

AREA ZONING CODE  
 SWITZERLAND COUNTY, AND THE TOWN OF VEVAY,  
 AND THE TOWN OF PATRIOT, INDIANA - 1996

TABLE OF CONTENTS

CHAPTER 153: AREA ZONING CODE

<u>SECTION</u>	<u>PAGE</u>	<u>SECTION</u>	<u>PAGE</u>
153.01: SHORT TITLE.....	1	153.09: PROCEDURE RELATING TO AREAS WHICH MAY BECOME SUBJECT TO ZONING.....	3
153.02: AUTHORITY.....	1		
153.03: JURISDICTION.....	1	153.10: GENERAL PERFORMANCE STANDARDS.....	3
153.04: ESTABLISHMENT OF DIS- TRICTS AND ZONE MAP....	1	(A) Fire Protection.....	3
(A) Districts and Designations.....	1	(B) Electrical Disturbance.....	3
(B) Zone Map.....	1	(C) Noise.....	3
153.05: ZONE MAP CHANGES..	1	(D) Vibration.....	3
153.06: ZONE MAP REPLACE- MENT.....	1	(E) Odor.....	3
		(F) Air Pollution.....	3
		(G) Heat and Glare.....	3
		(H) Water Pollution.....	3
		(I) Waste Matter.....	3
153.07: INTERPRETATION OF DIS- TRICT BOUNDARIES...	2	153.11: NONCONFORMING BUILD- INGS AND USES.....	3
(A) Centerlines of Streets and Boundaries.....	2	(A) May Be Extended.....	3
(B) Existing Lines.....	2	(B) May Be Changed.....	4
(C) Shore Lines and Waterways.....	2	(C) Use Cannot Be Changed To Nonconforming Use....	4
(D) Use of Scale on Zone Map.....	2	(D) No Building Erected on Nonconforming Use Premises.....	4
(E) Board May Deter- mine.....	2	(E) Illegal Nonconforming Use Specifications.....	4
(F) Vacations and Relocations.....	2	(F) Nonconforming Use in FP Flood Plain District....	4
(G) Lines Splitting Lots..	2	(G) Nonconforming Exempt- ions.....	4
153.08: APPLICATION OF DISTRICT REGULATIONS.....	2	(H) Intermittent Use.....	4
(A) Regulations Apply...	2	(I) Existence of a Nonconform- ing Use.....	4
(B) Lot Areas and Yards May Not Be Encroached Upon...	2	(J) Temporary Nonforming Use.....	4
(C) Yards Are Separate.	2	(K) Discontinuance of Non- conforming Use.....	4
(D) No Reduction in Yards.....	2	(L) Damage to Nonconforming Use.....	4
		(M) Honoring Previous Permits.....	4

## 153: ZONING CODE: TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>	<u>SECTION</u>	<u>PAGE</u>
(N) Buildings May Be Made Safe.....	5	(B) Permitted Uses.....	10
(O) Nonconforming Use Resulting From Amendment.....	5	(C) Other Requirements for the PB District.....	11
153.12: NONCONFORMING LOT AREAS AND WIDTHS.....	5	153.20: GB GENERAL BUSINESS DISTRICT.....	11
153.13: A-1 PRIME AGRICULTURE DISTRICT.....	5	(A) Permitted Uses.....	11
(A) Permitted Uses.....	5	(B) Other Requirements for the GB District.....	11
(B) Other Requirements for the A-1 District.....	5	153.21: I-1 ENCLOSED INDUSTRIAL DISTRICT.....	11
(C) Method for Reclassifying an A-1 District to an A-2 District for Subdivision Purposes.....	5	(A) Permitted Uses.....	11
153.14: A-2 AGRICULTURE DISTRICT.....	6	(B) Other Requirements for the I-1 District.....	11
(A) Permitted Uses.....	6	(C) Performance Standards for Enclosed Industrial Uses.....	11
(B) Other Requirements for the A-2 District.....	6	153.22: I-2 ENCLOSED INDUSTRIAL DISTRICT.....	13
153.15: FR FOREST-RECREATION DISTRICT.....	6	(A) Permitted Uses.....	14
(A) Permitted Uses.....	6	(B) Other Requirements for the I-2 District.....	14
(B) Other Requirements for the FR District.....	6	(C) Performance Standards for Enclosed Industrial Uses.....	14
153.16: R-1 SINGLE FAMILY AND TWO-FAMILY RESIDENCE DISTRICT.....	7	153.23: MR MINERAL RESERVE DISTRICT.....	14
(A) Permitted Uses.....	7	(A) Permitted Uses.....	14
(B) Other Requirements for the R-1 District.....	7	(B) Other Requirements for the MR District.....	14
153.17: R-2 MULTI-FAMILY RESIDENCE DISTRICT.....	7	153.24: UD UNIT DEVELOPMENT PLAN DISTRICT.....	14
(A) Permitted Uses.....	7	(A) Statement of Purpose....	14
(B) Other Requirements for the R-2 District.....	7	(B) Applicability.....	15
153.18: LB LOCAL BUSINESS DISTRICT.....	7	(C) Procedure.....	15
(A) Permitted Uses.....	8	(D) Abandonment or Expiration.....	17
(B) Other Requirements for the LB District.....	9	(E) Recording.....	17
153.19: PB PLANNED BUSINESS DISTRICT.....	9	(F) Permit.....	17
(A) General Provisions..	9	(G) Covenants and Maintenance.....	18
		(H) Limitation on Rezoning.....	18
		153.25: HD HISTORIC DISTRICT....	19
		(A) Permitted Uses.....	19
		(B) Other Requirements for the HD District.....	19

153: ZONING CODE: TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>	<u>SECTION</u>	<u>PAGE</u>
153.26: FP FLOOD PLAIN DISTRICT.....	19	(C) Existing Use May Be A Conforming Use.....	34
(A) Participants.....	19	(D) Temporary Certificates..	34
(B) Disposition for Application for Permits.....	19	(E) Home Occupations, Office in the Home; and Adult Business Uses.....	34
(C) Authority.....	19	(F) Special Exceptions and Districts Where They May Be Permitted.....	35
(D) Purpose.....	19		
(E) Findings of Purpose.....	20	153.29: BUILDING SETBACK LINES.....	61
(F) Methods of Reducing Flood Losses.....	20	(A) Front Yard.....	61
(G) Basis for Establishing the Areas of Special Flood Hazards.....	20	(B) Conflict - Setback Requirements.....	61
(H) Abrogation and Greater Restriction.....	20	(C) Exceptions.....	61
(I) Interpretation.....	20		
(J) Warning and Disclosure of Liability.....	20	153.30: YARD EXCEPTIONS.....	61
(K) Definitions.....	21	(A) Application.....	61
(L) Boundaries and Flood Plain Districts.....	24	(B) Yard Encroachments.....	61
(M) Primary Uses.....	25	(C) Projections.....	61
(N) Special Exceptions May Be Permitted in the FP Flood Plain District.....	25	(D) Alley Abutting Rear or Side Yard.....	62
(O) Additional Special Exception Requirements.....	26	(E) Side Yards.....	62
(P) Variances.....	26	(F) Tapered Yard Formula (for Accessory Building)..	62
(Q) Non-conforming Uses.....	26	(G) Fences.....	62
(R) Developing in SFHA.....	27	(H) Minor Screening and Accessory Uses.....	62
(S) Protecting Buildings.....	27	(I) Intersection Visibility.....	62
(T) Other Development Requirements.....	29	(J) Storage.....	63
(U) Improvement Location Permits in Special Flood Hazard Areas.....	29	153.31: ACCESS AND FRONTAGE..	63
(V) Duties.....	30		
(W) Special Requirement.....	31	153.32: ONE PRIMARY BUILDING PER LOT.....	63
153.27: CONTINGENT USES.....	32		
(A) Contingent Uses Permitted.....	32	153.33: CONVERSIONS.....	63
(B) Other Requirements for Contingent Uses.....	32	(A) Certain Conversions Discouraged.....	63
(C) Developmental Disabilities Residential Facilities Permitted.....	32	(B) Consistent with Purposes.....	63
		(C) Appearance and Repair..	63
153.28: SPECIAL EXCEPTIONS.....	32	(D) Exception.....	63
(A) Definition and Basis of Approval.....	32		
(B) Procedure for Approval.....	32	153.34: MANUFACTURED HOME AND MOBILE HOME PERMITTED.....	63
		(A) Manufactured Homes.....	63
		(B) Mobile Homes.....	63
		(C) Mobile Homes Permitted According to Certain Conditions.....	63

# CHAPTER 153: AREA ZONING CODE

## Section 153.01: SHORT TITLE

The ordinances, as amended, comprising Chapter 153 of the "Code of Ordinances of Switzerland County, Indiana," and the "Code of Ordinances of the Town of Vevay, Indiana," and the "Code of Ordinances of the Town of Patriot, Indiana," shall hereafter be referred to as the "Area Zoning Code of Switzerland County, and the Town of Vevay, and the Town of Patriot, Indiana - 1996," or "Area Zoning Code."

## Section 153.02: ZONING AUTHORITY

The County of Switzerland, Indiana, and the Towns of Vevay and Patriot, hold the power to zone within their respective jurisdictions, in order to promote orderly development and to improve the health, safety, convenience, and welfare of its citizens through I.C. 36-7-4, as amended from time to time.

## Section 153.03: JURISDICTION

The area of jurisdiction of the Switzerland County Area Planning Commission includes all of the territory within Switzerland County, Indiana, in accordance with the provisions of the Area Planning Law of the State of Indiana.

## Section 153.04: ESTABLISHMENT OF DISTRICTS AND ZONE MAP

(A) Districts and Designations. For zoning purposes, the territory within the jurisdiction of the Switzerland County Area Plan Commission is hereby classified and divided into districts with the following names and designations:

<u>District Designation</u>	<u>Type of District</u>
A-1	Prime Agriculture
A-2	Agriculture
FR	Forest Recreation
R-1	Residence
R-2	Multi-Family Residence
LB	Local Business
PB	Planned Business
GB	General Business
I-1	Enclosed Industrial
I-2	Enclosed Industrial
MR	Mineral Reserve
UD	Unit Development Plan

<u>District Designation</u>	<u>Type of District</u>
HD	Historic
FP	Flood Plain

(B) Zone Map. The Zone Map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the area covered by the districts. Notations, references, indications and other matters shown on the Zone Map are as much a part of this Code as if they were fully described herein.

The official Zone Map shall be identified with the signatures of the following officials, followed by the date of adoption of the ordinance comprising this Code: The President of the Switzerland County Board of Commissioners; the President of the Vevay Town Council; and the President of the Patriot Town Council.

Regardless of the existence of purported copies of the official Zone Map which may from time to time, be made or published, the official Zone Map shall be located in the office of the Switzerland County Auditor, and in the office of the Clerk-Treasurer of Vevay and Patriot, Indiana, and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures within the jurisdiction of the Switzerland County Area Plan Commission.

## Section 153.05: ZONE MAP CHANGES

If, in accordance with the provisions of this Code and I.C. 36-7-4, as amended, changes are made by the appropriate Legislative Body having jurisdiction in district boundaries or other matter portrayed on the Zone Map, such changes shall be entered by the Executive Director on the Zone Map within 90 days after the amendment has been approved by the appropriate Legislative Body.

No change of any nature shall be made in the Zone Map, or matter shown thereon, except in conformity with the amendment procedures set forth in this Code.

## Section 153.06: ZONE MAP REPLACEMENT

In the event that the Zone Map becomes damaged, lost, or difficult to interpret because of the number of changes and additions, the

## CHAPTER 153: AREA ZONING CODE

appropriate Legislative Body having jurisdiction may by ordinance adopt a new Zone Map which shall supersede the prior Zone Map. The new Zone Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Zone Map or any subsequent amendment thereof.

### Section 153.07: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zone Map, the following rules shall apply:

(A) Centerlines of Streets and Boundaries. Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys or railroad rights-of-way, or such lines extended.

(B) Existing Lines. Boundaries indicated as approximately following section lines, half-section and quarter-section lines, or Town corporate limit lines, or platted lot lines shall be construed as following such lines.

(C) Shore Lines and Waterways. Boundaries indicated as following shore lines shall be the Indiana-Kentucky state line. Boundaries indicated as approximately following the center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such center lines.

(D) Use of Scale on Zone Map. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (C) above, shall be so construed. Distances not specifically indicated on the Zone Map shall be determined by the scale of the Map.

(E) Board May Determine. Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by subsections (A) through (D) herein, the Board of Zoning Appeals shall interpret the district boundaries.

(F) Vacations and Relocations. The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries; provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

(G) Lines Splitting Lots. Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance comprising this Chapter, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

### Section 153.08: APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Chapter within each district shall be minimum regulations, and they shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

(A) Regulations Apply. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) Lot Areas and Yards May Not Be Encroached Upon. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located, or in any other manner contrary to the provisions of this Code.

(C) Yards are Separate. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(D) No Reduction in Yards. No yard or lot existing at the time of passage of the Ordinance comprising this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the said Ordinance shall meet at least the minimum requirements established by this Code.

## CHAPTER 153: AREA ZONING CODE

### Section 153.09: PROCEDURE RELATING TO AREAS WHICH MAY BECOME SUBJECT TO ZONING

Any additional territory which becomes subject to the rules and regulations of the Switzerland County Area Plan Commission shall be automatically zoned A-1 Prime Agriculture District unless otherwise changed by amendment to this Chapter; provided, that in the event of annexation of lands to the Town of Vevay, and the Town of Patriot, which are already within the jurisdiction of the Plan Commission, the zoning classification existing at the time of annexation shall remain unless changed by amendment procedures.

Whenever any road, street, alley, public way, waterway or any other similar area is vacated by proper authority, the districts adjoining each side of such area shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

### Section 153.10: GENERAL PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of the Ordinance comprising this Chapter shall comply with the following performance standards, except as otherwise set forth in this Chapter for Enclosed Industrial Uses, in the interest of protecting the public health, safety and welfare, and to lessen injury to property. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of the said Ordinance shall be so altered or modified to conflict with these standards.

(A) Fire Protection. Fire-fighting equipment and prevention measures acceptable to the applicable Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

(B) Electrical Disturbance. No use shall cause electrical disturbance adversely affecting radios, televisions or other equipment in the vicinity.

(C) 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.

(D) Vibration. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

(E) 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.

(F) Air Pollution. No use shall discharge across the lot lines fly ash, 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, or conflict with public air quality standards.

(G) Heat and Glare. No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.

(H) Water Pollution. No use shall cause erosion or produce pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.

(I) Waste Matter. No use shall amass within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

### Section 153.11: NONCONFORMING BUILDINGS AND USES

The lawful use of a building or premise, existing at the time of the passage of the Ordinance comprising this Chapter, may be continued although such use does not conform to all the provisions of this Code, subject to the following conditions:

(A) May Be Extended. A nonconforming use may be extended throughout a building provided the size of the structure is not increased. Existing dwellings in the various Business and Industrial Districts may be structurally altered and expanded.

## CHAPTER 153: AREA ZONING CODE

(B) May Be Changed. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided the size of the structure is not increased.

(C) Use Cannot Be Changed To Nonconforming Use. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.

(D) No Building Erected On Nonconforming Use Premises. No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this Code.

(E) Illegal Nonconforming Use Specifications. An illegal nonconforming use shall not be validated by the adoption of the ordinance comprising this Chapter.

(F) Nonconforming Use in FP Flood Plain District. Any existing building, structure or use of land in the FP Flood Plain District which is not in conformance with this Chapter constitutes a Nonconforming Use. All applications to repair, extend or enlarge a nonconforming use in the FP Flood Plain District shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any resulting Improvement Location Permit or Building Permit issued by the Executive Director.

(G) Nonconformance Exemptions. A building nonconforming only as to height, lot area or yard requirements may be altered or extended, provided that any extension meets all of the height, yard and other applicable provisions of this ordinance.

(H) Intermittent Use. The casual, intermittent, temporary or illegal use of land, buildings or premises shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

(I) Existence of a Nonconforming Use. In circumstances where there is question whether or not a nonconforming use exists, it shall be considered a question of fact and shall be decided by the Board following public notice and a public

hearing in accordance with the Rules of Procedure of the Board.

(J) Temporary Nonconforming Use. The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one (1) year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district. (See Sec. 153.38.)

(K) Discontinuance of Nonconforming Use. In the event that a nonconforming use of any building or premises is discontinued for a period of at least one (1) year, the use of the same shall hereafter conform to the uses permitted in the district in which it is located, and provided further that any nonconforming dwelling which may be removed from a lot, shall relocate on another lot only in accordance with the provisions of this Code.

(L) Damage to Nonconforming Use. If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. It shall be the decision of the Executive Director as to percentage determinations.

In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently pursued to completion.

(M) Honoring Previous Permits. Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which an Improvement Location Permit or a Building Permit has been heretofore issued, and the actual construction of which has been diligently pursued within ninety (90) days of the date of such Permit, and which entire building shall be completed according to such plans filed within three (3) years of such Permit. Actual construction is hereby defined to include the erection of construction materials in permanent position and



## CHAPTER 153: AREA ZONING CODE

fastened in a permanent manner.

(N) Buildings May Be Made Safe. Nothing in this Code shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.

(O) Nonconforming Use Resulting From Amendment. These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this Code.

### Section 153.12: NONCONFORMING LOT AREAS AND WIDTHS

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel included in a subdivision of record at the time of passage of the Ordinance comprising this Chapter, even though the lot does not have the minimum lot width or the minimum lot area specified for the district, provided that the lot size and lot width meet the minimum standards of the County Health Department, and provided further that the width of the lot, as measured, is at least seventy-five (75) percent of that required by the terms of this Chapter.

### Section 153.13: A-1 PRIME AGRICULTURE DISTRICT

This district is intended to protect and encourage agricultural uses of land by controlling indiscriminate development of urban-type uses. Residences are permitted on large lots with wide frontage, but residential subdivisions are not permitted, except as provided in Sec. 152.04(d) (of the Area Subdivision Control Code). Generally, the prime agriculture district is located where the soil types are most conducive to agricultural operations. All types of agricultural uses or uses akin to agricultural operations are permitted, either outright or by special exception, depending upon their impact upon neighboring uses.

#### (A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Applicable special exceptions set forth in Sec. 153.28.
- (5) Applicable contingent uses set forth in Sec. 153.17.

(6) Accessory uses set forth in Sec. 153.37.

(7) Temporary uses set forth in Sec. 153.38.

(8) A Farmstead Lot of not less than one (1) acre with yard requirements the same as those required for a Single-family Dwelling located in the A-2 Agriculture District.

#### (B) Other Requirements for the A-1 District.

(1) Lot and area, ground floor area, height, lot width, lot coverage and front, side and rear yard requirements are set forth in Figure 1.

(2) See Sec. 153.29 for front yard or setback and additional yard requirements.

(3) Additional height requirements are set forth in Sec. 153.35.

(4) Off-street parking space requirements are set forth in Sec. 153.40.

(5) Sign requirements are set forth in Sec. 153.37.

(6) See Sec. 153.30 for fence requirements and yard exceptions.

#### (C) Method for Reclassifying an A-1 District to an A-2 District for Subdivision Purposes.

(1) If an applicant for a residential subdivision of land, as set forth in the Subdivision Code proposed to be located in an area covered by an A-1 District, can demonstrate to the satisfaction of the Plan Commission that such land is actually located in an area having primarily Group III and/or Group IV Soils in accordance with the criteria and findings in the National Cooperative Soil Survey prepared by the United States Department of Agriculture Soil Conservation Service in cooperation with the Purdue Experimental Station and the Switzerland County Soil and Water Conservation District, the Plan Commission may then initiate an amendment to the Zoning Code on its own motion in order to cause the area proposed to be subdivided to be reclassified on the Zone Map to the A-2 District, provided that certain other requirements have been met by the applicant:

(a) The County road from which access is gained to the proposed subdivision is paved properly in accordance with the standards of the Switzerland County Highway Department, or the applicant may pave such road at his expense;

(b) The plan for off-site drainage proposed meets the approval of the Switzerland County Drainage Board of Commissioners, and the



## CHAPTER 153: AREA ZONING CODE

expense of the drainage will be borne by the subdivider (3 year bond); and

(c) The site is located in a woods or in an area topographically or otherwise unfit for agricultural operations.

