANGED, DESIGNED OR USED AS LIVING QUARTERS FOR ONE FAMILY.

802.14 **DWELLING, SINGLE-FAMILY:** A DWELLING CONTAINING ONE DWELLING UNIT ONLY.

802.15 **DWELLING, TWO-FAMILY:** A DWELLING CONTAINING TWO DWELLING UNITS ONLY.

802.16 **DWELLING, MULTIPLE-FAMILY:** A DWELLING OR PORTION THEREOF, CONTAINING THREE OR MORE DWELLING UNIT INCLUDING CONDOMINIUMS.

802.17 **ESSENTIAL SERVICES:** THE ERECTION, CONSTRUCTION, ALTERATION OR MAINTENANCE BY PUBLIC UTILITIES OR MUNICIPAL OR OTHER GOVERNMENTAL AGENCIES OF UNDERGROUND OR OVERHEAD GAS, ELECTRICAL, TELEPHONE, SEWER, WATER TRANSMISSION DRAINS, SEWERS, PIPES, CONDUIT CABLES, FIRE ALARM BOXES, POLICE CALL

BOXES, TRAFFIC SIGNALS, HUDRANTS, STREET SIGNS AND OTHER SIMILAR EQUIPMENT

AND FOR THE FURNISHING OF ADEQUATE SERVICES BY SUCH PUBLIC UTILITIES OR MUNICIPAL OR OTHER GOVERNMENTAL AGENCIES OR FOR THE PUBLIC HEALTH OR SAFETY OR GENERAL WELFARE BUT NOT INCLUDING BUILDINGS.

802.18 **FAMILY:** ONE OR MORE PERSONS EACH RELATED TO THE OTHER BY BLOOD, MARRIAGE OR ADOPTION OR A GROUP OF NOT MORE THAN THREE PERSONS NOT ALL SO RELATED, TOGETHER WITH HIS OR THEIR DOMESTIC SERVANT, MAINTAINING A COMMON HOUSEHOLD IN A DWELLING UNIT. A FAMILY MAY INCLUDE NOT MORE THAN TWO ROOMERS, BO9ARDERS OR PERMANENT GUESTS, WHETHER OR NOT GRATUITOUS.

802.19 **FLOOD HAZARD AREAS:** THOSE FLOODPLAINS WHICH HAVE NOT BEEN ADEQUATELY PROTECTED FROM FLOODING BY MEANS OF DIKES, LEVEES, RESERVOIRS OR OTHER WORKS APPROVED BY NATURAL RESOURCES.

802.20 **FLOOD OR FLOODWATER:** THE WATER OF ANY RIVER OR STREAM WHICH IS ABOVE THE BANKS AND/OR OUTSIDE THE CHANNEL AND BANKS OF SUCH RIVER OR STREAM.

802.21 **FLOOD PROTECTION GRADE:** THE ELEVATION OF THE LOWEST POINT AROUND THE PERIMETER OF A BUILDING AT WHICH FLOODWATER MAY ENTER THE INTERIOR OF THE BUILDING.

802.22 **FLOODWAY DISTRICT:** THAT AREA DESIGNATED AS A “COMMISSION FLOODWAY” BY NATURAL RESOURCES.

802.23 **FLOODWAY FINGE DISTRICT:** THOSE PORTIONS OF FLOOD HAZARD AREAS LYING OUTSIDE THE FLOODWAY DISTRICT.

802.24 **FLOOR AREA OF A BUILDING:** (FOR DETERMINING OFF-STREET PARKING AND LOADING REQUIREMENTS) THE SUM OF THE GROSS HORIZONTAL AREAS OF THE SEVERAL FLOORS OF THE BUILDING, OR PORTION THEREOF, DEVOTED TO A SPECIFIC USE, INCLUDING ACCESSORY STORAGE AREAS LOCATED WITHIN THE SELLING OR WORKING SPACE SUCH AS COUNTERS, RACKS OR CLOSETS; AND ANY BASEMENT FLOOR AREA DEVOTED TO RETAILING ACTIVITIES, TO THE PRODUCTION OF PROCESSING OF GOODS OR TO BUSINESS OR PROFESSIONAL OFFICES.