(2) The general criteria of soils of Switzerland County that have the best potential for homesites:

- (a) Do not flood or pond.
- (b) Moderately well-drained, well-drained, or excessively drained.
- (c) Slopes of two percent (2%) to twelve percent (12%).
- (d) Bedrock deeper than sixty (6) inches.
- (e) Have an acceptable soil analysis.

(3) Criteria of soils included in prime farmland map units of Switzerland County that do not qualify as prime farmland and that have the best potential for homesites:

- (a) A soil that has an unfavorable texture and growing season for agronomic crops.
- (b) A soil that has an inadequate and/or undependable water supply in the upper forty (40) inches of the soil; or the water table is not maintained or cannot be managed so that all of the soil horizons within forty (40) inches have adequate available water for plant growth during the cropping season.

(c) Soil that has coarse or moderately coarse texture in the surface and subsoil.

### Section 153.14: A-2 AGRICULTURE DISTRICT

This district is located generally in agricultural areas where soil types are conducive to agricultural operations and where residential uses either have taken place and are anticipated to do so with a minimum lot area of one acre. Residential subdivisions are permitted with large lots; however, all types of agricultural uses or uses akin to agricultural operations may be permitted, either outright or by special exception, depending upon their impact upon neighboring uses.

#### (A) Permitted Uses.

- (1) Agricultural use.

- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Applicable special exceptions set forth in Sec. 153.28.
- (5) Applicable contingent uses set forth in Sec. 153.27.
- (6) Accessory uses set forth in Sec. 153.37.
- (7) Temporary uses set forth in Sec. 153.38.

#### (B) Other Requirements for the A-2 District.

- (1) Lot area, ground floor area, height, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 153.29 for front yard or setback and additional yard requirements.
- (3) Additional height requirements are set forth in Sec. 153.35.
- (4) Off-street parking space requirements are set forth in Sec. 153.40.
- (5) Sign requirements are set forth in Sec. 153.41.
- (6) See Sec. 153.30 for fence requirements and yard exceptions.

### Section 153.15: FR FOREST RECREATION DISTRICT

This district is designed to include areas of rolling and rugged topography and public and forest lands.

#### (A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special Exceptions set forth in Sec. 153.28.
- (5) Contingent Uses set forth in Sec. 153.27.
- (6) Accessory Uses set forth in Sec. 153.37.
- (7) Temporary Uses set forth in Sec. 153.38.

#### (B) Other Requirements for the FR District.

- (1) Lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.
- (2) See Sec. 153.29 for front yard or setback and additional yard requirements.
- (3) Height requirements are set forth in Sec. 153.35.
- (4) Off-street parking space requirements

## CHAPTER 153: AREA ZONING CODE

are set forth in Sec. 153.40.

(5) Sign requirements are set forth in Sec. 153.41.

(6) See Sec. 153.30 for fence requirements and yard exceptions.

### Section 153.16: R-1 SINGLE-FAMILY AND TWO-FAMILY RESIDENCE DISTRICT

This district is designed to permit medium density single-family and two-family residential development, and is adaptable to urban and suburban locations.

#### (A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Manufactured home.
- (5) Applicable special exceptions set forth in Sec. 153.28.

(6) Applicable contingent uses set forth in Sec. 153.29.

(7) Accessory uses set forth in Sec. 153.37.

(8) Temporary uses set forth in Sec. 153.38.

#### (B) Other Requirements for the R-1 District.

(1) Lot area, ground floor area, height, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.

(2) See Sec. 153.29 for front yard or setback and additional yard requirements.

(3) Additional height requirements are set forth in Figure 1 and Sec. 153.35.

(4) Off-street parking space requirements are set forth in Sec. 153.40.

(5) Sign requirements are set forth in Sec. 153.41.

(6) See Sec. 153.30 for fence requirements and yard exceptions.

### Section 153.17: R-2 MULTI-FAMILY RESIDENCE DISTRICT

The R-2 Multi-family Residence district is intended to provide for medium to high density residential areas. This district may be used as a transitional area between residential and non-

residential areas while at the same time providing for multi-family housing in a predominantly low density urban area.

#### (A) Permitted Uses.

(1) Agricultural use.

(2) Single-family dwelling.

(3) Two-family dwelling.

(4) Multi-family dwelling.\*

(5) Manufactured home.

(6) Applicable special exceptions set forth in Sec. 153.28.

(7) Applicable contingent uses set forth in Sec. 153.29.

(8) Accessory uses set forth in Sec. 153.37.

(9) Temporary uses set forth in Sec. 153.38.

\* Multi-Family Dwelling or Apartment for or occupied by more than four (4) families is a Special Exception in the R-2 District.

#### (B) Other Requirements for the R-2 District.

(1) Lot area, ground floor area, height, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1.

(2) Height requirements are set forth in Sec. 153.35.

(3) Off-street parking space requirements are set forth in Sec. 153.40.

(4) Sign requirements are set forth in Sec. 153.41.

(5) See Sec. 153.29 for front yard or setback and additional yard requirements.

(6) See Sec. 153.32 for fence requirements.

(7) Prior to the issuance of an Improvement Location Permit by the Executive Director, written approval of the building plans must have been received from the Fire Prevention and Building Safety Commission of the State of Indiana, for all residential structures of three or more units.

### Section 153.18: LB LOCAL BUSINESS DISTRICT

The local business district is designed to meet the day-to-day convenience shopping and service needs of persons living in nearby residential areas. Uses allowed in this district will, in general, be a less intense use than those allowed in the PB or GB districts.

## CHAPTER 153: AREA ZONING CODE

### (A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Local business uses which are primarily of a retail or service nature and specifically classified or implied in the following categories of uses: \*(See note below.)
  - (a) Automobile service - including:
    1. Public garage, but not including major repair or body work.
    2. Sales room (including mobile home or trailer sales area).
    3. Repair (all indoors).
  - (b) Business service - including:
    1. Bank.
    2. Office building.
    3. Postal station.
    4. Telegraph office.
    5. Telephone exchange or public utility substation.
    6. Utility company business office.
  - (c) Clothing Service - including:
    1. Laundry agency.
    2. Self-service laundry and dry cleaning.
    3. Dry cleaning establishment using not more than three clothes-cleaning units, which shall use cleaning fluid which is non-explosive and non-flammable.
    4. Dressmaking.
    5. Millinery.
    6. Tailor and pressing shop.
    7. Shoe repair shop.
  - (d) Equipment service:
    1. Radio or television shop and sales.
    2. Electric appliance shop and sales.
    3. Record shop and sales.
  - (e) Food Service - including:
    1. Grocery.
    2. Meat market.
    3. Supermarket.
  - (f) Restaurant.
  - (g) Delicatessen.
  - (h) Cold storage lockers, for individual use.
  - (i) Bakery, provided floor area used for production shall not exceed seven hundred fifty (750) square feet.
  - (j) Personal service - including:
    1. Barber shop.
    2. Beauty shop.
    3. Physical fitness facility.
    4. Photographic studio.
  - (k) Retail service, retail stores, generally including:
    1. Drug store.
    2. Hardware or paint store.
    3. Stationer.
    4. Newsdealer.
    5. Show room and sales area for articles to be sold at retail.
    6. Apparel shop.
    7. Antique shop.
    8. Shoe store.
    9. Variety store.
    10. Toy store.
    11. Jewelry store.
    12. Flower or garden shop.
    13. Commercial greenhouse not exceeding 1000 sq. ft. in area.
    14. Gift shop.
  - (l) Business recreational uses including:
    1. Billiard room.
    2. Dancing academy.
    3. Tavern or night club, only in conformity with requirements of laws or ordinances governing such use.
    4. Bait sales.
  - (m) Club or Lodge (commercial).
  - (n) Farm implement (machinery) (new or used) sales and service area or building.
  - (o) Mortuary.
  - (p) Pet shop.
  - (q) Studio - Business (art, interior decorating, music, etc.).

## CHAPTER 153: AREA ZONING CODE

(n) Accessory Building or use customarily incident to the above uses which may not have more than forty (40) percent of its floor area devoted to storage purposes, and provided that not more than five (5) persons are employed at one time or on any one shift in connection with such incidental use.

\*NOTE: Local business uses, categories (a) (1) through (m) shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

(7) Applicable special exceptions set forth in Sec. 153.28.

(8) Applicable contingent uses set forth in Sec. 153.27.

(9) Accessory uses set forth in Sec. 153.37.

(10) Temporary uses set forth in Sec. 153.38.

### (B) Other Requirements for the LB District.

(1) For local business uses, each lot shall have at least forty (40) feet of frontage on a street. See Sec. 153.29 for front yard or setback and additional yard requirements for local business uses.

(2) For residential uses the lot area, ground floor area, height, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1. See Sec. 153.29 for front yard or setback and additional yard requirements for residential uses.

(3) Height requirements are set forth in Sec. 153.35.

(4) Off-street parking space requirements are set forth in Sec. 153.40.

(5) See Sec. 153.30 for fence requirements.

(6) Sign requirements are set forth in Sec. 153.41.

(7) See Sec. 153.36 for Supplementary Business Standards.

### Section 153.19: PB PLANNED BUSINESS DISTRICT

This district is designed to encourage well-planned business uses, particularly with respect to unified design, safe ingress and egress, adequate and

properly located parking and service facilities and convenient and safe pedestrian accessibility.

(A) General Provisions. The uses set forth in division (B) below shall be permitted by the Executive Director without a hearing or consideration by the Board of Zoning Appeals, if he ascertains that the application for an improvement location permit for the proposed use in the PB Planned Business District meets all of the requirements herein, and the basic requirements of Sec. 153.28 (B)(1)(a), (b), (c), (d), and (e) and all other requirements set forth in this chapter pertaining to the proposed use. Provided, a public notice and notice to interested property owners of filing the improvement location permit, describing the location and nature of the proposed use, shall be published in accordance with the rules of the Board of Zoning Appeals at least ten (10) days prior to any action being taken thereon by the Executive Director. If the Executive Director determines that the proposed use is not in accordance with the requirements, he shall deny the application for an improvement location permit, and the applicant may make application for a Special Exception which shall be processed in accordance with the requirements set forth in Sec. 153.29 for a Planned Business Use in the PB District. Or, if objections from property owners are elicited by the required notices, the Executive Director shall require that the application be processed as a Special Exception in accordance with the requirements set forth in Sec. 153.28 for a Planned Business Use in the PB District, and additional notice shall be required. All applications for any use in the PB Planned Business District shall include a development plan, and the following additional requirements shall be adhered to:

(1) A greenbelt or lawn area at least twenty (20) feet in width and abutting the property line on the lot which is proposed in the PB District shall be provided on the particular side or rear of a lot where a PB District use adjoins an A-1, A-2, FR, R-1, or R-2 District or land used for residential purposes. A planting screen consisting of suitable shrubbery shall be provided and maintained within the greenbelt or lawn area so as to provide a tight screen, effective at all times of the year. The locations and names of the shrubbery planting shall be indicated on the development plan or on a separate landscape plan which shall become a part of the application. The shrubbery may be planted informally or in a row and may include several varieties and sizes provided that the Board shall be

## CHAPTER 153: AREA ZONING CODE

satisfied that the shrubbery will screen any parking areas and expected ground activity from the view of the abutting property, and also that vision clearance at access points shall be provided for safety purposes.

(2) Off-street parking spaces and accessory uses such as filling stations pumps and islands, signs and light standards, and access drives may be located in the required front yard, but not within twenty (20) feet of the front lot line, provided that the access drives may connect with the frontal street, and provided also that the described twenty foot strip of land shall be maintained as a lawn area with occasional tree and shrub plantings.

(3) On properties fronting on state highways or on any other "arterial streets" (see definitions of "STREET, ARTERIAL" and "COMPREHENSIVE PLAN" in Sec. 153.47) as shown on the Thoroughfare Plan Map, the front yard shall have a depth of at least eighty (80) feet. Furthermore, a greenbelt or lawn area of at least twenty (20) feet in depth and abutting the front lot line of such properties shall be maintained as lawn except for prescribed accessways. (See Subsections (A) (1) and (A) (2), herein.) On through lots, building lines and greenbelts or lawn areas shall be provided as herein described. On all other types of streets the building line for uses proposed in the PB Planned Business District shall be established at least twenty-five (25) feet from the front lot line, and the side yard dimension on the side street side of a corner lot shall be at least twenty-five (25) feet measured from the side lot line which either exists or is proposed to exist as the line of a future street, provided that greenbelts or lawn areas are not required for those streets.

(4) Entrances and exists shall be located so as to minimize any adverse effect on adjacent properties. Access driveways shall not be wider than forty (40) feet at their point of intersection with a street. The requirements of Sec. 153.36 (B) apply to traffic access points and service roads.

(5) No structure or building, driveway, or accessory use shall be located closer than ten (10) feet to any side or rear lot line.

(6) Locations of easements and proposed utility lines and structures for storm drainage, sanitary sewers, electric power, water mains, and so on, including a statement or indications concerning the approximate size or capacity and the proposed

operation of utilities to be installed shall be included in the application.

(7) The minimum number of off-street parking spaces and loading berths required for planned business uses shall be determined in accordance with the requirements set forth in Sec. 153.40. The requirements for off-street parking spaces and loading berths for other types of uses shall be the same as the requirements set forth in this chapter for the particular type of use.

(8) Buildings may be erected to a height of forty-five (45) feet.

(9) Except for the sales of gasoline or oil or other related products at filling stations, displays outside of buildings shall require the approval of the Executive Director or Board, as the case may be.

(10) Outside storage, including continued storage of automobile, trucks, or trailers for hauling purposes, is not a permitted use in the PB District.

(11) Except for Dwellings, more than one principal building and its accessory building(s) or use(s) shall be permitted on one lot in the PB District.

(12) Any other authority required when applicable, such as State Board of Health and State Highway Department, shall accompany the application for any use in the PB District.

### (B) Permitted Uses.

(1) Local business uses.

(2) General business uses, (A) (8) (b), (e), (f), (g), (h), and (i).

(3) Single-family dwelling.

(4) Two-family dwelling.

(5) Manufactured home.

(6) Applicable special exceptions set forth in Sec. 153.29.

(7) Applicable contingent uses set forth in Sec. 153.27.

(8) Accessory uses set forth in Sec. 153.37.

## CHAPTER 153: AREA ZONING CODE

(9) Temporary uses set forth in Sec. 153.38.

### (C) Other Requirements for the PB District.

(1) For planned business uses, each lot shall have at least one hundred (100) feet of frontage on a street. See Sec. 153.29 for front yard or setback and additional yard requirements for planned business uses.

(2) For residential uses the lot area, ground floor area, height, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. (The requirements for residential uses in the PB District are the same as those in the R-1 District.) See Sec. 153.29 for front yard or setback and additional requirements for residential uses.

(3) Height requirements are set forth in Sec. 153.35.

(4) Off-street parking space requirements are set forth in Sec. 153.40.

(5) See Sec. 153.30 for fence requirements.

(6) Sign requirements are set forth in Sec. 153.41.

(7) See Sec. 153.36 for Supplementary Business Standards.

(8) See Figure 1 for additional business use requirements.

### Section 153.20: GB GENERAL BUSINESS DISTRICT

This district provides sites for heavier types of business and commercial uses as well as enclosed industrial uses.

#### (A) Permitted Uses.

- (1) Agricultural uses.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Local business uses.
- (7) Planned business uses.
- (8) General business uses specifically stated or implied in the following categories:

- (a) Local business uses.

- (b) Planned business uses.
- (c) Storage warehouse.
- (d) Wholesale establishment.
- (e) Enclosed industrial uses.
- (f) Truck service center.
- (g) Open sales lot.
- (h) Passenger station.

(i) Any business use not specifically stated or implied elsewhere in this Chapter.

(9) Applicable special exceptions set forth in Sec. 153.28.

(10) Applicable contingent uses set forth in Sec. 153.27.

(11) Accessory uses set forth in Sec. 153.37.

(12) Temporary uses set forth in Sec. 153.38.

### (B) Other Requirements for the GB District.

(1) For general business uses, each lot shall have at least forty (40) feet of frontage on a street. See 153.29 for front yard or setback and additional yard requirements for general business uses.

(2) For residential uses, the lot area, height, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in Figure 1. See Sec. 153.29 for front yard or setback and additional yard requirements for residential uses.

(3) Height requirements are set forth in Sec. 153.35.

(4) Off-street parking space requirements are set forth in Sec. 153.40.

(5) See Sec. 153.30 for fence requirements.

(6) Sign requirements are set forth in Sec. 153.41.

(7) See Sec. 153.36 for Supplementary Business Standards.

### Section 153.21: I-1 ENCLOSED INDUSTRIAL DISTRICT

The I-1 Enclosed Industrial District is established to provide for industrial expansion, and is one in which manufacturing, fabricating, processing, extraction, repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes is conducted entirely within enclosed buildings of any size, provided that such use shall conform to the

## CHAPTER 153: AREA ZONING CODE

performance standards set forth herein. Screening of storage, parking and loading areas is essential in this district as it may often be located adjacent to residential areas and may serve as a buffer between the I-2 Industrial Districts and business or residential districts. Business uses are not permitted in this district, and provided further that material storage (open) may be permitted as an exception.

### (A) Permitted Uses.

- (1) Agricultural uses.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Enclosed industrial uses specially stated or implied in the following categories:

- (a) Enclosed industrial uses including processing, refining, repairing of goods, materials or products.
- (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
- (c) Enclosed wholesaling, warehousing packaging, storage or distribution facilities (including commercial greenhouses).
- (d) General offices associated with an industrial use, including service facilities for employees or guests; **provided**, however, any service facilities shall be entirely enclosed within a building.
- (e) Printing, lithographing, publishing or photography establishments.
- (f) Utility installations and facilities.

(5) Applicable special exceptions set forth in Sec. 153.28.

(6) Applicable contingent uses set forth in Sec. 153.27.

(7) Accessory uses set forth in Sec. 153.37.

(8) Temporary uses set forth in Sec. 153.38.

### (B) Other Requirements for the I-1 District

(1) For enclosed industrial uses, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet. See Sec. 153.29 for front yard or setback and additional yard requirements and planting screen requirements

for interchange business uses.

(2) Height requirements are set forth in Sec. 153.35.

(3) Off-street parking space requirements are set forth in Sec. 153.40.

(4) The total floor area of the enclosed industrial building or buildings shall not exceed sixty percent (60%) of the lot area.

(5) Sign requirements are set forth in Sec. 153.41.

(6) See Figure 1 for additional industrial use requirements.

### (C) Performance Standards for Enclosed Industrial Uses.

(1) No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Switzerland County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and by the applicable Town Council if the activity is proposed to be located in a Town. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshall. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blast explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyrides, terazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239.

(2) The restrictions of this sub-section shall not apply to: (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the



CHAPTER 153: AREA ZONING CODE

lot line; (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products; (c) conditions beyond the control of the user, such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

(3) Outdoor storage. Outdoor storage which is used as an accessory use to an enclosed industrial use in the I-1 district, may be permitted by the Board of Zoning Appeals provided the said storage is located behind the building line and in such a manner that it cannot be seen from the frontal street or a side street. Screen planting or fence or wall not to exceed eight (8) feet in height may be employed to screen storage areas from view.

(4) Smoke. The emission of more than seventy (70) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one (1) hour period during any twenty-four (24) hour period, this rate may be increased to eighty (80) smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing and fire cleaning.

(5) Particulate Matter. The rate of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds of effluent gas. Not more than fifty percent (50%) by weight of particles larger than 44 microns (325 mesh) shall be allowed.

(6) Odor. Any activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residence district boundary line.

(7) Poisonous and Injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of ten percent (10%) of the threshold limit set for the fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry," issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists,

latest issue.

(8) Glare and Heat. No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.

(9) Vibration. Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet from a business district boundary.

(10) Noise. At no point one hundred twenty-five (125) feet from the boundary of an I-1, I-2, or GB district, which permits an enclosed industrial use, shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the Octave Bands designated as follows:

ENCLOSED INDUSTRIAL USE

	Maximum Permitted Sound Level (In Decibels) 125 Feet From District	Maximum Permitted Sound Level (In Decibels) 125 Feet From District
Octave Band Frequency (Cycles Per Second)	Adjoining Residence District Boundaries	Adjoining Business District Boundaries
0 to 75	75	80
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

(11) Fire Hazards. The storage, utilization or manufacture of solid materials or products shall conform to the provisions of this Code.

Section 153.22: I-2 ENCLOSED INDUSTRIAL DISTRICT

The I-2 Enclosed Industrial District is established to include existing developments and to provide for their expansion and is one in which manufacturing, fabricating, processing, extraction,

## CHAPTER 153: AREA ZONING CODE

heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes is conducted entirely within enclosed buildings of any size, provided that such use shall conform to the performance standards set forth herein. Screening of storage, parking and loading areas is essential in this district as it may be located adjacent to residential areas. Business uses are not permitted in this district. Material storage (open) may be permitted as an exception by the Board of Zoning Appeals.

### (A) Permitted Uses.

(1) The permitted uses are the same as those uses permitted in the I-1 Enclosed Industrial District.

### (B) Other Requirements for the I-2 District.

Other requirements for the I-2 Enclosed Industrial District are the same as other requirements for uses in the I-1 Enclosed Industrial District, provided that Figure 1 will indicate different yard and setback requirements for the I-2 District.

### (C) Performance Standards for I-2 Enclosed Industrial Uses.

Performance Standards for I-2 Enclosed Industrial Uses are the same as the performance standards for I-1 Enclosed Industrial Uses.

### Section 153.23: MR MINERAL RESERVE DISTRICT

This district is established to include most existing facilities for mineral extraction or processing, or both, and the potential expansion of such facilities.

### (A) Permitted Uses.

- (1) Mineral extraction.
- (2) Agricultural use.
- (3) Single-family dwelling.
- (4) Manufactured home.
- (5) Special Exceptions set forth in Sec. 153.28.
- (6) Contingent Uses set forth in Sec. 153.27.
- (7) Accessory Uses set forth in Sec. 153.37.
- (8) Temporary Uses set forth in Sec. 153.38.

### (B) Other Requirements for the MR District.

(1) Lot area, ground floor area, lot width, lot coverage and front, side, and rear yard requirements are set forth in Figure 1.

(2) See Sec. 153.29 for front yard or setback and additional yard requirements.

(3) Height requirements are set forth in Sec. 153.35.

(4) Off-street parking space requirements are set forth in Sec. 153.40.

(5) Sign requirements are set forth in Sec. 153.44.

(6) See Sec. 153.30 for fence requirements and yard exceptions.

### Section 153.24: UD UNIT DEVELOPMENT PLAN DISTRICT

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and new demands in the housing market, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of Switzerland County and the Towns of Vevay and Patriot.

### (A) Statement of Purpose.

(1) To encourage a more creative approach in land and building site planning.

(2) To encourage an efficient, aesthetic and desirable use of open space.

(3) To promote variety in the physical development pattern of the community.

(4) To achieve flexibility and incentives for residential development which will produce a wider range of choice.

(5) To encourage renewal of older areas where new development and restoration are needed to revitalize the areas.

(6) To permit special consideration of

## CHAPTER 153: AREA ZONING CODE

property with unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.

(7) To recapture by-passed land so poorly planned and developed as to be a public liability.

(8) To simplify processing of development proposals for developers and the Plan Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

### (B) Applicability.

(1) The provisions of this section shall apply to a tract of land of at least three (3) acres in area for undeveloped areas within the jurisdiction of the Plan Commission; provided that said provisions may apply to a proposed development in which the primary or entire use is business or enclosed industrial use when such proposal is deemed to be in the best interests of the County and the applicable Town.

(2) The provisions of this section shall apply only to proposed new developments and shall not apply to any part of an area contained within a Subdivision previously approved (and recorded) in accordance with the requirements of Chapter 152, Area Subdivision Control Code, prior to the time of passage of the ordinance comprising this Chapter, or any Unit Development Plan which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous ordinance; provided, however, that a petitioner may, upon application and approval of the Plan Commission, become subject to all the benefits and burdens of this section, subject to such rights as shall have been vested in the owners of the area affected by development under such ordinance; provided further that any plat shall first be vacated.

(3) Uses permitted in a residential unit development plan may include and shall be limited to:

(a) Dwelling units in detached, semi-detached, attached or multi-storied structures or any combination thereof.

(b) Non-residential uses of a religious, cultural, recreational and business or enclosed industrial character, which uses are an integral part of a residential development logically oriented to

and coordinated with the total planned unit. Such uses shall be planned and gauged primarily for the service and convenience of the anticipated population of the unit development.

(c) No business use, nor any building devoted primarily to a business use or enclosed industrial use, shall be built or established prior to the residential buildings or uses it is designated or intended to serve.

(4) The basic land unit of a unit development is the block, parcel, tract, combination of lots, or acreage, and not the lot; provided, however, divisible geographic sections of the entire planned unit development may be designated.

(a) A proposed unit development plan shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed, or equal to the requirements of this Code.

(b) Before approval of a preliminary unit development plan, a detailed determination of land use intensity shall be declared, and the Plan Commission shall make a finding that said intensity is consistent with the Comprehensive Development Plan of current adoption and the best interest of the County and the incorporated towns.

(C) Procedure. The authorization of a unit development plan shall be subject to the procedures expressed herein.

(1) Upon a petition of the owners of property of fifty percent (50%) or more of the area involved in the petition, or upon a petition initiated by the Plan Commission, a preliminary plan for any area proposed for development as a unit development plan shall be first presented to the Executive Director. At such presentation, three (3) copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for advice:

(a) Proposed dimensioned layout to scale not to exceed 100' = 1" of any streets, buildings, open space, property divisions and other elements basic to the proposed use in relationship to site conditions.

(b) Proposed locations, amounts and types of non-residential uses within the area

## CHAPTER 153: AREA ZONING CODE

proposed to be developed.

(c) Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent development features.

(d) The preliminary plan may be an approximate drawing, but it shall include any other graphic mediums which will explain the features to be contained within the development of engineering feasibility.

(e) If the unit development plan is to supersede an original plat or subdivision being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plan, the new plan being clearly shown in solid lines.

(f) The plan shall show the boundary lines of adjacent subdivided and unsubdivided land and the existing zoning of the area proposed to be developed, as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.

(g) An enumeration of covenants, in general terms, proposed to be made a part of the unit development plan.

(h) A statement expressing the order and estimated time of development.

(2) Within fifteen (15) days after such presentation, the Executive Director shall consult with the petitioner regarding the preliminary plan. After such consultation, the petitioner may make modifications to the petition which are deemed appropriate.

(3) Application for approval of the planned development shall then be submitted to the Plan Commission with a letter of recommendation from the Executive Director, accompanied by six (6) copies of the preliminary plan (with modifications, if any) and any other desired supporting documents at a regular meeting of the Plan Commission as a petition for amendment of the Area Zoning Code and subject to the procedures applicable thereto. The Plan Commission may approve the plan as amended, or disapprove the plan. The Plan Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Unit Development Plan" and be signed by the president and secretary of the Plan Commission, and one copy shall be permanently retained in the office of the Plan Commission.

(4) The approved preliminary unit development plan shall then be certified to the Board of County Commissioners of Switzerland County, or the Town Council of Vevay or Patriot, as the case may be, for adoption as a "UD" Unit Development Plan District pursuant to the laws governing amendment of the Zoning Code.

(5) Upon adoption by the respective authority, the planned development shall be returned to the Plan Commission which shall thereafter exercise continuing jurisdiction. Before any development takes place, the Plan Commission shall approve a detailed site plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditional upon finding by the Plan Commission that the detailed site plan is consistent with the approved Preliminary Unit Development Plan. The approved detailed site plan shall be stamped "Approved Detailed Unit Development Plan" and be signed by the President of the Plan Commission, and one (1) copy shall be permanently retained in the office of the Plan Commission.

(a) Approval of a detailed site plan shall be obtained within one (1) year after adoption by the Board of County Commissioners of Switzerland County or the applicable Town Council, unless the Plan Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest; provided, however, only the "Approved Detailed Unit Development Plan" shall be required within the said one (1) year period, and platting for recording purposes of all or an appropriate part of the Unit Development Plan may be undertaken in sections or phases at a later time.

(b) An "Approved Detailed Unit Development Plan" may mean and be designated the same as a Plat which has been granted Secondary Approval in accordance with the requirements of Chapter 152, Area Subdivision Code.

(c) A refusal by the Plan Commission to approve a detailed site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the

## CHAPTER 153: AREA ZONING CODE

right of the petitioner to obtain an extension of time for approval.

(d) In the event that approval of a detailed site plan is not obtained with the one (1) year period or an approved extension of time, the Plan Commission shall initiate an amendment to the Area Zoning Code so that the land will be zoned into the category or categories it held before being reclassified as a "UD" District.

(6) The Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Plan Commission may allow the petitioner to submit partial detailed site plans which correspond to the phases involved. Such partial detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire unit development plan.

(7) Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plan Commission shall handle such matters in accordance with its regular procedures in accordance with law.

(8) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the Commission in accordance with the provisions of Chapter 152, Area Subdivision Code, and the petitioner has, at least twenty-four (24) hours in advance, notified the Executive Director of his intention to begin such work, in order that inspections may be made as the work progresses.

(9) In the exercise of its continuing jurisdiction, the Plan Commission may from time to time modify the "Approved Detailed Unit Development Plan" in a manner consistent with the "Approved Preliminary Unit Development Plan," to allow for changed circumstances and conditions unforeseen at the time of its original approval.

(10) All development shall be in conformity with the "Approved Detailed Unit Development Plan." In the exercise of its continuing jurisdiction, the Plan Commission shall take cognizance of any material deviations from the "Approved Detailed Unit Development Plan" and take appropriate enforcement action.

(11) Approval by the Commission shall expire after a period of five (5) years from the approval of a Detailed Unit Development Plan, unless the development is fifty percent (50%) completed in terms of public improvements, including streets, parks, walkways and utility installations, in which instance an extension of time may be granted by the Plan Commission not to exceed five (5) successive periods of two (2) years each.

(12) All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not inconsistent with the procedure otherwise stated herein, except that notice for proceedings related solely to approval and modification of a detailed unit development plan.

(D) Abandonment or Expiration. Under the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the Approved Detailed Unit Development Plan for twenty-four (24) consecutive months, or under the expiration of five (5) years from the approval by the Plan Commission of a Detailed Unit Development Plan for a development which has not been completed or the expiration of an extension granted by the Plan Commission), the Plan Commission shall initiate an amendment to the Area Zoning Code so that the land will be zoned (or reclassified) into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

(E) Recording. An Approved Detailed Unit Development Plan and modifications thereof shall be recorded in the appropriate plat books in the Office of the Switzerland County Recorder within two (2) years after approval by the Plan Commission.

(F) Permit. No Improvement Location Permit shall be issued, for a "UD" District by the Executive Director unless all recording required by Sec. 153.24 (E) has been effected, and no Certificate of Occupancy shall be issued for a "UD" District unless the Approved Detailed Unit Development Plan, with modifications, if any, is adhered to, all in compliance with the purposes of the Code of Ordinances of Switzerland County, Indiana, when the improvement is located in the unincorporated area; and by the Code of Ordinances of the Town of Vevay, or the Town of Patriot, as the case may

## CHAPTER 153: AREA ZONING CODE

be, when the improvement is located within the Town.

### (G) Covenants and Maintenance.

(1) Covenants shall be required by the Commission as an ingredient for stability and longevity of the Unit Development Plan, and shall set forth, in detail, provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the County or applicable Town, and in such event the County or applicable Town shall take those remedial steps provided for in such provisions.

(2) The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes whenever necessary in conformity with the Comprehensive Plan of current adoption. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified detailed site plan for such land consistent with the Approved Preliminary Unit Development Plan. Such modified detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Unit Development Plan.

(3) The Plan Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Unit Development Plan. Such development standards may include, but are not limited to, requirements as to the following:

- (a) Lot area.
- (b) Floor area.
- (c) Ratios of floor space to land area.
- (d) Area in which structures may be built (building area), including areas for cluster type residential development without lot lines.

- (e) Open space.
- (f) Setback lines and minimum yards.
- (g) Building separations.
- (h) Height of structures.
- (i) Signs.
- (j) Off-street parking and loading and unloading areas.
- (k) Design standards.
- (l) Phasing of development.

(4) The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 152, Area Subdivision Control Code.

(5) Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Unit Development Plan, and, in such instance, legal assurance shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

(6) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(7) All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. Said private streets shall be developed in accordance with the standards set forth in Chapter 152, Area Subdivision Control Code.

(H) Limitation on Rezoning. The Plan Commission shall not initiate any amendments to the Zoning Code concerning the property involved in the Unit Development Plan before completion of the development as long as development is in conformity with the Approved Detailed Unit Development Plan and proceeding in accordance

## CHAPTER 153: AREA ZONING CODE

with the time requirements imposed herein.

### Section 153.25: HD HISTORIC DISTRICT

This is an overlapping district designed to identify and delineate those parts of the County or Towns which have been designated as historic districts by the Board of Commissioners and Town Councils.

#### (A) Permitted Uses.

Uses Permitted in the districts underlying the HD Historic District are permitted, subject to the requirements and procedures of the Zoning Code for those uses in their particular district or districts.

#### (B) Other Requirements for the HD District.

Before an Improvement Location Permit may be issued in the HD Historic District, it shall be accompanied by a Certificate of Appropriateness in accordance with the requirements promulgated by Chapter 156 Historic Preservation Code.

### Section 153.26: FP FLOOD PLAIN DISTRICT

The FP Flood Plain District includes the SFHA or Special Flood Hazard Area defined herein, and the FP Flood Plain District is composed of three (3) flood areas or districts identified as floodplain, floodway, and floodway fringe. Flood Plain Districts, designated 'FP' are established to guide development in areas where a potential for damage from floodwater exists.

#### (A) Participants.

(1) Switzerland County is currently participating in the Regular Phase of the National Flood Insurance Program (NFIP). This Chapter will allow the County to maintain compliance with the minimum standards of the NFIP.

(2) Vevay is currently participating in the Regular Phase of the National Flood Insurance Program (NFIP). This Chapter will allow the Town to maintain compliance with the minimum standards of the NFIP.

(3) Patriot is currently participating in the Regular Phase of the National Flood Insurance Program (NFIP). This Chapter will allow the Town to maintain compliance with the minimum standards

of the NFIP.

#### (B) Disposition of Application for Permits.

All Improvement Location or Building Permit applications located in the floodway or floodplain, where the limits of the floodway and floodway fringe have not yet been determined, are to be forwarded to Natural Resources for appropriate review and/or approval. Local permit applications located in the floodway fringe do not require a review from the Department of Natural Resources due to the fact that the Executive Director can establish a lowest floor elevation. All language referring to permitted uses, non-conforming uses and variances is in compliance with Indiana's minimum standards for floodplain management as found in 310 I.A.C. 6-1. The Flood Insurance Study, dated June, 1979 and the Flood Insurance Rate Map, dated December 4, 1979, are adopted by reference to be part of this Code.

#### (C) Authority.

(A) The Indiana Legislature granted the power to local units of government (I.C. 36-7-4) to control land use within their jurisdictions in order to accomplish the following.

#### (D) Purpose.

The purpose of this Chapter is to guide development in the flood hazard areas in order to reduce the potential loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the County of Switzerland, the Town of Vevay, and the Town of Patriot, hereby adopt the following floodplain management regulations in order to accomplish the following:

(1) To prevent unwise developments from increasing flood or drainage hazards to others.

(2) To protect new buildings and major improvements to buildings from flood damage.

(3) To protect human life and health from the hazards of flooding.

(4) To lessen the burden on the taxpayer



## CHAPTER 153: AREA ZONING CODE

for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations.

(5) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas.

(6) To make federally subsidized flood insurance available for structures and their contents in the County of Switzerland, the Town of Vevay, and the Town of Patriot, by fulfilling the requirements of the National Flood Insurance Program.

### (E) Findings of Fact.

(1) The flood hazard areas of Switzerland County, Indiana, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from Flood damage also contribute to the flood loss.

### (F) Methods of Reducing Flood Losses.

In order to accomplish its purposes in part, this Chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected from flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### (G) Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard are identified by the Federal Insurance Administration in scientific and engineering reports entitled "The Flood Insurance Study" accompanied by Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps. The Flood Insurance Studies, et seq., on file in the office of the Executive Director of the Switzerland County Area Plan Commission, Vevay, Indiana, and are hereby incorporated into this Chapter.

### (H) Abrogation and Greater Restriction.

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restriction. However, where the ordinance comprising this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### (I) Interpretation.

In the interpretation and application of this Section, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under the laws of the State of Indiana.

### (J) Warning and Disclosure of Liability.

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not

## CHAPTER 153: AREA ZONING CODE

imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the Switzerland County Area Plan Commission, its Executive Director, or the Switzerland County Board of Zoning Appeals, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

### (K) Definitions.

For the purpose of this Section, the following definitions are hereby adopted:

(1) Appeal means a request for a review of the Executive Director's interpretation of any provision of this Section or a request for a variance.

(2) Area of special flood hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

(3) Base Flood means the flood having a one percent chance of being equalled or exceeded in any given year.

(4) Building - see "structure."

(5) Development means any man-made change to improved or unimproved real estate including but not limited to:

- (a) Construction, reconstruction, or placement of a building or any addition to a building;
- (b) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- (c) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (d) Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (e) Mining, dredging, filling, grading, excavation, or drilling operations;
- (f) Construction and/or reconstruction of bridges or culverts;

- (g) Storage of materials; or
- (h) Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

(6) Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Section.

(7) Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(8) Existing mobile home park or mobile home subdivision - means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction or facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Section.

(9) Expansion to an existing mobile home park or mobile home subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring or concrete or the construction of streets).

(10) FBFM - means Flood Boundary and Floodway Map.

(11) FEMA - means Federal Emergency Management Agency.

## CHAPTER 153: AREA ZONING CODE

(12) FHBM - means Flood Hazard Boundary Map.

(13) FIRM - means Flood Insurance Rate Map.

(14) Flood - means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

(15) Flood or Floodwater - means the water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse.

(16) Flood Hazard Area - means any floodplains, floodway, floodway fringe district or any combination thereof.

(17) Flood Insurance Rate Map (FIRM) - means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zone applicable to the community.

(18) Flood Insurance Study - means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Maps and the water surface elevation of the base flood.

(19) Floodplain - means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

(20) Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the SFHA.

(21) Floodway - means the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

(22) Floodway Fringe - means those portions of the floodplain lying outside the floodway.

(23) Flood Proofed Building - means a commercial or industrial building designed to exclude floodwater from the interior of that building. All such floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.

(24) Habitable Floor - means any floor useable for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

(25) Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

(26) Letter of Map Revision (LOMR) - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

(27) Lowest Floor - means the lowest of the following:

- (a) The top of the basement floor;
- (b) The top of the garage floor, if the garage is the lowest level of the building;
- (c) The top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- (d) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - (1) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to

## CHAPTER 153: AREA ZONING CODE

flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.

- (2) Such enclosed space shall be usable for the parking of vehicles and building access.

(28) Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(29) Mobile Home - means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

(30) Mobile Home Tie Downs - Schedule A - means sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of (1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring only one additional tie per side; (2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side; (3) all components of the anchoring system be capable of carrying a force of 4800 pounds; and (4) any additions to the mobile home be similarly anchored.