802.25 **FRONT YARD:** THE SPACE NOT CONTAINING ANY STRUCTURES BETWEEN A STRUCTURE AND THOROUGHFARE RIGHT-OF-WAY LINE.

802.26 **GRADE:** THE AVERAGE LEVEL OF THE FINISHED SURFACE OF THE GROUJND ADJACENT TO THE EXTERIOR WALLS OF THE BUILDING OR STRUCTURE.

802.27 **HOME OCCUPATION:** AN OCCUPATION OR ACTIVITY CONDUCTED ENTIRELY WITHIN A DWELLING BY THE OCCUPANTS THEREOF, WHICH IS CLEARLY INCIDENTAL AND SECONDARY TO THE USE OF THE BUILDING FOR DWELLING PURPOSES.

802.28 **HOTEL (MOTEL):** A BUILDING, GROUP OF BUILDINGS OR PORTION THEREOF IN WHICH MORE THAN FIVE (5) GUEST ROOMS ARE PROVIDED AS TEMPORARY ACCOMMODATIONS FOR COMPENSATION TO TRANSIENT GUESTS.

802.29 **INDOOR AUCTION HOUSE:** ITEMS MUST BE OFFERED AND MAINTAINED FOR AUCTION INSIDE A PERMANENT STRUCTURE.

802.30 **JUNK YARD:** AN OPEN AREA WHERE WASTE OR SCRAP MATERIALS OF THREE OR MORE MOTOR VEHICLES NOT IN RUNNING OR OPERABLE CONDITION OR PARTS THEREOF ARE BOUGHT, SOLD, EXCHANGED, STORED, BALED, PACKED, DISASSEMBLED OR HANDLED, BUT EXCLUDING USES ESTABLISHED ENTIRELY WITHIN ENCLOSED BUILDINGS.

802.31 **KENNEL:** ANY PREMISES OR PORTIONS THEREOF ON WHICH MORE THAN FOUR DOGS, CATS OR OTHER HOUSEHOLD DOMESTIC ANIMALS OVER FOUR MONTHS OF AGE ARE KEPT OR ON WHICH MORE THAN TWO SUCH ANIMALS ARE MAINTAINED, BOARDED, BRED OR CARED FOR, IN RETURN FOR REMUNERATION OR ARE KEPT FOR THE PURPOSE OF SALE.

802.32 **LOT OF RECORD:** A LOT WHICH IS PART OF A SUBDIVISION, THE PLAT OF WHICH HAS BEEN RECORDED IN THE OFFICE OF THE RECORDER; OR A PARCEL OF LAND, THE DEED TO WHICH WAS RECORDED IN THE OFFICE OF SAID RECORDER PRIOR TO THE ADOPTION OF THIS ORDINANCE.

802.33 **LOT:** A TRACT OR PARCEL OF LAND OF AT LEAST SUFFICIENT SIZE TO MEET MINIMUM ZONING REQUIREMENTS FOR USE AND AREA AND TO PROVIDE SUCH YARDS AND OTHER OPEN SPACES AS ARE HEREIN REQUIRED. SUCH LOT SHALL HAVE FRONTAGE ON A PUBLIC STREET OR A PERMANENT EASEMENT OF ACCESS, AT LEAST TWENTY (20) FEET WIDE, CONNECTING TO A PUBLIC STREET.

802.34 **LOT, CORNER:** A LOT SITUATED AT THE INTERSECTION OF TWO OR MORE STREETS.

802.35 **LOT, THROUGH:** A LOT HAVING FRONTAGE ON TWO NONINTERSECTION STREETS AS DISTINGUISHED FROM A CORNER LOT. BOTH STREET LINES SHALL BE DEEMED FRONT LOT LINES.

802.36 **LOT DEPTH:** THE MEAN HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINES OF A LOT, MEASURED AT RIGHT ANGLES TO THE LOT DEPTH AT THE ESTABLISHED FRONT BUILDING LINE.

802.37 **LOT WIDTH:** THE HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINES OF A LOT, MEASURED AT RIGHT ANGLES TO THE LOT DEPTH AT THE ESTABLISHED FRONT BUILDING LINE.