(31) Natural Resources - means the Indiana Natural Resources Commission.

(32) New Construction - means structures for which the "start of construction" commenced on or after the effective date of this Section.

(33) New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring

of concrete pads) is completed on or after the effective date of this Section.

(34) New mobile home park or mobile home subdivision - means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this Section.\*

(35) Recreational vehicle - means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

(36) Regulatory Flood - means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 5 of this Section. The "Regulatory Flood" is also known by the term "Base Flood."

(37) Regulatory Flood Profile - means a longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

(38) SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the County of Switzerland, the Town of Vevay, and the Town of Patriot that are subject to inundation by the regulatory flood. The SFHAs of Switzerland County are generally identified as such on the Flood Insurance Rate Map of the county prepared by the Federal Emergency Management Agency and dated January 16, 1980. The SFHAs of Vevay are generally identified as such on the Flood Insurance Rate Map of the town prepared by the Federal Emergency Management Agency and dated December 4, 1979. The SFHAs of Patriot are generally identified as such on the Flood Insurance Rate Map of the town prepared by the Federal Emergency Management Agency and dated

## CHAPTER 153: AREA ZONING CODE

December 4, 1979.

(39) Start of Construction - means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footing, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

(40) Structure - means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

(41) Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure."

(42) Variance - means a grant of relief from the requirements of this Section which permits construction in a manner that would otherwise be prohibited by this Section.

\*Whenever the term "mobile home park" is used in this Section, said term shall be defined as a "new mobile home park or mobile home subdivision," or an "existing mobile home park or mobile home subdivision," whichever is appropriate.

### (L) Boundaries and Flood Plain Districts.

This Section's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

(1) The regulatory flood elevation and floodway limits for the SFHAs of the identified creeks shall be as delineated on the 100 year profiles in the Flood Insurance Study of the County dated July 1979 and the corresponding FBFM dated January 16, 1980 prepared by the Federal Emergency Management Agency. The regulatory flood elevation for the SFHAs of the Ohio River shall be as delineated on the Flood Insurance Study of the County dated July 1979. The floodway limits for the SFHAs of the Ohio River shall be according to the best data available as provided by the Department of Natural Resources.

(2) The regulatory flood elevation for the SFHAs of the Ohio River shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Vevay dated June, 1979 and the corresponding FIRM dated December 4, 1979 prepared by the Federal Emergency Management Agency. The floodway limits of the Ohio River shall be according to the best data available provided by the Department of Natural Resources.

(3) The regulatory flood elevation for the SFHAs of the Ohio River shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Patriot dated June 1979 and the corresponding FIRM dated December 4, 1979 prepared by the Federal Emergency Management Agency. The floodway limits of the Ohio River shall be according to the best data available provided by the Department of Natural Resources.

## CHAPTER 153: AREA ZONING CODE

(4) The regulatory flood elevation for the SFHAs of those part of unincorporated Switzerland County that are within the extraterritorial jurisdiction of the participating towns shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Switzerland County dated July 1979 and the corresponding FBFM dated January 16, 1980 prepared by the Federal Emergency Management Agency. The floodway limits the Ohio River shall be according to the best data available as provided by the Department of Natural Resources.

(5) If the SFHA is delineated as "AH Zone or AO Zone," the elevation (or depth) will be delineated on the County Flood Insurance Rate Map. If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

### (M) Primary Uses.

But for the FP Flood Plain District, primary uses are authorized in the districts established by or under Subsection (L), as shown below. The following primary uses to be located in a FP Flood Plain District shall be subject to the special exception requirements of Sec. 153.28.

#### PRIMARY USE

#### PUBLIC FACILITIES

Public park or recreational facility-boat docks

Transmission lines for gas, oil, electricity, or other utilities

#### BUSINESS USES: FOOD SALES AND SERVICES

Roadside food sales stand

#### BUSINESS USES: MISCELLANEOUS

Bait sales

### (N) Special Exceptions May Be Permitted in the FP Flood Plain District.

The following exceptions may be permitted in the FP Flood Plain District only after the requirements of Sec. 153.28 (B) are complied with

and after a proper permit or letter of recommendations for the same has been granted by Natural Resources. All terms and conditions imposed by Natural Resources shall be incorporated in any Improvement Location Permit issued by the Board. The Board may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two (2) feet above the regulatory flood profile. The following special exceptions are:

- (1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.
- (2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroad, and utility transmission facilities.
- (3) Temporary or seasonal flood plain 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 buildings, race tracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extractions.
- (6) Mobile Homes (temporary or permanent) having pads (concrete or stands of compacted fill) at or above the regulatory flood elevation and ground anchors meeting Mobile Home Tie Downs; Schedule A.
- (7) Residential structures.

## CHAPTER 153: AREA ZONING CODE

### (O) Additional Special Exception Requirement.

To be eligible for the granting of a special exception listed under this Section, a person must apply for an Improvement Location Permit under Sec. 153.43, et seq. In addition, wherever the proposed special exception is located in a FP Flood Plain District a person must obtain a proper permit or letter of recommendation for said proposed special exception from Natural Resources. The Executive Director shall send each such application and, if appropriate, any documents from Natural Resources to the Plan Commission, which shall determine how the granting of the special exception would affect the Comprehensive Plan. Within thirty (30) days after the date on which it receives the application and any other required documents, the Plan Commission shall report its determination to the Board, for action by it as authorized by Sec. 153.28 (B). If the Plan Commission does not report within that period, the Board may act under the Sec. 153.28 (B) without such a report. If the Board grants the special exception, it shall direct the Executive Director to issue the Improvement Location Permit for the special exception.

### (P) Variiances.

(1) The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this Section provided the applicant demonstrates that:

(a) There exists a good and sufficient cause for the requested variance.

(b) The strict application of the terms of this Section will constitute an exceptional hardship to the applicant.

(c) The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expenses, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) The Board of Zoning Appeals may issue a variance to the terms and provisions of this Section subject to the following standards and conditions:

(a) No variance or exception for a residential use within a floodway subject to

Subsection (R) (1) or (2) of this Section may be granted.

(b) Any variance or exception granted in a floodway subject to Subsection (R) (1) and (2) of this Section will require a permit from Natural Resources.

(c) Variances or exceptions to the Building Protection Standards of Subsection (S) may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(d) Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey or Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.

(e) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.

(f) The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.

### (Q) Non-conforming Uses.

(1) Any building structure, or other use in a FP Flood Plain District which is not in conformance with this Section constitutes a non-conforming use.

(a) A non-conforming use in a FP Flood Plain District may be altered, enlarged, or extended, on a one-time only basis, provided the procedures set forth in this Section with respect to new construction in a FP Flood Plain District are followed and further provided such alteration, enlargements, or extensions do not increase the value of the building structure, or other use (excluding the value of land) by more than forty (40) percent of its pre-improvement market value, unless such building, structure or use is permanently changed to a conforming use.



## CHAPTER 153: AREA ZONING CODE

(b) Any non-conforming use in the FP Flood Plain District 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 forty (40) percent of its pre-damage value.

### (R) Development in SFHA.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(1) Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:

(a) No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and

(b) For all projects involving channel modifications or fill (including levees), the County of Switzerland, the Town of Vevay, and the Town of Patriot shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

(2) Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:

(a) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

### (3) Public Health Standards in all SFHAs:

(a) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of Subsection (S) of this Section.

(b) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

### (S) Protecting Buildings.

In addition to the damage prevention requirements of Subsection (R), all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

(1) This building protection requirements applies to the following situations:

(a) Construction or placement of any new buildings having a floor area greater than 400 square feet.

(b) Structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding value of the land).

(c) Any subsequent alterations.

(d) Reconstruction or repairs made to damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred.

(e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This Section does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

(f) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(2) This building protection requirement may be met by one of the following methods. The Executive Director shall maintain a record of compliance with these building protection standards as required in this Section.

(a) A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:

(1) The fill shall be placed in layers

## CHAPTER 153: AREA ZONING CODE

no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

(2) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

(3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

(4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(5) The top of the lowest floor including basements, (see definition of lowest floor in Section (K) Definitions) shall be at or above the FPG.

(b) A residential or nonresidential building may be elevated in accordance with the following:

(1) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

(i) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.

(ii) Any enclosure below the elevated floor is used for storage of vehicles and building access.

(2) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.

(3) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including

basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(c) Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(1) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:

(i) Outside a manufactured home park or subdivision;

(ii) In a new manufactured home park or subdivision;

(iii) In an expansion to an existing manufactured home park or subdivision; or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(2) This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) Recreational vehicles placed on a site shall either:

(1) Be on the site for less than 180 consecutive days;

(2) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

## CHAPTER 153: AREA ZONING CODE

(3) Meet the requirements for "manufactured homes" in paragraph (c) of this Subsection.

(c) A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(1) A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris and ice.

(2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

### (T) Other Development Requirements.

(1) The Executive Director shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by Section. If the Executive Director finds the subdivision to be so located, the Executive Director shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Executive Director shall require appropriate changes and modifications in order to assure that:

(a) It is consistent with the needs to minimize flood damages.

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

(d) Onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(2) Developers shall record the 100 year flood elevation on all subdivision plats containing lands (identified elsewhere by this Section) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.

(3) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHRM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filed with an approved by the appropriate community emergency management authorities.

### (U) Improvement Location Permits in Special Flood Hazard Areas.

No person, firm, corporation, or government body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Executive Director. The Executive Director shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this Section.

(1) The application for an Improvement Location Permit shall be accompanied by the following:

(a) A description of the proposed development.

(b) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.

(c) A legal description of the property site.

(d) A site development plan showing existing and proposed development locations and existing and proposed land grades.

(e) Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

(2) Upon receipt of an application for an Improvement Location Permit, the Executive Director shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

## CHAPTER 153: AREA ZONING CODE

(a) If the site is in an identified floodway the Executive Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of I.C. 13-2-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Executive Director until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Executive Director may issue the Improvement Location Permit, provided the provisions contained in this Section have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

(b) If the site is located in an identified floodway fringe, than the Executive Director may issue the local Improvement Location Permit provided the provisions contained in this Section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

(c) If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Executive Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Executive Director until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Executive Director has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in this Section have been met.

(d) If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Executive Director shall require the applicant to provide an engineering analysis showing the limit of the floodway, floodway fringe, and 100 year elevation for the site.

Upon receipt, the Executive Director may issue the Improvement Location Permit, provided the provisions contained in Subsections (R) and (S) of this Section have been met.

(3) The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Section does not create any liability on the part of the community, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Section or any administrative decision made lawfully thereunder.

### (V) Duties.

The Area Plan Commission, acting by and through its Executive Director, shall implement this Section of the Code. The Executive Director is appointed to review all development and subdivision proposals to insure compliance with this Section, including but not limited to the following duties:

(1) Ensure that all development activities within the SFHAs of the jurisdiction of the County of Switzerland, the Town of Vevay, and the Town of Patriot, meet the requirements of this Section.

(2) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

(3) Ensure the construction authorization has been granted by the Indiana Natural Resources

Commission for all development projects subject to Subsection (R) of this Section, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

(4) Maintain a record of the "as-built" elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.

(5) Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Subsection (S) of this Section.

(6) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Section. Submit reports as required for the National Flood Insurance Program.

(7) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all building constructed subject to this Section.

(8) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to FEMA.

(W) Special Requirement.

The Commission or Board shall not issue any permit, license, or variance for the location or occupancy of any mobile home in a FP Flood Plain District, until such time as proper notice written on lease, deed or purchase contract is given to the mobile home owner that such mobile home is in a flood hazard area.

## CHAPTER 153: AREA ZONING CODE

### Section 153.27: CONTINGENT USES

A Contingent Use is one which is likely or liable, but not certain, to occur and which is not inappropriate to the principal uses of the district in which it may be located.

(A) Contingent Uses Permitted. Contingent uses set forth below, including accessory buildings and uses, are permitted in the districts indicated herein, subject to the provisions herein, and in this Code:

<u>TYPE OF USE</u>	<u>DISTRICTS IN WHICH USE IS PERMITTED*</u>
Boarding House or Lodging House	R-2, LB, and GB
Church or Temple	All except FP
Educational Institution (except college or university building)	All except FP
Farm House or Farm Dwelling	All except FP
Fraternity, Sorority, and Student co-ops	R-2, LB, and GB
Lodge or private club, which is of a non-commercial character	All except A-1, A-2, FR, and R-1
Farm seasonal worker housing, tenant	A-1, A-2, FR, MP and I-2
Municipal, County or Governmental Building	All
Plant Nurseries, Truck Gardens	All except R-1 and R-2
Public Utility installation - terminal facility	I-1 and I-2
Tourist Home	R-2, LB, and GB

\*NOTE: All uses proposed to be located in the UD Development Plan District and the FP Flood Plain District are subject to the procedures and approvals set forth in Sec. 153.24 and Sec. 153.26, respectively. Also see Sec. 153.28, Special Exceptions, for specific uses with more restrictive standards.

(B) Other Requirements for Contingent Uses.

(1) The front yard setback and side and rear yard requirements for contingent uses shall be as follows:

(a) For contingent uses proposed to be located in the A-1, A-2, FR, MR, R-1 and R-2 districts, the requirements shall be the same as those for a single-family dwelling.

(b) For contingent uses proposed to be located in the LB and GB districts, the requirements shall be the same as those for a multi-family dwelling.

(c) For contingent uses proposed to be located in the PB district, the requirements shall be the same as those for a planned business use in the PB district, provided that the special exception procedure shall not apply to a contingent use.

(d) For contingent uses proposed to be located in the I-1 and I-2 districts, the requirements shall be the same as those for an enclosed industrial use.

(e) For contingent uses proposed to be located in the FP district, the Executive Director shall determine the adequacy of the setback distances.

(2) Height requirements are set forth in Sec. 153.35.

(3) Off-street parking space requirements are set forth in Sec. 153.40.

(4) Sign requirements are set forth in Sec. 153.41.

(5) Ground floor area for a farm house or farm dwelling shall be the same as that required for a single-family dwelling.

(6) See Sec. 153.29 for additional front yard requirements.

(7) See Sec. 153.30 for fence requirements.

(C) Development Disabilities Residential Facilities Permitted. Development Disabilities Residential Facilities are permitted in any district where dwellings are permitted, provided that the licensing and regulation of such facilities shall be accomplished through the Developmental Disabilities Residential Facilities Council of the State of Indiana, in accordance with the requirements of I.C. 16-10-2.1 and I.C. 16-31.1.

### Section 153.28: SPECIAL EXCEPTIONS

(A) Definition and Basis of Approval. Special Exceptions are uses publicly or municipally operated and those uses traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public

## CHAPTER 153: AREA ZONING CODE

facilities.

(1) A special exception or any use not otherwise set forth in this Code that fits the definition set forth in subsection (A), herein, may be approved in zones as specified in this section. The use approved shall be subject to any regulations or requirements imposed as a part of the special exception, in addition or in place of the other regulations or requirements of this Code. The provisions of a special exception shall replace and supersede the provisions of the base zone, effective upon either construction of any facilities approved as a part of the special exception or upon beginning of operation of the use or uses specified, whichever occurs first. The provisions shall remain in effect until such time as the special exemption use ceases to operate. Immediately prior to reuse of the structures or facilities used for the special exception, the provisions of the special exception shall become invalid and the regulations and requirements of the base zone shall again be in effect.

(2) Any significant changes (as determined by the Board) in the use of a special exception or any construction of new facilities or structures, or major additions to existing facilities or structures (as determined by the Board) shall be subject to approval by the Board of Zoning Appeals, using the same process as was used for the original approval.

(B) Procedure for Approval. Upon receipt of an application for a special exception, the Executive Director shall refer the application to the Commission, and if the President of the Commission decides to set a hearing on the application within five (5) days after receipt thereof, the Commission may forward a recommendation to the Board of Zoning Appeals. The Plan Commission may determine if the proposed Special Exception is compatible with the Switzerland County Comprehensive Plan and may or may not make recommendations to the Board of Zoning Appeals. The Executive Director shall send the application to the Board for public hearing and final approval or denial of the petition.

(1) Upon such hearings, if the Commission/Board finds that:

(a) the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare;

(b) the special exception will not be

injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(c) the establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

(d) adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and

(e) adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets;

the Board shall direct the Executive Director to issue an Improvement Location Permit for such Special Exception; otherwise, the Board shall direct the Executive Director to reject the application. The findings of the Board and its order to the Executive Director shall be in writing.

(2) The Board may impose additional conditions to assure that the special exceptions will conform to the intent of this Code. These additional conditions may include, but are not limited to, the provisions of the following:

(a) Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.

(b) Refuse and service areas.

(c) Special screening and buffering with reference to type, dimensions, and character.

(d) Signs and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.

(e) Additional setback distances, yards and other open space.

(f) General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.

(g) A Development Plan in the event such a plan is not already required for a particular special exception set forth in subsection (E) herein, or for a use determined by the Board to be a special exception which is not otherwise set forth in this Code. (See Subsection (A) (1), herein.)

(h) The Executive Director may



## CHAPTER 153: AREA ZONING CODE

require a land survey if he determines it is necessary for the proper identification of the boundaries of the Special Exception.

(3) If the nature of the special exception involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the special exceptions which most closely relates to the primary use; provided that the requirements of the related uses will be met.

(4) Any person, to whom is issued an Improvement Location Permit for a special exception, who fails to commence construction within twelve (12) months after such permit is issued, or who fails to carry to completion the total Development Plan thereof within three (3) years after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such Improvement Location Permit revoked.

(5) The holder of an Improvement Location Permit for a special exception may apply to the Board at any time for an alteration, change, amendment or extension of the application or Development Plan upon which such Permit was based.

(a) Upon receipt of such application, the Board shall proceed as in the case of original applications for an Improvement Location Permit for a special exception.

(b) In the event the Board shall approve and order such application or Development Plan changed, altered, amended or extended, it shall notify the Executive Director who shall issue an amended Improvement Location Permit accordingly.

### (C) Existing Use May Be a Conforming Use.

An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a Conforming Use, provided such use meets the minimum lot area requirements set forth herein. Any expansion of such special exception involving the enlargement of a building, structure, and land area devoted to such use, shall be subject to the requirements and procedures described in this

section.

(D) Temporary Certificates. Whenever a special exception has been approved and is of such a nature that the applicant desires to complete the structure and improvements shown in the Development Plan by stages, the applicant may make application for a Temporary Certificate of Occupancy for any portion of the plan that has been completed.

(E) Home Occupations, Office in the Home; and Adult Business Uses. "Home Occupations" and "Office in the Home," are Special Exceptions and may be permitted by the Board of Zoning Appeals in any district in accordance with the requirements set forth in subsections (A), (B), (C), and (D) above, and the additional requirements for these Uses set forth in Sec. 153.39, Additional Special Exceptions. The following Sexually Oriented Business or Adult Business Uses: "Adult arcade including peep shows," "Adult bookstore or adult novelty store or adult video store," "Adult cabaret," "Adult dance studio," "Adult hotel or motel," "Adult motion picture theater (indoor or outdoor)," "Adult theaters," and "Massage Parlors" are also Special Exceptions and may be permitted in the GB General Business District by the Board in accordance with the requirements set forth in subsections (A), (B), (C), and (D) above, and in accordance with the additional requirements for sexually oriented business set forth in Sec. 153.39, Additional Special Exceptions.