802.38 **MOBILE HOME:** A TRANSPORTABLE STRUCTURE USED OR DESIGNED TO BE USED AS A YEAR-ROUND RESIDENTIAL UNIT WHETHER THE WHEELS, AXLES AND HITCH ARE ATTACHED OR NOT AND BUILT PRIOR TO THE ENACTMENT OF THE FEDERAL MOBILE HOME AND CONSTRUCTION AND SAFETY ACT OF 1974, WHICH BECAME EFFECTIVE FOR ALL MOBIL HOME CONSTRUCTION JUNE 15, 1976.

802.39 **MANUFACTURED HOME PARK:** AN AREA OF LAND UNDER SINGLE OWNERSHIP USED FOR THE PARKING OF THREE (3) OR MORE OCCUPIED MANUFACTURED HOMES.

802.40 **MANUFACTURED HOME SITE:** THE AREA OF LAND IN A MANUFACTURED HOME PARK FOR THE PARKING OF ONE MANUFACTURED HOME.

802.41 **MANUFACTURED HOME SUBDIVISION:** A RESIDENTIAL SUBDIVISION DESIGNED EXCLUSIVELY FOR AND OCCUPIED BY MANUFACTURED HOMES IN WHICH THE HOMES AND THE LAND IS OWNED BY THE SAME PERSON.

802.42 **MOBILE HOME PARK OR SUBDIVISION:** SEE MANUFACTURED HOME PARK OR SUB-DIVISION.

802.43 **MODULAR HOME:** A FACTORY-FABRICATED TRANSPORTABLE BUILDING DESIGNED TO BE USED ALONE OR TO BE INCORPORATED WITH SIMILAR UNITS AT A BUILDING SITE AND DESIGNED AND CONSTRUCTED WITH A PERIMETER FRAME TO BECOME A PERMANENT STRUCTURE ON A SITE, WITH ALL OUTSIDE WALLS SUPPORTED BY A PERMANENT FOUNDATION. A MODULAR HOME IS A SINGLE-FAMILY DWELLING FOR PURPOSES OF THIS ORDINANCE.

802.44 **MOTEL:** (SEE HOTEL AT 802.28)

802.45 **NATURAL RESOURCES:** THE INDIANA NATURAL RESOURCES COMMISSION.

802.46 **NON-CONFORMING STRUCTURE:** A STRUCTURE DESIGNED, CONVERTED OR ADAPTED FOR A USE PRIOR TO THE ADOPTION OF PROVISIONS PROHIBITING SUCH USE OR STRUCTURE IN SUCH LOCATION.

802.47 **NON-CONFORMING USE:** NON-CONFORMING USE IS ANY USE OR ARRANGEMENT OF LAND OR STRUCTURES LEGALLY EXISTING AT THE TIME OF ENACTMENT OF THIS ORDINANCE OR ANY OF ITS AMENDMENTS, WHICH DOES NOT CONFORM TO THE PROVISIONS OF THIS ORDINANCE.

802.48 **OCCUPIED SPACE:** THE TOTAL AREA OF EARTH HORIZONTALLY COVERED BY THE STRUCTURE, NOT INCLUDING THE HITCH OR ACCESSORY STRUCTURES, SUCH AS, BUT NOT LIMITED TO, GARAGES, PATIOS AND PORCHES.

802.49 **OFF-STREET PARKING:** THE PROVISIONS OF PARKING SPACES WHICH ARE NOT LOCATED ON ANY PUBLIC RIGHT-OF-WAY.

802.50 **PERMANENT FOUNDATION:** ANY STRUCTURAL SYSTEM FOR TRANSPOSING LOADS FROM THE STRUCTURE TO THE EARTH AT A DEPTH BELOW THE ESTABLISHED FROST LINE WITHOUT EXCEEDING THE SAFE BEARING CAPACITY OF THE SUPPORTING SOIL.

802.51 **PERMANENT PERIMETER ENCLOSURE:** A PERMANENT STRUCTURAL SYSTEM COMPLETELY ENCLOSING THE SPACE BETWEEN THE FLOOR JOISTS OF THE HOME AND THE GROUND.