## CHAPTER 153: AREA ZONING CODE

(F) Special Exceptions and Districts Where They May Be Permitted. The following uses shall require approval as special exceptions. They shall be subject to the specific conditions imposed and approved by the Board of Zoning Appeals:

<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>PAGE NO .</u>
(1)	Advertising Sign or Billboard	LB, PB, GB, I-1 and I-2	
(2)	Airport	A-1, A-2, FR, MR, I-1 and I-2	
(3)	Anhydrous Ammonia or similar liquified fertilizers, storage and distribution (commercial)	A-1, A-2, FR, MR, I-1 and I-2	
(4)	Artificial Lake of three (3) or more acres	All	
(5)	Assembly Halls and Grounds	A-2, R-2, LB, PB, GB, I-1, and I-2	
(6)	Auction Arena or Sales Yard (excluding livestock)	A-2, PB, and GB	
(7)	Bed and Breakfast	R-2, LB, PB, and GB	
(8)	Bottled gas storage and distribution yard	A-2, I-1, and I-2	
(9)	Building Material Supply Yard (open)	GB, I-1 and I-2	
(10)	Bulk Fuel Storage or Petroleum Tank Farm (commercial)	I-1 and I-2	
(11)	Cemetery or Crematory	All	
(12)	Charitable Institutions	A-2, R-2, LB, PB, and GB	
(13)	Clinic	LB, PB, and GB	
(14)	College or University building	A-2, R-2, LB, PB, and GB	
(15)	Commercial Greenhouse	A-1, A-2, FR, LB, PB, and GB	
(16)	Contractor's Storage Yard	A-2, GB and I-1	
(17)	Day Care Center or Child Development	LB, PB, GB, and I-2	
(18)	(1) (Large) Family Day Care Home (2) (Small) Family Day Care Home	R-2, LB, PB and GB A-1, A-2, FR, R-1, R-2, MR, LB, PB, and GB	
(19)	Farm Implement (Machinery) Sales and Service Area or Building (New or Used)	LB, PB, GB, and I-2	

## CHAPTER 153: AREA ZONING CODE

<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>PAGE NO.</u>
(20)	Filling Station, automobile car wash, and roadside restaurant	LB, PB, GB, and I-1	
(21)	Game Preserves	A-1, A-2, FR, MR and FP	
(22)	Golf Course or Country Club	All	
(23)	Golf Driving Range	A-2, PB, and I-2	
(24)	Grain Elevators and Related Uses	A-1, A-2, FR, MR, PB, I-1 and I-2	
(25)	Health Facility, including Nursing Homes and Retirement Homes	R-2, LB, PB, and GB	
(26)	Heliport	All except R-1 and R-2	
(27)	Hospital	All except A-1, FR, MR, I-1 and I-2	
(28)	Junk Yard	I-1 and I-2	
(29)	Kennel	A-1, A-2, FR, MR, I-1, and I-2	
(30)	Manufacturing, Storage or Use of Explosives	I-1 and I-2	
(31)	Mining Operation (i.e. sand or gravel pit, borrow pit, topsoil removal and storage areas)	A-1, A-2, FR, MR, I-2, and FP	
(32)	Mobile Home Park	A-2, FR, LB, PB, and GB	
(33)	Multi-Family Dwelling or Apartment designed for or occupied by more than four (4) families	R-2, LB, PB, and GB	
(34)	Outdoor Commercial Recreational Enterprise	A-2, FR, MR, PB, GB, I-1, I-2 and FP	
(35)	Outdoor Theater	A-2, PB, and GB	
(36)	Penal or Correctional Institution	A-2, GB, I-1, and I-2	
(37)	Planned Business Use in the PB District	PB	
(38)	Private Club or Lodge which is of a non-commercial character	A-1, A-2, FR, and MR	
(39)	Private Recreational Development (i.e. picnic grounds, fraternal organizations, etc.)	A-2, R-2, LB, PB, GB and FP	
(40)	Produce Stands, Seasonal	All except LB, PB, and GB	

## CHAPTER 153: AREA ZONING CODE

<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>PAGE NO.</u>
(41)	Produce Stands, Year Round	A-1, A-2, FR, and MR	
(42)	Public Camp	A-2, FR, MR, and FP	
(43)	Public or Commercial Sanitary Fill or Garbage Disposal Plant	A-1, A-2, FR, MR, I-1, and I-2	
(44)	Public or Employee Parking Area	A-2, and R-2	
(45)	Public Park or Public Recreational Facilities	All	
(46)	Public Water Wells, water stations, filtration plant, reservoirs and storage tanks	All	
(47)	Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities	All, except I-1 and I-2	
(48)	Raising and Breeding of Non-Farm Fowl or Animals (commercial) except Kennel	A-1, A-2, FR, MR, GB, I-1, and I-2	
(49)	Recreational Vehicle Park	A-2, FR, MR, and I-2	
(50)	Restricted Commercial Farm Enterprises (including Confined Feeding Operations)	A-1, A-2, FR, MR, and I-2	
(51)	Riding Stable	A-1, A-2, FR, MR, PB, and I-1	
(52)	Sales Barn for Livestock (Resale)	A-1, A-2, and I-1	
(53)	Seasonal Hunting and Fishing Lodge	A-1, A-2, FP, and MR	
(54)	Sewage Treatment Facility (Primary Use)	All, except R-1, and R-2	
(55)	Shooting Range, outdoor	A-1, A-2, FR, MR, and FP	
(56)	Slaughter House with holding pens	A-2, I-1, and I-2	
(57)	Special School	R-2, LB, PB, GB, I-1, and I-2	
(58)	Stadium, Coliseum, Athletic Field	All, except A-1	
(59)	Storage of disabled vehicles, Temporary	GB and I-1	
(60)	Studio, Business (Art, interior decorating, music, etc.)	R-2	

CHAPTER 153: AREA ZONING CODE

<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>PAGE NO.</u>
(61)	Telephone exchange or public utility substation	A-1, A-2, FR, MR, and I-2	
(62)	Transmission lines for gas, oil, electricity or other utilities (Major lines)	All	
(63)	Transmission (Radio, TV, etc.) Miscellaneous Tower(s)	All	
(64)	Veterinary Hospital for Small Animals	A-2	
(65)	Wholesale Produce Terminal, or Truck Freight Terminal	GB, I-1, and I-2	

## CHAPTER 153: AREA ZONING CODE

### (G) Other Requirements for Special Exceptions.

Following are specific requirements for special exceptions: (The special exceptions are referred to by name and number indicated in Subsection (E) herein.)

- (1) Advertising Sign or Billboard.
  - (a) Development Plan.  
Development Plan shall be submitted with application.
  - (b) Other Requirements.  
All relative requirements set forth in Sec. 153.41 shall be observed.
- (2) Airport or Heliport.
  - (a) Minimum Lot Area. 80 acres for Airport.
  - (b) Minimum distance from Residential District or Use. 400 feet.
  - (c) Fence.  
6 foot wire mesh where accessible to public.
  - (d) Screen Planting.  
Screen Planting - 6 feet height by 6 feet width where abutting residential use; tight screen, effective at all times of the year.
  - (e) Parking.  
1 per employee, plus 1 per 3 seats in waiting room.
  - (f) Development Plan.  
Development Plan shall be submitted with application.
  - (g) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (h) Height.  
35 feet or as required by appropriate State or Federal agency.
  - (i) Prior F.A.A. and State of Indiana approval.
- (3) Anhydrous Ammonia or Similar Liquified Fertilizers, Storage and Distribution (Commercial).
  - (a) Minimum yards. Front - 80; Side (each) - 80; Rear - 80.
  - (b) Minimum distance of Parking Area or Loading Berth from Residential district or Use.  
150 feet.
- (c) Fence.  
6 foot wire mesh fence where accessible to public.
- (d) Drainage.  
Drainage shall be controlled so that liquified fertilizers shall not drain off the premises.
- (e) Development Plan.  
Development Plan to be submitted with application.
- (f) Federal Regulations.  
Federal regulations for primary and secondary storage and containment of fertilizers and pesticides shall be observed.
- (4) Artificial Lake of 3 or more acres.
  - (a) Fence.  
6 foot wire mesh fence where accessible to public.
  - (b) Development Plan.  
Development Plan to be submitted with application.
  - (c) Approval Required.  
Approval by Natural Resources is required.
- (5) Assembly Halls and Grounds.
  - (a) Minimum Lot Area 1 Acre.
  - (b) Minimum Front Yards (Standard); Side - (each) 20; Rear 80.
  - (c) Parking.  
As determined by the Board. Determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
  - (d) Noise.  
Noise should be confined to the premises.
  - (e) Development Plan.  
Development Plan to be submitted with application.
  - (d) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (e) Security.  
Security (whenever necessary) shall be furnished by applicant.
  - (f) Height.

## CHAPTER 153: AREA ZONING CODE

- Maximum height of structure -  
35 feet.
- (6) Auction Arena or Sales Yard (excluding livestock).
- (a) Minimum Lot Area.  
2 acres.
  - (b) Minimum Yards.  
Front - 50 feet; Side (each) - 40 feet; Rear - 40 feet.
  - (c) Parking Space.  
One per 2 employees, plus 1 per each 400 square feet of display, sales and auction area.
  - (d) Noise.  
Noise shall be confined to the premises.
  - (e) Entrance.  
Not more than one entrance from street.
  - (f) Development Plan.  
Development Plan to be submitted with application.
  - (g) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (f) Height.  
Maximum height of structure - 35 feet.
- (7) Bed and Breakfast.
- (a) Intent.  
To provide temporary travelers' accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing structure designed for and occupied as a single family residence.
  - (b) Type of Structure.  
The use shall be allowed only in older residential structures which are recognized as architecturally, historically or culturally significant, and which, through renovation and use as a Bed and Breakfast, will contribute significantly to the ambiance, character or economic revitalization of a neighborhood. The exterior appearance of the structure shall not be altered from its single-family character, and no exterior alterations, other than those necessary to ensure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast.
- (c) Spacing Requirement.  
No rooming house, boarding house, or bed-and-breakfast may be located within 400 feet of the facility. The 400 foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
  - (d) Outward Modifications.  
Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
  - (e) Intensity of Use.  
The Bed and Breakfast use should remain incidental to the primary residential use of the property which will allow reconversion back to a single-family residential use.
  - (f) Number of Bedrooms.  
A maximum of five lodging or bedrooms shall be made available for rent. A bed and breakfast home having more than five bedrooms for rent may be approved if the home is designated as a historic landmark. There must be at least five hundred square feet of gross (interior) floor area for each rental unit. The potential rental units would be determined by dividing the gross floor area of the structure by 500 square feet.
  - (g) Interior Design Modifications.  
Any interior modification shall be described in the application and shall not be injurious to the historic character of the

## CHAPTER 153: AREA ZONING CODE

structure, woodwork, stairways, fireplaces, windows and doors,

cornices, festoons, moldings, chair rails, or light fixtures. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes. The architectural integrity and arrangement of the existing interior spaces must be maintained, and the number of guest rooms shall not be increased, except as may be required to meet health, safety, and sanitation requirements.

- (h) **Preparation of Food.**  
The kitchens in small Bed and Breakfasts generally are not built to commercial kitchen standards. Food service should be limited to breakfast for the guests. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. Individual rooms that are rented shall not contain cooking facilities.
- (i) **Property Owners Must Reside.**  
The owner or lessee of the property shall operate the Bed and Breakfast facility and reside in the home.
- (j) **Fourteen Day Rental Limit.**  
Room rentals to families or individuals shall not exceed 14 consecutive days. Only short-term lodging may be provided. Monthly rentals shall be prohibited.
- (k) **Detrimental Conditions Not Permitted.**  
The proposed use of the property will not create noise, light or traffic conditions detrimental to the neighboring

residents, and no receptions, private parties or activities for which a fee is paid shall be permitted.

- (l) **Parking.**  
Off-street parking shall be provided by the resident owner: one (1) off-street parking space for every two (2) guests in addition to the parking required for single-family occupancy.
  - (m) **Signage.**  
Signage shall be limited to one (on premise) wall sign not to exceed three (3) square feet of sign area. Sign wording shall consist of the name of the occupant or establishment located on premises, and/or description of service rendered. Establishment shall be referred to as a "Bed and Breakfast" or "Bed and Breakfast Inn."
  - (n) **License.**  
License shall be obtained as required by law.
  - (o) **Development Plan.**  
Development Plan to be submitted with application.
- (8) **Bottled Gas Storage and Distribution.**
    - (a) **Minimum Yards.** Front - 300; Side (each) - 300; Rear - 300.
    - (b) **Development Plan.**  
Development Plan to be submitted with application.
    - (c) **Safety.**  
All laws and care shall be observed by the applicant.
  - (9) **Building Material Supply Yard (open).**
    - (a) **Minimum Yard.**  
Front - 80; Side (each) - 100; Rear - 100.
    - (b) **Entrance.**  
Not more than one entrance from street.
    - (c) **Development Plan.**  
Development Plan to be submitted with application.
    - (d) **Screening.**  
Building materials and vehicles



## CHAPTER 153: AREA ZONING CODE

- shall be screened or located in such a manner so that they will not be visible from the frontal street or adjacent residentially used or zoned property.
- (e) Parking.  
One per two employees, plus 1 per vehicle operated by establishment, plus 1 per 800 square feet of storage area.
  - (f) Height.  
Maximum height of structure - 35 feet.
- (10) Bulk Fuel Storage or Petroleum Tank Farm (commercial).
- (a) Minimum Yards.  
Front - 80; Side (each) 100; Rear - 100.
  - (b) Entrance.  
Not more than one entrance from street.
  - (c) Development Plan.  
Development Plan to be submitted with application.
  - (d) Safety.  
All laws and care shall be observed by applicant.
- (11) Cemetery or Crematory.
- (a) Minimum Area.  
10 acres.
  - (b) Minimum Yards.  
Front - standard; side (each) - 40 feet; Rear - 40 feet.
  - (c) Landscape Plan.  
Plan of landscape development to be submitted with application. (May be submitted with Development Plan.)
  - (d) Screen Planting.  
Screen planting - 6 foot height by 6 foot width - where abutting residential use. Effective at all times of year.
  - (e) Development Plan.  
Development Plan to be submitted with application.
  - (f) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (g) Parking.  
One per each 2 employees, plus one per each 5 acres of area.
- (12) Charitable Institution.
- (a) Same as required in district.
  - (b) Minimum Yards.  
Same as required in district.
  - (c) Development Plan.  
Development Plan to be submitted with application.
  - (d) Parking.  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
- (13) Clinic.
- (a) Minimum Lot Area.  
15,000 square feet.
  - (b) Minimum Yards.  
Front - standard; Side (each) - 10; Rear - 30.
  - (c) Screen Planting.  
Screen planting - 6 foot height by 3 foot width where abutting residential use. EFFECTIVE AT ALL TIMES OF THE YEAR.
  - (d) Screen Planting.  
Screen planting - 6 foot height by 6 foot width - where abutting residential use. Effective at all times of year.
  - (e) Entrance.  
Not more than one entrance from street (other than an emergency entrance).
  - (f) Parking.  
1 per 2 employees, plus 3 per doctor.
  - (g) Height.  
Maximum Height of Structure - 45 feet.
- (14) College or University Building.
- (a) Development Plan.  
Development Plan to be submitted with application.

## CHAPTER 153: AREA ZONING CODE

- (b) **Parking.**  
1 per 3 students or staff members.
- (15) **Commercial Greenhouse.**
- (a) **Minimum Lot Area.**  
25,000 square feet.
  - (b) **Minimum Yards.**  
Front - 100; Side (each) - 40 feet; Rear - 40 feet.
  - (c) **Parking Areas and Loading.**  
Berth Minimum Distance from Residential District or Use.  
50 feet.
  - (d) **Entrance.**  
Not more than one entrance from street.
- NOTE: For confined feeding operation see (50) Restricted Commercial Farm Enterprise (including confined feeding operations).
- (16) **Contractor's Storage Yard.**
- (a) Same requirements as (9) Building Material Supply Yard (open).
- (17) **Day Care Center or Child Development**
- (a) **Minimum Area.**
    - (1) One hundred (100) square feet of play area provided on same lot as use for each child in attendance.
    - (2) Thirty-five (35) square feet of suitable indoor space per session per child shall be provided, also.
  - (b) **Open/Recreational Space.**
    - (1) Outdoor play area shall be grassed and enclosed by a forty-two (42) inch high chain link fence. Any entry gate shall be securely fastened.
    - (2) Outdoor play areas shall be adequately separated from vehicular circulation and parking safety.
  - (c) **General Safety.**
    - (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
- (2) Garages shall not be used as designated play areas.
- (d) **Parking.**  
One space for each adult attendant, plus two additional spaces.
- (e) **General Standards.**
- (1) No noise shall be audible beyond the lot lines.
  - (2) Hours of operation may be restricted by the Board.
- (f) **Traffic Standards.**
- (1) Day care centers shall create no unsafe conditions for picking up and dropping off children.
  - (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
- (g) **License Required.**  
Applicant must obtain Day Care Center License from the Indiana Department of Public Welfare.
- (18) (1) **(Large) Family Day Care Home.**
- (a) **Minimum Area.**
    - (1) 100 square feet of outdoor play area provided on same lot as use for each child in attendance.
    - (2) 35 square feet of suitable indoor space per session per child shall be provided, also.
  - (b) **Open/Recreational Space.**
    - (1) Outdoor play area shall be grassed and enclosed by a forty-two (42) inch high chain link fence. Any entry gate shall be securely fastened.

## CHAPTER 153: AREA ZONING CODE

- (2) Outdoor play areas shall be adequately separated from vehicular circulation and parking safety.
  - (c) General Safety.
    - (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or under-ground gasoline storage tanks, or any other storage area for explosive materials.
    - (2) Garages shall not be used as designated play areas.
  - (d) Parking.

One space for each two adult attendants, plus two additional spaces.
  - (e) General Standards.
    - (1) No noise shall be audible beyond the lot lines.
    - (2) Hours of operation may be restricted by Plan Commission.
  - (f) Traffic Standards.
    - (1) Day care centers shall create no unsafe conditions for picking up and dropping off children.
    - (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
  - (g) Spacing Requirements.

No facility shall be located closer than 600 feet to another large family day care home.
  - (h) Signs.

One sign, not exceeding four square feet and five feet in height may be used to identify the center.
  - (i) No Sales.

No goods, chattel, wares, or merchandise offered for sale therein, except in the LB, PB and GB districts.
  - (j) License Required.

Applicant must obtain Day Care Home License from the Indiana Department of Public Welfare.
- (2)(Small) Family Day Care Home.
    - (a) Minimum Area.
      - (1) 100 square feet of outdoor play area provided on same lot as use for each child in attendance.
      - (2) 35 square feet of suitable indoor space per session per child shall be provided, also.
    - (b) Open/Recreational Space.
      - (1) Outdoor play area shall be grassed and enclosed by a forty-two (42) inch high chain link fence. Any entry gate shall be securely fastened.
      - (2) Outdoor play area cannot be closer than 10 feet to any adjoining property.
    - (c) General Safety.
      - (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or under-ground gasoline storage tanks, or any other storage area for explosive materials.
      - (2) Garages shall not be used as a designated play area.
    - (d) Parking.

One space for each adult attendant, plus two additional spaces.
    - (e) General Standards.
      - (1) No noise shall be audible beyond the lot lines.
      - (2) Hours of operation may be restricted by Plan Commission.
    - (f) Traffic Standards.
      - (1) Day care centers shall create no unsafe conditions for picking up and dropping off children.
      - (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the facility.
    - (g) Spacing Requirements.

## CHAPTER 153: AREA ZONING CODE

- No facility shall be located closer than 600 feet to another large family day care home.
- (h) Signs.  
One sign, not exceeding four square feet and five feet in height may be used to identify the center.
  - (i) No Sales.  
No goods, chattel, wares, or merchandise offered for sale therein, except in the LB, PB, and GB districts.
  - (j) License Required.  
Applicant must obtain Day Care Home License from the Indiana Department of Public Welfare.
- (19) Farm Implement (Machinery) Sales and Service Area or Building (New or Used).
- (a) Development Plan.  
Development Plan to be submitted with application.
  - (b) Dead Storage.  
No dead storage, repair work or dismantling on the lot.
  - (c) Height.  
Maximum height of structure - 35 feet.
  - (d) Adequacy of Sewers.  
Approval required.
  - (e) Special Setback Requirements.  
Used machinery may be placed temporarily in the rear of the building line in the sales lot, provided that new machinery may be placed temporarily in front of the building line in the PB District, but not closer than 20 feet to the front lot line in the PB and I-2 Districts.
  - (f) Parking.  
One per 2 employees, plus 1 per vehicle operated by the establishment, plus 1 per 1,000 square feet of display and sales area.
- (20) Filling station, automobile car wash, and roadside restaurant.
- (a) Minimum lot area - 1/2 acre.
  - (b) Minimum yards. Same as local business use in respective district except for PB District.
- (c) Landscape plan in which filling station is proposed to be located. Plan of landscape development to be submitted with application. (May be combined with development plan.)
  - (d) Fence. Four-foot wire mesh abutting residential use.
  - (e) Screen Planting. Six-foot height by six-foot width; where abutting residential use; tight screen, effective at all times of the year.
  - (f) Parking Spaces. As determined by the Board. The determination shall be based on the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
  - (g) Development Plan. Development plan to be submitted with application.
  - (h) Signs and lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (i) Dead storage. No sales, dead storage, repair work, or dismantling on the lot.
  - (j) Adequacy of Sewers. Approval required.
- (21) Game Preserve.
- (a) Development Plan.  
Development Plan to be submitted.
  - (b) Fence.  
Adequate wire mesh fence where accessible to public.
- (22) Golf Course or Country Club.
- (a) Minimum Yards.  
Front - standard; side (each) - 40; Rear - 40.
  - (b) Minimum Distance of Parking Area from Residential District of Use. 20 feet.
  - (c) Screen Planting.  
Screen planting - 6 foot height by 6 foot width - where

## CHAPTER 153: AREA ZONING CODE

- abutting residential use, effective at all times of the year; or an alternative planting, acceptable to the Board.
- (d) Entrance.  
Not more than one entrance from street.
  - (e) Setback from Interior Drives.  
40 feet.
  - (f) Parking Spaces. 30.
  - (g) Development Plan.  
Development Plan to be submitted with application.
  - (h) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (i) Adequacy of Sewers.  
Approval required.
  - (j) Height.  
Maximum height of structure 35 feet.
- (23) Golf Driving Range.  
Golf Driving Range Requirements. Same as (20) Golf Course or Country Club except number of parking spaces shall be 20.
- (24) Grain Elevators and Related Uses.
- (a) Development Plan.  
Development Plan to be submitted with application.
  - (b) Noise.  
Noise shall be confined to the limits set forth in Section 153.21, (C), 10.
  - (c) Height.  
Maximum height of structure - 135 feet.
- (25) Health Facility, including Nursing Homes and Retirement Homes.
- (a) Minimum Lot Area.  
40,000 square feet, but not less than 1,000 square feet per person cared-for occupant.
  - (b) Minimum Yards.  
In the PB District: Front - 80'; Side 40'; Rear - 40'. In other districts: same as requirements for single-family dwelling.
  - (c) Landscape Plan.  
Plan to landscape development to be submitted with application. (Maybe combined with Development Plan.)
- (d) Screen Planting.  
Screen Planting - 6 foot height by 6 foot width where abutting residential use; tight screen, effective at all times.
  - (e) Parking Spaces.  
1 per each 5 patients or occupants, plus 1 per each staff member or supervisor doctor, plus 1 per each 3 employees.
  - (f) Development Plan.  
Development Plan to be submitted with application.
  - (g) Height.  
Maximum height of structure - 35 feet.
  - (h) State Approval Required.  
Facility must be licensed by the State Board of Health in accordance with I.C. 16-10-2. (Some types of facilities do not require licensure.)
  - (i) Adequacy of Sewers.  
Approval required.
- (26) Heliport.
- (a) Minimum Lot Area. 1 acre.
  - (b) Spacing. Use permitted not closer than 200 feet to a residential use.
  - (c) Fence. Four-foot wire mesh abutting residential use.
  - (d) Parking Spaces. One per employee plus one per three seats in waiting room.
  - (e) Development Plan.  
Development plan to be submitted with application.
  - (f) Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (g) Height. As required by appropriate state or federal agency.
- (27) Hospital.
- (a) Minimum Lot Area. 3 acres.
  - (b) Minimum Yards.  
Front - 40; Side (each) - 40; Rear - 40. (Abutting residential use).

## CHAPTER 153: AREA ZONING CODE

- (c) Minimum Distance of Parking Area from Residential District or use. 50 feet.
  - (d) Minimum Distance of Loading Berth from Residence District or Use.
  - (e) Parking Spaces. 1 per 4 beds, plus 1 per doctor, plus 1 per 3 employees on largest shift, plus 1 per hospital vehicle.
  - (f) Development Plan. Development Plan to be submitted with application.
  - (g) Height. 70 feet.
  - (h) Adequacy of Sewer. Approval required.
- (28) Junk Yard.
- (a) Minimum Lot Area - 5 acres.
  - (b) Minimum yards. Front - 50; side -40; rear - 40.
  - (c) Spacing. Use permitted not closer than 500 feet to a residential use.
  - (d) Entrance. Not more than one entrance from street.
  - (e) Fence. Solid wall or solid painted fence 8 feet high except along railroad right-of-way or 8 foot wire mesh fence covered and maintained with thick ivy growth.
  - (f) Parking spaces. 1 per 2 employees.
  - (g) Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (h) Height. Maximum height of structure - 25 feet.
- (29) Kennel.
- (a) Minimum Lot Area. 2 acres.
  - (b) Minimum Yards. Front - 150; Side (each) - 150; Rear - 150.
  - (c) Screen Planting. Screen planting - 6 foot height by 6 foot width - where abutting residential use; effective at all times of the year.
  - (d) Entrance. Not more than one entrance from street.
- (e) Development Plan. Development Plan to be submitted with application.
  - (f) Noise. Use shall be operated in a manner to insure minimum noise beyond the premises.
  - (g) Parking. One per 2 employees, plus 1 per 500 square feet of front area used in a waiting room; plus 1 per 5 boarder animals, based upon maximum number of animals.
  - (h) Height. Maximum height of structure - 25 feet.
- (30) Manufacturing, Storage, or use of Explosives.
- (a) Development Plan. Development Plan to be submitted with application if use involves manufacturing or storage of explosives.
  - (b) Approval of Board of County Commissioners or respective Town Council required.
- (31) Mining Operation (i.e. sand or gravel pit, quarry, borrow pit, topsoil removal and storage areas).
- (a) Minimum Yards. Front - 150; Side (each) - 150; Rear - 150.
  - (b) Minimum Distance from Residence District or Use - 300 ft.
  - (c) Fence. 6 foot woven wire, fence where accessible to public.
  - (d) Screen Planting. Screen planting -6 foot height by 3 foot width - where abutting residential use; effective at all times of the year.
  - (e) Entrance. No more than one entrance from street.
  - (f) Development Plan. Development plan to be submitted with application.
  - (g) Special. See I.C. 35-7-4-1103:

## CHAPTER 153: AREA ZONING CODE

Miscellaneous provisions; use and alienation of mineral resources and forest outside urban areas.

(32) Mobile Home Park.

(a) State Requirements.

All State requirements shall be observed (See I.C. 13-7-1, 410 IAC 6-6, and 327 IAC 8-81 for requirements.) In addition to State Department of Health requirements, the requirements listed below shall be adhered to.

(b) Development Plan.

Development Plan to be submitted with application.

(c) Area.

A mobile home park shall have an area of not less than five acres.

(d) Soil.

The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 153.43(T).) The site shall not be subject to unpredictable or sudden flooding, subsidence, or erosion. Exposed ground surfaces shall be paved, covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. Exposed ground surfaces shall be graded and equipped to drain all surface water in a safe, efficient manner.

(e) Smoke, Noise, and Odor.

The proposed site shall not be exposed to objectionable smoke, noise, odor or other adverse influences.

(f) Screening.

A dense planting screen not less than 12 feet high and 6 feet wide shall be located and

effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.

(g) Use.

No part of any park shall be used for nonresidential purposes, except such uses that may be for the benefit of and well-being of park residents and for the management and maintenance of the park; provided, however, that this shall not prohibit the sale of a mobile home located on a mobile home slab on a mobile home lot and connected to the appropriate utilities; provided further, however, that a mobile home sales business may be allowed in the mobile home park upon a showing that said business, and its location, is in the best interest of the public health, safety, morals and general welfare, as determined by the Board of Zoning Appeals.

(h) Side, rear, and front yards.

The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a minimum of 60 feet in depth.

(i) Separation.

Mobile homes shall be separated from each other and from all other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage

## CHAPTER 153: AREA ZONING CODE

cabinets, carport, windbreak, and porch having a floor area exceeding 25 square feet and an opaque roof or top, shall be considered to be part of the mobile home.

- (j) Mobile home lot area and width.

Each mobile home lot shall contain a minimum of 4,000 square feet in area, and shall be at least 40 feet in width.

- (k) Parking.

Each mobile home lot shall contain two automobile parking areas, each of which has minimum dimensions of 10 feet in width by 20 feet in length.

- (l) Mobile home slab.

Each mobile home lot shall contain a mobile home slab. The area of the slab shall be improved to provide adequate support for the placement and tie-down of the mobile home so that it is secure against uplift, sliding, rotation, and overturning. The slab shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces. The slab shall be provided with anchors and tie-downs such as cast-in place concrete "dead men," eyelets imbedded in concrete foundation or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the slab and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

- (m) Distance required.

There shall be a distance of at least 15 feet between the mobile home slab and an abutting interior park drive.

- (n) Recreation area.

Each park shall provide a recreational area or areas equal in size to at least 8 percent (8%) of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.

- (o) Streets and Drives.

A mobile home park shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Such access shall be provided by interior private streets or driveways or other means approved by the Board. No direct access from a front or side street to a mobile home lot shall be permitted except by approved entrances and exits. The park entrance shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be allowed on the park entrance driveway for a distance of 100 feet from its point of beginning, unless the park entrance drive has a minimum width of 36 feet. Interior driveways, except minor driveways, shall have a minimum width of 22 feet, measured from back to back of curb if provided. Minor driveways shall have a minimum width of 10 feet. Minor driveways having mobile homes abutting on both sides are not acceptable unless the said minor driveways are less than 500 feet long. Minor driveways serving more than 15 mobile homes are unacceptable. Dead-end driveways shall not exceed 1,000 feet in length, and shall be terminated at the closed end with a turnaround having an outside roadway diameter of at least 60 feet.

- (p) Interior Driveway Construction



## CHAPTER 153: AREA ZONING CODE

- and Design Standards.
1. Pavements. All driveways shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavements edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Driveway surfaces shall be maintained so as to be free of cracks, holes, and other hazards.
  2. Grades. Grades of all driveways shall be sufficient to ensure adequate surface drainage, but shall not have a grade in excess of 8 percent (8%); provided, however, that short runs having a maximum grade of 12 percent (12%) may be permitted if traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.
  3. Intersections. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersections streets. Inter-sections of more than two streets at one point shall be avoided.
- (33) Multi-Family Dwelling or Apartment designed for or occupied by more than four (4) families.
- (a) Environmental impact statement.  
An impact analysis evaluating the expected economic, social, and fiscal impact on the surroundings or on the community, demonstrating that the proposed development will not adversely affect governmental financial conditions nor the community's man-made or natural environment.
- (b) Development Plan.  
Development Plan to be submitted with application.
- (c) Lot and Yard Requirements.  
Lot and Yard requirements including height requirements are the same as those required for a Multi-Family Dwelling on Figure 1.
- (d) Parking Spaces.  
2 for each dwelling unit.
- (34) Outdoor Commercial Recreational Enterprise.
- (a) Minimum Yards.  
Front - Standard; Side - 40 feet; Rear - 40 feet.
  - (b) Minimum Distance between parking area and residential district or use.  
50 feet.
  - (c) Entrance.  
Not more than two entrances from street.
  - (d) Noise.  
Noise shall be confined to the premises.
  - (e) Landscape Plan.  
Landscape Plan to be submitted with application. (May be combined with the Development Plan.)
  - (f) Fence.  
6 foot wire mesh where accessible to public.
  - (g) Screen Planting.  
Screen Planting - 6 foot height by 6 foot width where abutting residential use - tight screen, effective at all times.
  - (h) Setback from interior drives.  
40 feet.
  - (i) Parking Spaces.  
1 per 3 employees plus 1 per 500 square feet of use area.
  - (j) Development Plan.  
Development Plan to be submitted with application.
  - (k) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall

## CHAPTER 153: AREA ZONING CODE

- be approved by the Board.
- (l) Height.  
Maximum height of structure - 60 feet.
  - (m) Adequacy of Sewers.  
Approval required.
- (35) Outdoor Theater.
- (a) Minimum Yards.  
Front - 100 feet; side - 75 feet; rear - 40 feet; abutting residential use.
  - (b) Fence.  
4 foot wire mesh abutting residential use.
  - (c) Development Plan.  
Development Plan to be submitted with application.
  - (d) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (e) Height.  
Maximum height of structure - 65 feet.
  - (f) Adequate Sewer.  
Approval required.
- (36) Penal or Correctional Institutions.
- (a) Minimum Lot Area.  
200 acres. Medium Security Facility - 15 acres.
  - (b) Minimum Yards.  
Front - 100 feet; side (each) 100 feet; rear 100 feet.
  - (c) Minimum distance from residential use - 300 feet.
  - (d) Parking Spaces.  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
  - (e) Development Plan.  
Development Plan to be submitted with application.
  - (f) Height.  
Maximum height of structure - 65 feet.
  - (g) Adequacy of Sewers.  
Approval required.
- (37) Planned Business Use in the PB District.
- (a) Development Plan.  
Development Plan shall be submitted with application.
  - (b) Other Requirements.  
See Sec. 153.19 and Figure 1 for other requirements.
- (38) Private Club or Lodge, which is of a Non-commercial character in the A-1, A-2, FR, and MR Districts.
- (a) Minimum Lot Area.  
Front, side and rear - Same as required for a Single-family Dwelling in the respective district where located.
  - (b) Minimum Yards.  
Front - Standard; side (each) 25; rear - 25.
  - (c) Parking Spaces.  
One per six active members.
  - (d) Development Plan.  
Development Plan to be submitted with application.
  - (h) Height.  
Maximum height of structure - 25 feet.
- (39) Private Recreational Development (i.e. picnic grounds, fraternal organizations, etc.).
- (a) Minimum Yards.  
Front - Standard; side (each) 40 feet; rear - 40 feet.
  - (b) Minimum distance between parking area and residential district or use. 25 feet.
  - (c) Entrance.  
Not more than one entrance from street.
  - (d) Landscape Plan.  
Plan of Landscape Development to be submitted with application. (May be combined with Development Plan.)
  - (e) Screen Planting.  
Screen Planting - 6 foot height by 3 foot width when abutting residential use; tight screen, effective at all times.
  - (f) Parking Spaces.  
One per each six members, or

## CHAPTER 153: AREA ZONING CODE

- as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements.
- (g) Development Plan. Development Plan to be submitted with application.
  - (h) Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (i) Height. Maximum height of structure - 25 feet.
  - (j) Noise. Noise shall be confined to the premises.
- (40) Produce Stands, Seasonal.
- (a) Development Plan. Development Plan to be submitted with application.
  - (b) Signs and Lighting. Outdoor advertising sign and outdoor artificial lighting shall be approved by the Board.
- (41) Produce Stands, Year Round.
- (a) Development Plan. Development Plan to be submitted with application.
  - (b) Signs and Lighting. Outdoor advertising sign and outdoor artificial lighting shall be approved by the Board.
  - (c) Adequacy of Sewers. Approval required.
- (42) Public Camp.
- (a) Minimum Lot Area. 5 acres.
  - (b) Minimum Yards. Front - 100; side (each) - 40; rear - 40.
  - (c) Minimum distance between parking area and residential district or use. 25 feet.
  - (d) Screen Planting. Screen Planting - 6 foot heights by 3 foot width
- effective at all times of the year.
- (e) Entrance. Not more than one entrance from street.
  - (f) Parking. One per campsite plus one per cabin.
  - (g) Development Plan. Development Plan to be submitted with application.
  - (h) Maximum heights of structure 25 feet.
  - (i) Adequacy of Sewers. Approval required.
- (43) Public or Commercial Sanitary Fill or Garbage Disposal Plant.
- (a) Minimum Lot Area - 10 acres.
  - (b) Minimum Yards - Front 300; side (each) - 300.
  - (c) Fence. 6 foot wire mesh.
  - (d) Screen Planting. 6 foot width abutting residential use.
  - (e) Entrance. Not more than one entrance from street.
  - (f) Development Plan. Development Plan to be submitted with application.
  - (g) State Requirements. All State requirements for solid waste disposal shall be met.
- (44) Public or Employee Parking Area.
- (a) Four (4) foot high masonry wall along front line and such other boundaries the Board considers necessary to protect residential property, except an approved entrance and exit.
  - (b) Entrance. Not more than one entrance from street.
  - (c) Development Plan. Development Plan to be submitted with application.
- (45) Public Park or Public Recreational Facility.
- (a) Landscape Plan. Plan of landscape development to be submitted with application. (Maybe combined

## CHAPTER 153: AREA ZONING CODE

- with Development Plan.)
- (b) Development Plan.  
Development Plan to be submitted with application.
  - (c) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (d) Adequacy of Sewers.  
Approval required.
- (46) Public Water Wells, Water Stations, Filtration Plants, Reservoirs and Storage Tanks.
- (a) Storage Tanks.  
Proximity to residence district or use 100 feet.
  - (b) Development Plan.  
Development Plan to be submitted with application.
  - (c) Health Laws.  
All applicable health laws and standards shall be adhered to.
- (47) Railroad or other Mass Transportation Rights-of-Way and Trackage, including public transportation terminal, Passenger Stations, Shelter Stations, and Layover Areas for transit vehicles, and off-street parking facilities.
- (a) Entrance. Not more than one entrance from street.
  - (b) Parking for Passenger Station.  
One per 10 seats in waiting room plus 1 per 2 employees of connected retail use (if any).
  - (c) Development Plan.  
Development Plan to be submitted with application.
  - (d) Adequacy of Sewers.  
Approval required.
  - (e) Height.  
Maximum height of structure - 45 feet.
- (48) Raising and Breeding of Non-Farm Fowl and Animals, except Kennel.
- (a) Minimum Lot Area.  
3 acres.
  - (b) Minimum Yards.  
Front - 100; side (each) 100; rear -100.
  - (c) Development Plan.  
Development Plan to be submitted with application.
- (d) Screen Planting.  
Screen Planting - 6 foot height by 3 foot width when abutting residential use, effective at all times of the year.
  - (e) Entrance.  
Not more than one entrance from street.
  - (f) Height.  
Minimum height of structure - 25 feet.
  - (g) Adequacy of Sewers.  
Approval required.
- (49) Recreation Vehicle Park.
- (a) Development Plan.  
Development Plan to be submitted with application.
  - (b) Minimum Lot Area.  
5 acres.
  - (c) Density.  
Each recreational vehicle park shall have not more than 25 recreational vehicle spaces per acre of gross site area.
  - (d) Separation.  
Recreational vehicles shall be separated from each other and from all other buildings and structures by at least 5 feet. An accessory structure, such as an awning, cabana, storage cabinet and porch, shall be considered to be a portion of the recreational vehicle.
  - (e) Parking.  
One automobile parking space shall be provided for each recreational vehicle. No parking shall be permitted in the front yard of the park tract of land.
  - (f) Accessory Uses.  
Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
  - (g) Term of stay in park and limitation of use.