802.52 **PUBLIC UTILITY STRUCTURES:** ELECTRIC AND TELEPHONE SUBSTATIONS AND DISTRIBUTION CENTERS, FILTRATION PLANT, PUMPING STATION AND WATER RESERVOIR, PUBLIC OR PACKAGE SEWAGE TREATMENT PLANTS, TELEPHONE EXCHANGE, RADIO AND TELEVISION TRANSMITTING OR RELAY STATIONS, ANTENNA TOWERS, OTHER SIMILAR PUBLIC UTILITY SERVICE STRUCTURES AND MERCHANT POWER PLANTS.

802.53 **RECREATIONAL VEHICLE:** A TEMPORARY DWELLING FOR TRAVEL, RECREATION AND VACATION USE INCLUDING, BUT NOT LIMITED TO; TRAVEL TRAILER, PICK-UP COACH, MOTOR HOME AND CAMPING TRAILER.

802.54 **RECREATIONALVEHICLE PARK AND/OR RECREATION PARK:** AN AREA OF LAND USED FOR THE PARKING OF TWO OR MORE RECREATIONAL VEHICLES NOT TO BE USED FOR PERMANENT RESIDENCY OR CONTINUOUS OCCUPANCY.

802.55 **REGULATORY FLOOD PROFILE:** A LONGITUDINAL PROFILE ALONG THE THREAD OF A STREAM SHOWING THE MAXIMUM WATER SURFACE ATTAINED BY THE REGULATORY FLOOD.

802.56 **RESOURCE RECOVERY FACILITY:** A DEFINED AREA OF LAND AND/OR STRUCTURE FOR THE PURPOSE OF REDUCING THE AMOUNT OF WASTE GENERATED FOR FINAL DISPOSAL IN A LANDFILL. THIS USE WOULD INCLUDE, BUT IS NOT LIMITED TO, RECYCLING AND COMPOSTING FACILITIES, BUT DOES NOT INCLUDE SALVAGE FACILITIES OR JUNKYARDS.

802.57 **SETBACK:** THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE FRONT LINE OF A BUILDING OR STRUCTURE AND THE STREET RIGHT-OF-WAY LINE.

802.58 **SIGN:** A NAME, IDENTIFICATION, DESCRIPTION, DISPLAY OR ILLUSTRATION WHICH IS AFFIXED TO, OR REPRESENTED DIRECTLY OR INDIRECTLY UPON A BUILDING, STRUCTURE OR TRACT OF LAND AND WHICH DIRECTS ATTENTION TO AN OBJECT, PRODUCT, PLACE, ACTIVITY, PERSON, INSTITUTION, ORGANIZATION OR BUSINESS: A "SIGN" SHALL NOT INCLUDE: (A) THE DISPLAY OF OFFICIAL COURT OR PUBLIC OFFICE NOTICES: (B) THE FLAG, EMBLEM OR INSIGNIA OF A NATION, POLITICAL UNIT, SCHOOL OR RELIGIOUS GROUP; NOR (C) ONE LOCATED COMPLETELY WITHIN AN ENCLOSED BUILDING, EXCEPT SIGNS LOCATED BEHIND WINDOW AREAS INTENDED TO BE VIEWED FROM OUTSIDE THE BUILDING.

802.59 **SIGN, ADVERTISING:** A SIGN, INCLUDING A BILLBOARD, WHICH DIRECTS ATTENTION TO A BUSINESS, COMMODITY, SERVICE OR ENTERTAINMENT NOT EXCLUSIVELY RELATED TO THE PREMISES WHERE SUCH SIGN IS LOCATED OR TO WHICH IT IS AFFIXED.

802.60 **SIGN, BUSINESS:** A SIGN WHICH DIRECTS ATTENTION TO A BUSINESS OF PROFESSION CONDUCTED OR TO A COMMODITY, SERVICE OR ENTERTAINMENT SOLD OR OFFERED UPON THE PREMISES WHERE SUCH SIGN IS LOCATED OR TO WHICH IT IS AFFIXED.