## CHAPTER 153: AREA ZONING CODE

- Except as otherwise provided herein, each recreational vehicle shall not be used for habitation in the same recreational vehicle park for longer than 180 days in any one calendar year, and shall not be used as a permanent residence.
- (h) Access.  
Recreational vehicle parks shall have direct access to an arterial or major thoroughfare 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. Only one principal entrance from a major thoroughfare may be provided.
- (i) Condominium Parks Permitted.  
The sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed in a recreational vehicle park. Accordingly, an affirmative statement as to whether or not the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed and shall be included in the application. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then the development plan shall additionally include the number of individual lots to be sold, and the rights and responsibilities of the individual lot owners and the park developers in the part and its management. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then a plat of the recreational vehicle park shall accompany the development plan.  
(Condominiums regulated by I.C. 32-1-6 may not be regulated by Chapter 152: Area Subdivision Code.)
- (j) Soil and Water.  
The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 153.43(T).)
- (k) Smoke, Noise, and Odor.  
The proposed site shall not be exposed to objectionable smoke, noise, odors or other adverse influences.
- (l) Screening.  
A dense planting screen not less than 6 feet high after five full growing seasons and which at maturity is not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type of fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of the screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- (m) Side, Rear, and Front Yards.  
The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a minimum of 60 feet in depth.
- (n) Illumination.  
Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway

## CHAPTER 153: AREA ZONING CODE

system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations, steps, and stepped ramps, will have an average level of illumination of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

- (o) Barbecue Pits, Fireplaces, Stoves, and Incinerators.

Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

- (p) Refuse Handling.

The storage, collection and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located no more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing

garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park owner shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Officer. Refuse incinerators,

if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the Health Officer or other authority having jurisdiction. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the park.

- (q) Electrical Distribution System.

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of 3 feet between overhead wiring and any mobile home, service building or other structure. All direct burial conductors or cables shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. Each mobile home lot shall be provided with an approved

## CHAPTER 153: AREA ZONING CODE

disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volt AC, 100 amperes. Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1, as amended.

Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the mobile home is more than 100 amperes. The recreational vehicle shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug or with pressure connectors. All exposed non-current carrying metal parts of vehicles and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.

- (r) Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer. Parks shall be maintained free of accumulations of debris which

may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent

harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

- (s) Water and Sewage.

The water supply and sewage disposal shall meet the minimum requirements of the State Board of Health.

- (t) State Requirements.

All State requirements shall be observed.

- (50) Restricted Commercial Farm Enterprise (Including Confined Feeding Operations).

- (a) Development Plan.

Development Plan shall be submitted with application.

- (b) Air and Water Pollution Control.

Air and water pollution control promulgated by I.C. 13-1-1 (air pollution) and I.C. 13-1-3 (water pollution) is required.

- (c) Dead Storage.

No sales, dead storage, repair work or dismantling on the lot.

- (d) Parking Spaces.

As determined by the Board. The determination shall be

## CHAPTER 153: AREA ZONING CODE

based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements.

- (e) Signs and Lighting.  
Signs and artificial lighting require Board approval.
- (f) Maximum Height of Structure.  
45 feet.
- (g) Confined Feeding Operation - Health Approval Required.  
Approval by the Water Pollution Control, Department of Environmental Management, is required for confined feeding operations in accordance with I.C. 13-1-5.7.
- (h) Waste Handling and Disposal Guidelines.  
The recommended applicable guidelines promulgated by the following publications, as revised (latest issue), shall be required by the Board concerning methods of waste handling and disposal guidelines:
  1. LEGAL GUIDELINES FOR SWINE WASTE MANAGEMENT, latest issue, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
  2. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA POULTRYMEN, latest issue, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
  3. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA BEEF PRODUCERS, latest issue, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.

4. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA DAIRYMEN, latest issue, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.

- (51) Riding Stable.
  - (a) Minimum Lot Area.  
Two (2) acres, plus 5,000 square feet per horse over four (4) horses.
  - (b) Minimum Yards.  
Front, each side and rear yards, 100 feet each.
  - (c) Screen Planting.  
6-foot height by 3-foot width when abutting residential use.
  - (d) Entrance.  
Not more than one entrance from street.
  - (e) Parking.  
One per two employees, plus one per two horses.
  - (f) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (g) Waste Disposal.  
Disposal of wastes shall meet the approval of the State Board of Health.
  - (h) Development Plan.  
Development Plan shall be submitted with application.
  - (i) Height.  
Maximum height of structure. 35 feet.
- (52) Sales Barn for Livestock. (Resale)
  - (a) Minimum Yards.  
Front, each side, and rear yards; 300 feet each.
  - (b) Minimum Distance from residential district or use. 300 feet.
  - (c) Minimum Distance between parking area and residential district or use. 300 feet.
  - (d) Entrance.  
Not more than one entrance from street.
  - (e) Parking.  
One per 2 employees, plus one per each 400 square feet of



## CHAPTER 153: AREA ZONING CODE

- display and sales area.
- (f) Development Plan.  
Development Plan shall be submitted with application.
  - (g) Height.  
Maximum height of structure - 45 feet.
  - (h) Waste Disposal.  
Disposal of waste shall meet the approval of the State Board of Health.
- (53) Seasonal Hunting and Fishing Lodge.
- (a) Parking Spaces.  
One per member or as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking requirements.
  - (b) Development Plan.  
Development Plan to be submitted with application.
- (54) Sewage Treatment Facility (Primary Use).
- (a) Development Plan.  
Development Plan shall be submitted with application.
  - (b) Health Approval Required.  
Approval by the State Board of Health required.
- (55) Shooting Range, outdoor.
- (a) Minimum Yards.  
Front, each side, and rear yards: 300 feet each.
  - (b) Screen Planting.  
6 foot height by 6 foot width.
  - (c) Entrances.  
Not more than one entrance from street.
  - (d) Development Plan.  
Development Plan to be submitted with application.
- (56) Slaughter House with holding pens.
- (a) Minimum Lot Areas.  
5 acres.
  - (b) Minimum Yards.  
Front, each side, and rear yards: 300 feet each.
- (c) Minimum distance from residential district or use: 300 feet.
  - (d) Minimum distance of parking area from residential district: 50 feet.
  - (e) Animals kept temporarily. Live animals may not be held overnight.
  - (f) Entrance.  
Not more than one entrance from street.
  - (g) Development Plan.  
Development Plan to be submitted with application.
  - (h) Adequacy of Sewers.  
Approval required.
  - (i) Adequate Disposal Methods.  
Dead animals and offal shall be disposed of in a manner satisfactory to the Board.
  - (j) Parking.  
One per two employees, plus four additional spaces.
  - (k) Height.  
Maximum height of structure: 35 feet.
- (57) Special School.
- (a) Minimum Lot Area.  
10,000 square feet.
  - (b) Minimum Yards.  
Front 25 feet; each side 10 feet; rear 10 feet.
  - (c) Fence.  
4 foot wire mesh around play area.
  - (d) Parking Spaces.  
One per 3 employees plus 1 per 6 students.
  - (e) Height.  
Maximum height of structure 35 feet.
  - (f) Adequacy of Sewers.  
Approval required.
  - (g) Development Plan.  
Development Plan to be submitted with application.
- (58) Stadium, Coliseum, Athletic Field.
- (a) Minimum Lot Area.  
5 acres.
  - (b) Minimum Yards.  
Front - Standard; each side 50

## CHAPTER 153: AREA ZONING CODE

- feet; rear 50 feet.
  - (c) Minimum Distance of parking area from residential district or use.  
25 feet.
  - (d) Screen Planting.  
6 foot height by 6 foot width when adjacent to Residential Use.
  - (e) Entrances.  
Not more than 2 from street.
  - (f) Parking.  
One space for each 4 seats in the grandstand, plus 3 per 4 employees.
  - (g) Development Plan.  
Development Plan to be submitted with application.
  - (h) Height.  
Maximum height of structure 45 feet.
  - (i) Adequacy of Sewers.  
Approval required.
- (59) Storage of Disabled Vehicles, Temporary.
- (a) Minimum Lot Area.  
1/2 acre.
  - (b) Minimum Yards.  
Standard use.
  - (c) Minimum distance of parking area from residential district or use. 25 feet.
  - (d) Fence.  
6 foot solid painted fence.
  - (e) Screen Planting.  
6 foot height by 3 foot width where abutting residential use.
  - (f) Entrance.  
Not more than one from street.
  - (g) Development Plan.  
Development Plan to be submitted with application.
- (60) Studio Business (Art, Interior Decorating, Music, Etc.).
- (a) Parking Spaces.  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, plan parking load requirements.
- (b) Development Plan.  
Development Plan to be submitted with application.
- (61) Telephone Exchange or Public Utility Substation in the A-1, A-2, FR, MR, and I-2 District.
- (a) Screen Planting.  
Screen Planting - adequate for purpose as determined by Board. (Also along abutting street.)
  - (b) Entrance.  
Not more than one entrance from street.
  - (c) Parking Space.  
One per employee at or working out of site.
  - (d) Development Plan.  
Development Plan to be submitted with application.
  - (e) Adequacy of Sewers.  
Approval required.
- (62) Transmission Lines for Gas, Oil, Electricity or Other Utilities (Major lines).
- (a) Development Plan.  
Development Plan to be submitted with application.
- (63) Transmission Towers (Radio, TV, etc. and Micro Wave Towers).
- (a) Development Plan.  
Development Plan shall be submitted with application.
  - (b) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (c) Height.  
As required by the appropriate State or Federal agency.
- (64) Veterinary Hospital for Small Animals.
- (a) Parking.  
One space per 2 employees, plus 1 per doctor, plus two per examining rooms.
  - (b) Development Plan.  
Development Plan shall be submitted with application.
  - (c) Height.

## CHAPTER 153: AREA ZONING CODE

Maximum height of structure -  
35 feet.

- (65) Wholesale Produce Terminal or  
Truck Terminal.
- (a) Minimum Lot Area.  
10 acres.
  - (b) Minimum Yards.  
Front - 100 feet; side (each)  
75 feet abutting residential  
use, otherwise 35 feet; rear 40  
feet.
  - (c) Minimum Distance from  
residential district or use 100  
feet.
  - (d) Minimum distance of parking  
from residential district 100  
feet.
  - (e) Fence.  
6 foot height wire mesh fence.
  - (f) Screen Planting.  
Screen Planting - 6 foot height  
by 3 foot width where abutting  
residential use; tight screen,  
effective at all times.
  - (g) Entrance.  
Not more than one entrance  
from street.
  - (h) Parking Spaces.  
One per two employees on  
largest shift.
  - (i) Development Plan.  
Development Plan to be  
submitted with application.
  - (j) Signs and Lighting.  
Outdoor advertising signs and  
outdoor artificial lighting shall  
be approved by the Board.
  - (k) Height.  
Maximum height of structure  
45 feet.
  - (l) Adequacy of Sewers.  
Approval required.
  - (m) Thoroughfares.  
Thoroughfares must be  
adequate.

## CHAPTER 153: AREA ZONING CODE

### Section 153.29: BUILDING SET-BACK LINES

Building setback lines shall be required along all public streets in accordance with the specifications in Figure 1, Lot and Yard Requirements, and as hereinafter provided. Any yard abutting a street shall be deemed a front yard for purpose of determining front building setback lines.

#### (A) Front Yard.

(1) For residential uses where twenty-five percent (25%) or more of the lots in the block frontage are occupied by buildings, the average setback of such buildings determine the dimension of the front yard in the block frontage, but the front yard need not exceed fifty (50) feet in any case, (except in the PB District).

(2) In business and industrial districts where twenty-five (25%) or more of the lots in a block frontage are occupied by buildings, the setback of such buildings shall determine the location of the building line, except for the PB district.

(3) Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions.

(4) On through lots, a front yard is required on each street.

#### (B) Conflict - Setback Requirements.

In case of conflict with the front setback requirements of the Zoning Districts, Special Exceptions, Contingent Uses, or other applicable provisions of this Code, the most restrictive requirement shall govern.

#### (C) Exceptions.

The setback exceptions set forth in this section apply to the requirement of Chapter 154: Thoroughfare Plan Code which incorporates the "Area Thoroughfare Plan of Switzerland County - 1996," and which establishes the proposed right-of-way line as the front line of lots that front upon a street.

### Section 153.30: YARD EXCEPTIONS

#### (A) Application.

(1) Any yard or setback line so placed or oriented that none of the specific terms in this Code

are applicable shall necessitate a determination by the Executive Director of suitable dimensions generally required for a similar situation in the zone or district.

(2) Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections and temporary storage as hereinafter provided, and signs in accordance with Sec. 153.41 of this Code.

#### (B) Yard Encroachments.

No structure or part thereof shall project into a required front yard except:

(1) An eave, cornice overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that in no event shall said encroachment protrude closer than twenty (20) feet to a front lot line, subject to exceptions.

(2) The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding two feet.

(3) Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level and not to project a distance in excess of ten (10) feet.

(C) Projections. No structure or part thereof shall project into a required side or rear yard except:

(1) An eave, cornice, overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.

(2) The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding two feet; provided, however, that said encroachment shall not protrude closer than eighty percent (80%) of the required distance to any side or rear lot line.

(3) Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level.

(4) Family swimming pools - See Sec. 153.37(C)(4).

## CHAPTER 153: AREA ZONING CODE

(D) Alley Abutting Rear or Side Yard. One-half of an alley abutting the rear or side of a lot may be included in the rear yard or side yard, respectively, but such alley space shall not be included for loading and unloading berths.

(E) Side Yards. Where sixty percent (60%) or more of the lots in a block frontage are occupied by buildings which provide side yards of less than the minimum required by this Code, the average side yard of such buildings may determine the required side yard; provided, however, no side yard shall be reduced to less than three (3) feet (except in Districts which do not require side yards). Where an existing building is deficient in side yards, any addition to such an existing building shall maintain the existing side yards.

(F) Tapered Yard Formula (for Accessory Building). Where an interior lot fronts on a side street in the rear of the corner lot by an alley, an accessory building located on the rear lot line of the corner lot shall set back from the side street as far as the dwelling on said interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four (4) inches closer to the front lot line along the side street required by this Code.

### (G) Fences.

(1) Fences used for agricultural purposes, recreation use or the public safety shall not be regulated by this Code.

(2) Fences used for residential purposes shall be allowed without the issuance of any permit, subject to the following provisions:

(a) Fences shall be allowed in side and rear yards up to a height of six (6) feet.

(b) No setback shall be required for fences in side and rear yards.

(c) Fences shall be allowed to extend along side property lines provided that from the building setback line to the road right-of-way line they shall be of an open or wire mesh type and shall not exceed three and one-half (3-1/2) feet in height.

(d) Fences shall not be permitted to block passage along existing sidewalks.

(e) Front yard fences within the building setback line shall not exceed six (6) feet in height.

(f) Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a parcel, provided that it does not exceed three (3) feet in height.

(3) Fences in business (LB, PB, GB) or industrial (I-1, I-2) districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:

(a) Fences intended for security purposes shall not exceed a maximum height of eight (8) feet, plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however, they shall not be allowed in any greenstrip or buffer area.

(4) Every outdoor swimming pool, which is more than 18 inches in depth, shall be surrounded by a fence not less than four feet in height. Such fence shall be either of chain link type or of a type offering equivalent protection. All gates or doors opening through such enclosure shall be designed to permit locking and shall be kept locked when the pool is not in actual use, or left unattended. (See Sec. 153.37 (C) (4) (c) 2. and 3.)

### (H) Minor Accessory Uses and Screening.

(1) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls (not exceeding four (4) feet in height), mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, without the issuance of any permit.

(2) Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required.

### (I) Intersection Visibility.

(1) In all districts, except the GB district, a triangular space at the street corner of a corner lot shall be maintained free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet along each of the street

## CHAPTER 153: AREA ZONING CODE

property lines equidistant from the intersection of the property lines or the property lines extended at the corner of the lot.

(2) In the case of a rounded property corner, said triangular area shall be measured from the intersection of the street right-of-way lines extended.

(3) In addition, the above vision sight lines shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within forty (40) feet of the intersection of two street lines. (See Sec. 153.36.)

### (J) Storage.

(1) No portion of any required yard shall be used for the permanent storage of motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Code. (See Sec. 153.37 (C) (13) and (14) and Sec. 153.42.). Recreational boats and trailers are to be considered as Recreational Vehicles for the purpose of storage.

(2) Permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of forty-eight (48) or more consecutive hours in any one week period. (See Sec. 153.42.)

### Section 153.31: ACCESS AND FRONTAGE

Every building hereafter erected or moved shall be located on a lot with frontage and access on a public street, and all buildings shall be so located on lots so as to provide for safe and convenient access, fire protection, and required off-street parking.

### Section 153.32: ONE PRIMARY BUILDING PER LOT

Every building hereafter erected shall be located on a lot unless otherwise specified for planned developments. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as otherwise provided in this Code for a mobile home park or unit development plan.

### Section 153.33: CONVERSIONS

#### (A) Certain Conversions Discouraged.

It is the purpose of this Code to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two families when such conversion is likely to lead to overcrowding, to lack of privacy, to lack of sufficient light and air, to unsafe or unsanitary living conditions or to inadequate provisions for off-street parking and open space.

#### (B) Consistent With Purposes.

Such conversions shall be consistent with the purposes of other applicable provisions of this Code, including housing and building codes and fire safety and utility programs.

#### (C) Appearance and Repair.

In connection with such conversions there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned codes and programs; all fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building; and no dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.

#### (D) Exception.

In cases of question as to the applicability of these standards, such proposed conversion shall be deemed an exception and placed before the Board in accordance with the requirements in Sec. 153.44.

### Section 153.34: MANUFACTURED HOME AND MOBILE HOME PERMITTED

(A) Manufactured Homes. Manufactured homes may be permitted in certain districts (see I.C. 36-7-4-1106), provided their use as a single-family dwelling unit incorporates a permanent foundation (see I.C. 22-11-1-1) and a permanent perimeter wall (see Sec. 153.47 for definition), as well as the other requirements in this Code.

(1) Manufactured homes shall be required to meet the minimum square footage requirements provided for in any area zoned for single-family and two-family homes.

(2) The homes shall meet all requirements applicable to single-family or two-family dwellings and shall be subject to all necessary improvement location, building and occupancy permits.

## CHAPTER 153: AREA ZONING CODE

(3) The homes shall be larger than 950 square feet of occupied space, or meet the standards as required by the appropriate zoning district, whichever is greater.

(4) The homes must be permanently attached to a solid foundation extending down below the frost line a minimum of thirty-two (32) inches or on basement walls. The space between the floor joists of the home and the excavated area under floor grade shall be completely enclosed with permanent perimeter foundation or basement walls, except for required openings.

(5) The homes shall be covered with an exterior material of one or more of the following types which shall extend over the top of the foundation:

- (a) Horizontal aluminum or vinyl lap siding;
- (b) Cedar or wood siding;
- (c) Weather resistant grain pressboard;
- (d) Stucco, block or stone; or
- (e) Other materials approved by the Director.

(6) The homes shall have a roof composed of a material customarily used on site built residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

(7) Manufactured homes not meeting the terms of this subsection shall be permitted only after receiving a variance approved by the Board or be located in an approved Mobile Home Park.

(8) Any structural alteration or modification of a manufactured home after it is placed on the site must be in full compliance with this Zoning Code and approved by the Executive Director prior to a building permit being issued.

(B) Mobile Homes. Manufactured dwellings (see Sec. 153.47 for definition) and mobile homes (see Sec. 153.47 for definition) are permitted uses in a mobile home park.

(C) Mobile Homes Permitted According To Certain Conditions. A Mobile Home located on a lot, when an Improvement Location Permit and a Certificate of Occupancy have been issued for such

use which is on file in the office of the Executive Director, is a permitted use on the lot and shall be classified by the Executive Director according to one of the six (6) Mobile Home Classifications set forth in subsection (D) below. Accordingly, the existing "classified" Mobile Home may remain on the lot upon which it was legally located at the time of passage of this chapter of the Code. The owner of the lot has the following options:

(1) The existing Mobile Home may be replaced with another Mobile Home having the same or a higher classification, provided that the existing Mobile Home would either replace another Mobile Home in Switzerland County, or be removed from Switzerland County before an Improvement Location Permit could be issued by the Executive Director.

(2) The existing Mobile Home may be replaced with any other use permitted in the particular District where the lot is located.

(3) If an existing or replaced Mobile Home is removed from a lot for a period of more than ninety (90) days, another Mobile Home cannot again be located on that lot.