802.61 **SIGN, GROSS AREA OF:** THE ENTIRE AREA WITHIN A SINGLE CONTINUOUS PERIMETER ENCLOSING THE EXTREME LIMITS OF SUCH SIGN. SUCH PERIMETER SHALL NOT INCLUDE ANY STRUCTURAL ELEMENTS LYING OUTSIDE THE LIMITS OF SUCH SIGN AND NOT FORMING AN INTEGRAL PART OF THE DISPLAY.

802.62 **SIGN, PORTABLE:** A SIGN NOT PERMANENTLY AFFIXED TO A BUILDING, STRUCTURE OR THE GROUND AND DESIGNED TO BE MOVED FROM PLACE TO PLACE OR A STRUCTURE AFFIXED TO A CHASSIS EQUIPPED WITH WHEEL AND AXLE OR OTHER MEANS OF MOBILITY.

802.63 **SIGN, TEMPORARY:** A SIGN NOT PERMANENTLY AFFIXED TO A BUILDING, STRUCTURE OR THE GROUND (INCLUDING AN IN-GROUND POST), CONSTRUCTED OF CLOTH, CANVAS, LIGHT FABRIC, CARDBOARD OR OTHER LIGHT MATERIAL.

802.64 **STREET:** A PARTIALLY OR FULLY IMPROVED PUBLIC RIGHT-OF-WAY WHICH AFFORDS THE PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTY.

802.65 **STRUCTURE:** ANYTHING CONSTRUCTED OR ERECTED, THE USE OF WHICH REQUIRES PERMANENT LOCATION ON THE GROUND OR ATTACHED TO SOMETHING HAVING A PERMANENT LOCATION ON THE GROUND, EXCEPT PUBLIC UTILITY, COMMUNICATION AND ELECTRICAL TRANSMISSION LINES AND EQUIPMENT AND FACILITIES SUPPORTING THE SAME AND/OR INCIDENTAL THERETO.

802.66 **SUPPLY YARDS:** A COMMERCIAL ESTABLISHMENT STORING OR OFFERING FOR SALE BUILDING SUPPLIES, STEEL, SUPPLIES, COAL, HEAVY EQUIPMENT, FEED AND GRAIN AND SIMILAR GOODS. SUPPLY YARDS DO NOT INCLUDE THE WRECKING, SALVAGING, DISMANTLING OR STORAGE OF AUTOMOBILES AND SIMILAR VEHICLES.

802.67 **TOURIST HOME:** A BUILDING IN WHICH ONE (1) BUT NOT MORE THAN FIVE (5) GUEST ROOMS ARE USED TO PROVIDE OR OFFER OVERNIGHT ACCOMMODATIONS FOR TRANSIENTS. ALSO KNOWN AS "BED AND BREAKFAST INNS". FOR THE PURPOSE OF THIS ORDINANCE, A TOURIST HOME SHALL BE DEFINED AS A HOME OCCUPATION.

802.68 **TRUCK:** TRUCK TRACTORS, TRUCKS AND TRACTORS AND TRAILERS AS THE SAME ARE DEFINED BY I.C. 9-4-1-3 THROUGH I.C. 9-4-1-5.

802.69 **USE:** THE PURPOSE OF ACTIVITY FOR WHICH THE LAND OR BUILDING THEREON IS DESIGNED, ARRANGED OR INTENDED OR FOR WHICH IT IS OCCUPIED OR MAINTAINED.

802.70 **YARD:** AN OPEN SPACE ON THE SAME LOT WITH A BUILDING OR STRUCTURE, UNOCCUPIED AND UNOBSTRUCTED FROM ITS LOWEST LEVEL UPWARD, EXCEPT AS OTHERWISE PERMITTED BY THIS ORDINANCE.

802.71 **YARD, FRONT:**A YARD EXTENDING ALONG THE FULL LENGTH OF THE FRONT LOT LINE BETWEEN THE SIDE LOT LINES.

802.72 **YARD, REAR:** A YARD EXTENDING ALONG THE FULL LENGTH OF THE REAR LOT LINE BETWEEN THE SIDE LOT LINES.

802.73 **YARD, SIDE:** A YARD EXTENDING ALONG A SIDE LOT LINE FROM THE FRONT TO THE REAR YARD.