(D) Classification of Mobile Homes. Mobile Homes are hereby divided into the following classes by the Executive Director:

(a) Class A - Mobile Homes built on or after June 15, 1976, and manufactured dwellings built prior to January 1, 1981, or on or after June 15, 1976, certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development and approved as meeting "acceptable similarity" appearance standards in accordance with the Federal Sec. 504.10.

(b) Class B - Mobile Homes certified as meeting HUD Mobile Home Construction and Safety Standards, but not approved as meeting "acceptable similarity" appearance standards.

(c) Class C - Mobile Homes (built prior to June 15, 1976), certified as meeting "acceptable prior code or codes," or used mobile homes certified as meeting either HUD standards specified above or such prior code, found on inspection to be in excellent condition and safe and fit for residential occupancy.

## CHAPTER 153: AREA ZONING CODE

(d) Class D - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in good condition.

(e) Class E - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in fair condition.

(f) Class F - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in poor condition, unsafe, and/or unfit for residential occupancy.

### Section 153.35: HEIGHT

#### (A) Normal Maximum Building Heights.

(1) The normal maximum height of a dwelling is as follows in the districts indicated: 25 feet or 2 1/2 stories in the A-1, A-2, FR, R-1, and R-2 Districts; and 35 feet or 3 1/2 stories in the LB, PB, GB, I-2, MR, and UD Districts.

(2) The normal maximum height of business uses is as follows in the districts indicated: 40 feet in the LB and PB districts; 60 feet in the GB and UD districts.

(3) The normal maximum height of enclosed industrial uses is 75 feet in the GB, I-1, and I-2 districts.

(4) The normal maximum height of contingent uses is as follows in the districts indicated: 35 feet in the A-1, A-2, FR, R-1, R-2, and UD districts; 40 feet in the LB, PB, and I-2 districts; and 60 feet in the GB and I-2 districts.

(5) The normal maximum height of accessory buildings is as follows in the districts indicated: 18 feet in the A-1, A-2, FR, R-1, R-2, LB, and UD districts; and 24 feet in the PB, GB, I-1 and I-2 districts; provided that an accessory building to a farm house or farm dwelling may be erected to a normal maximum height of 40 feet.

#### (B) Height Exceptions.

(1) In the districts limiting height to 25 feet, a dwelling may be increased in height not to exceed 40 feet provided the required side yards are increased an additional foot for each foot such

structure exceeds 25 feet in height.

(2) Business and industrial buildings and structures may be erected higher than the normal maximum if they are set back from front and rear property lines, one foot for each two feet of additional height above the normal maximum height, provided that the Executive Director approves the increased height, primarily upon the availability of adequate fire protection.

(3) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or the provisions of this Code.

### Section 153.36: SUPPLEMENTARY BUSINESS STANDARDS

In any district where applicable, the following standards shall supplement the business use requirements of the district:

#### (A) General Standards.

(1) No unusually loud amplification of radio music or other audio-advertising shall be permitted on the premises.

(2) No lights utilizing an attracting device or lights on stringers of unshielded incandescent lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted on the premises.

(3) There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.

(4) Adequate indoor or outdoor trash containers shall be required; provided, however, that trash containers exceeding six (6) cubic feet shall be located within a solid, decorative stall behind or beside the primary structure, away from the view of the frontal street.

(5) No vending machines shall be permitted on the exterior of any building on the premises except where contained in a shelter, stall or other area so located as not to interfere materially with the use of adjoining property.



## CHAPTER 153: AREA ZONING CODE

(6) No pennants, banners or other similar attracting or advertising devices shall be permitted on the premises; however, notwithstanding the provisions of this Section, the use of pennants and other similar attracting devices in connection with a special promotional program may be permitted by the Board upon the issuance of a temporary improvement location permit. (See Sec. 153.33(7)(16) Trash receptacles must be enclosed in all business and industrial areas, and 153.41(D)(4)(d).)

### (B) Traffic Congestion.

(1) The number of traffic access points for establishments with 100 feet or less of frontage on a street shall not exceed one.

(2) Whenever practicable, for establishments with frontage of more than 100 feet, a service road or frontage street shall be provided, of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to the street upon which the establishments front. In the event the establishments front on more than one street, such service roads may be required on more than one street frontage.

The service road or roads required by this section shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.

In general, the use of public improved alleys, interior access roads or any other designed means to minimize the number of traffic access points and business intersections therein are encouraged.

(C) Open-Air Business. Any establishment where the principal use is the drive-in type of business, or is generally characterized by open-air business operations, shall be subject to the following standards:

(1) A decorative fence or wall of not less than five (5) feet in height shall be constructed and maintained along the side and rear lot lines. Where such use abuts a residential use, a buffer landscape strip at least twenty (20) feet in width shall be provided and maintained along the side and rear lot lines, within which buffer, a landscape screen shall

be provided not less than six (6) feet in height.

(2) Such business uses shall be limited to the characteristics customarily associated with such use and no other.

### Section 153.37: ACCESSORY USES

(A) Intent. Accessory uses shall be permitted in all zone districts in accordance with the provisions of this section. Accessory uses:

(1) Shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.

(2) Shall be operated and maintained under the same ownership and on the same lot as the principal use.

(3) Shall be clearly subordinate in height, area, bulk, extent and purpose to the principal use served.

(4) Shall not be located closer to any lot line than the minimum setback line required, unless specified in this Code.

(5) Shall not be permitted prior to the erection and operation of the principal use, and no accessory use shall be used unless the main building on the lot is also being occupied for the intended purposes, unless a temporary improvement location permit is obtained in accordance with Sec. 153.38. However, nothing shall prevent the use of a temporary construction facility for the storage of tools, material and equipment by a contractor during building construction.

(6) A private residential garage or accessory building shall not exceed the living area of the primary structure.

(7) No residential accessory building may be erected in front of a main building, or in the required front yard on the side of a corner lot, unless the accessory building is attached to the main building by a common wall.

### (B) Interpretation.

(1) Such appurtenant features as walks, driveways, curbs, drainage installations, retaining walls, mailboxes, lamp posts, bird baths and structures of a like nature, are allowed without

## CHAPTER 153: AREA ZONING CODE

permits. (See Sec. 153.26 (H).)

(2) The growing of vegetation, provided it is not for profit, is allowed without a permit.

(3) The keeping of domestic pets, provided it is not for profit and not construed as a kennel, is allowed without permit.

(4) Fences, walls and structural screens are allowed without permit when they do not impede intersection visibility. (See Sec. 153.26 (G).)

(5) Such buildings or structures as patios, outdoor fire places, doghouses, children's play equipment, and also detached storage buildings, bath houses and cabanas not exceeding 150 square feet in size are allowed without permit when the yard requirements of this Code are adhered to.

(6) Rummage or garage sales are allowed without permit in any district provided there are not more than two such sales annually of not more than 3 days duration each on the premises. Rummage or garage sales of more than 3 but not more than 10 days require a temporary Improvement Location Permit.

### (C) Application of Accessory Uses.

(1) Such buildings or structures as provided for in this Section including but not limited to private garages, carports, canopies, portecocheres, small greenhouses, and similar accessory buildings or structures; located not closer than five (5) feet to any side or rear lot line (except as otherwise provided in this chapter).

(2) Off-street motor vehicle parking and loading areas, as set forth in Sec. 153.40 OFF-STREET PARKING AND LOADING provided, however, for residential uses not located in subdivisions as defined in Chapter 152, one such space may be provided for a commercial vehicle. (See Sec. 153.36(B).)

(3) Signs, as set forth in Sec. 153.41.

(4) Swimming pools.

(a) No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Executive Director. An application for such permit shall be filed with the Executive Director, on a form furnished by him,

together with the plans and specifications for such pool. The Director shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of this chapter. If it appears that the pool will comply therewith, he shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed.

(b) The Executive Director is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.

(c) For the purpose of this Subsection the phrase "FAMILY SWIMMING POOL" shall mean and include an artificial body of water, with a controlled water supply, designed for wading and swimming and used, or intended to be used, solely by the owner, or lessee thereof, and his family and by friends invited to use it without payment of any fee.

No family swimming pool shall be constructed except on the same lot as the owner's dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner.

1. The pool must be constructed in the rear yard but not closer at any point than ten feet from the building itself;

2. The pool must be enclosed by a fence in the manner set forth below and at no point may the fence be closer than ten feet to any property line.

3. A fence surrounding or partially surrounding a pool shall not be closer than six feet to the edge of the pool at any point; (See Sec. 153.30 (G) (4).)

4. The surface area of the pool may not exceed 25% of the area of the rear yard.

(d) When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling the following conditions must be met:

1. No part of the pool shall

## CHAPTER 153: AREA ZONING CODE

be located forward of the setback line of the owner's dwelling;

2. No part of the pool shall be closer than ten feet from the owner's dwelling and no closer than sixteen feet from any property line of any other property owner;

3. No pool shall be built across any property line regardless of the ownership thereof;

4. If the contiguous lot has frontage on a street other than that on which the owner's dwelling is located, no part of the pool shall be forward of the minimum setback line.

(e) It shall be unlawful for any person to make, continue, or cause to be made or continued at any pool, any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person who is in the pool premises shall be unlawful.

(f) Lights to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and streets.

(5) Amateur radio-sending and receiving antennae, provided the height thereof, including masts, shall not exceed 75 feet measured from finished lot grade; and provided further that such apparatus does not cause any interference with radio or television receivers in the vicinity.

(6) Management office in multi-family dwelling or apartment use, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, provided there is no exterior display.

(7) Fall-out shelter.

(8) Residential occupancy by domestic employees on the premises.

(9) Foster family care where children

unrelated to the residents by blood or adoption are cared for according to State statutes, provided that no sign shall be displayed.

(10) Stables and animal pens, on residential lots of at least three (3) acres; provided, however, any structures, pens or corrals housing animals shall be 100 feet from an adjoining property line, except where animals are kept in sound-proof air conditioned buildings, in which case the required setback line is 50 feet. (See Sec. 153.28 for other stables and raising and breeding non-farm fowl or animals.)

(11) Storage areas, as regulated in applicable section of this Code.

(12) Private residential garages and carports for the storage of motor vehicles, which are clearly accessory and not for commercial purposes.

(13) Storage or parking of recreational vehicles in the open subject to the following conditions:

(a) In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.

(b) Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.

(c) Not more than two recreational vehicles will be permitted to be parked or stored in the open on residential property at any one time; provided, however, that one additional such vehicle will be permitted for visitation for seven consecutive days and not to exceed fourteen days in any one year, in accordance with Sec. 153.37.

(d) At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (c) above.

(e) Notwithstanding the provisions of (d) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight

## CHAPTER 153: AREA ZONING CODE

(48) consecutive hours in any one-week period.  
(See Sec. 153.37.)

(14) Storage of a continually unoccupied mobile home is only permissible in a business or industrial district at a location legally qualified to render storage for said mobile home.

(15) Satellite (earth) television antennas in accordance with the following standards:

(a) There shall be one satellite television antenna permitted per residential lot.

(b) In all districts, a satellite television antenna having a diameter greater than four (4) feet shall be located on the ground upon and within a poured concrete foundation to the rear of the principal building on a lot, and within the building area, and shall not exceed thirteen (13) feet in height or the height of the main structure, whichever is less.

(c) In all districts, a satellite television antenna having a diameter of four (4) feet or less may be located on the principal building or an accessory building on a lot, and shall not exceed a height of more than four (4) feet above the roof on which it is mounted, subject to the particular height requirements of the district. When an antenna having a diameter of four (4) feet or less is located on the ground, all requirements contained in paragraph (b) herein shall apply.

(d) The satellite television antenna shall be screened from view by a fence or natural plantings and can be located in a side yard to the rear of the Building Setback Lines if, in the opinion of the Executive Director, the antenna can be adequately screened from view.

(e) No satellite television antenna shall be linked to a receiver which is not located on the same lot or parcel of real estate.

(16) Home Occupation Use. See Sec. 153.39 for additional requirements.

### Section 153.38: TEMPORARY USES

(A) Intent. Temporary uses shall be permitted in applicable districts by the grant of a Temporary Improvement Location Permit issued by the Board of Zoning Appeals in accordance with the requirements of this section.

### (B) General Provisions.

(1) The duration of the temporary period is stated hereinafter; provided, however, renewal of such Permit may be requested.

(2) Temporary uses shall be subject to all the regulations of the applicable district.

(3) Mobile Homes shall be removed from the lot at the time of expiration of time period.

### (C) Uses Which May Be Permitted By the Board.

(1) Temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district. Maximum 18 months.

(2) Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum 18 months.

(3) Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum 18 months.

(4) Parking lot designated for a special event in a district. Maximum 30 days.

(5) Announcement signs necessary to explain the character of a building enterprise. Maximum 18 months.

(6) Bazaars, carnivals, and similar temporary uses. Maximum 10 days.

(7) Sale of Christmas trees, outdoor tent theatre, sale of seasonal fruits and vegetables from roadside stands, tent sales. Maximum 60 days.

(8) Parking of recreational vehicles for visitation. Maximum 7 days.

(9) Temporary mobile home living quarters as accessory use on same lot as principal building used for residential purposes when situation necessitates special health care for blood relative. Maximum 2 years.

(10) Mobile home as a temporary office during the period of construction and development.

## CHAPTER 153: AREA ZONING CODE

Maximum 18 months.

(11) Mobile home as a temporary living place or dwelling for security purposes. Maximum 18 months.

(12) Portable signs, as defined in Sec. 153.41(A), in the LB and GB Districts in accordance with the basic requirements of Sec. 153.41(D)(4)(l), and the provisions and standards of this section. Maximum of 2 months consecutively during a 4 month period during a one year period.

(13) Portable signs, as defined in Sec. 153.41, in residence districts in accordance with the basic requirements of paragraph (10) above, other than anchoring requirements, and also in accordance with the provisions and standards of this section. Maximum 10 days.

(14) Temporary signs, which shall not exceed thirty-two (32) square feet of sign area, in connection with a special event in a district, except temporary political signs or community activities signs which do not require a permit. Maximum 10 days.

(15) Display of pennants and other similar attracting devices in connection with a special promotional program for an open-air business. (See Sec. 153.36(6) and 153.41(D)(4)(d)). The Vevay, Switzerland County, Indiana Wine Festival is exempted from these provisions.

(a) During a seven (7) consecutive day period related to a special event.

(b) For use twice during any twelve (12) month period, in conjunction with a promotional sales or service program, each period not to exceed three (3) weeks in duration, and to be separated from any other such period by not less than four (4) weeks.

(16) Other similar uses deemed temporary by the Board and attached with such time period, conditions and safeguards as the Board may deem necessary.

### (D) Standards.

(1) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.

(2) No public address systems or other

noise-producing devices shall be permitted in a residential district.

(3) Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

(4) No banners, pennants or unnecessary signs shall be permitted in a residential district.

(5) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

### Section 153.39: HOME OCCUPATIONS AND ADULT BUSINESS USES.

(A) Home Occupation. A home occupation may be permitted as an Accessory Use to accompany a residential use by the grant of an Improvement Location Permit issued by the Executive Director, subject to the requirements of this section and Sec. 153.37.

#### (1) General Provisions.

(a) A home occupation shall be permitted when said occupation is conducted on residentially used premises (in a district where business uses are not permitted) is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business.

(b) Home occupations shall be of a personal service nature limited to domestic crafts and professional service, including but not limited to:

1. Such domestic crafts, as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair.

2. Such professions or occupations as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring; provided, however, the service is limited to advice and consultation and the premises are not used for the general practice of the profession or occupation.

(c) For purposes of this Code, law offices, real estate and insurance offices, clinics,

## CHAPTER 153: AREA ZONING CODE

doctors' offices, barber shops and beauty parlors, dress shops, millinery shops, tourist homes, animal hospitals and kennels, trailer rentals, among others, shall not be deemed to be permitted home occupations unless such home occupations meet the requirements of this section.

(d) Home occupations shall be subject to all the regulations of the applicable district in which they are located.

(e) Home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.

### (2) Standards.

(a) The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.

(b) The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.

(c) No structural additions, enlargements, or exterior alterations changing the residential appearance to be a business appearance shall be permitted.

(d) No more than twenty-five percent (25%) of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.

(e) Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence. No home occupation shall be conducted in any accessory building.

(f) No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

(g) No provision for more than one extra off-street parking or loading facility, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street

parking or loading facilities and no additional driveway to serve such home occupations shall be permitted, provided that a doctor's office (if allowed by the Board) may have additional parking facilities.

(h) No display of goods or external evidence of the home occupation shall be permitted, except for one non-animated, non-flashing announcement plate, indicating not more than the name of the occupation and name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed one (2) square feet in total sign facing surface area.

(i) No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.

(j) No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of Sec. 153.10.

(k) There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by semi-tractor/trailer trucks are permitted.

(l) Trucks with business signs are not permitted from being parked on the street or within 30 feet of the curb. Business vehicles cannot be bigger than a pickup and must be parked off the street.

(m) Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is not a Home Occupation and is prohibited.

(n) Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

## CHAPTER 153: AREA ZONING CODE

### (B) Sexually Oriented Business - Adult Business.

Sexually Oriented Business or Adult Business uses; specifically: Adult Arcade including Peep Shows, Adult Bookstore or Adult Novelty Store or Adult Video Store, Adult Cabaret, Adult Dance Studio, Adult Hotel or Adult Motel, Adult Motion Picture Theater (indoor or outdoor), Adult Theaters, and Massage Parlors; are Special Exceptions and shall be processed in accordance with the Special Exception procedure and requirements set forth in Sec. 153.28 and the additional requirements of this section.

(1) Locational Regulations - No person shall establish or cause or permit to be established a Sexually Oriented Business premises within 1,000 feet of another Sexually Oriented Business; within 1,000 feet of any public or private school, public park or recreation area, public building with programs for minors; or within 750 feet of a church or religious facility, or the boundary of a residence district or any single-family or multi-family residential use, or a hospital or other medical facility, or properties listed on the National Register of Historical Places or local historic districts as identified by the Indiana Historic Preservation Program.

(2) Distance Measurements - For the purpose of subsection (a), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, or to the nearest property line of the premises where a sexually oriented business is conducted, or to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, residential lot, hospital or other medical facility, or properties listed on the National Historic Register or local historic districts as identified by the Indiana Historic Preservation Program. For the purpose of measuring the distance between any two (2) sexually oriented businesses the distance shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

### (3) Improvement Location Permit -- Conditions of Application.

(a) The applicant shall be the operator of the proposed Adult Business.

(b) The application must also be signed by the property owner if different from the applicant.

(c) The application shall include the property owner's and the applicant's mailing address, and name and phone number of the person who is responsible for providing access to the proposed use for inspection purposes.

(d) The application shall list the legal form of the applicant; e.g., individual, partnership, corporation:

1. If the applicant is an individual, the application shall list his or her legal name, and any aliases;

2. If the applicant is a partnership, the application shall list the full and complete name of the partnership, the legal names of all partners, and all aliases used; and

3. If the applicant is a corporation, the application shall list the full and complete corporate name, the legal names, and all aliases used by officers, directors and principal stockholders (i.e. all stockholders with 10% or more of all outstanding shares).

(e) The application shall include a description of the proposed use, including reference to definitions in this Section.

(f) The application shall include a statement that the locational regulations of subsection (a) herein, have been satisfied using the method of measurement described in subsection (b) herein.

(g) The application shall include accurately scaled plot plans indicating the structure in which the Adult Business is to be conducted and identifying and locating all land uses and property lines within a radius of 3,250 feet of the structure.

(h) If the Adult Business proposes to operate a Viewing Booth(s), the applicant shall submit a diagram of the interior premises. See

## CHAPTER 153: AREA ZONING CODE

definition of "Viewing Booth" in Sec. 153.47 for additional requirements.

(4) Developing and Performance Standards - Adult Businesses shall comply with all of the following development and performance standards:

(a) Advertisements, displays or other promotional materials depicting or describing, "Specified Anatomical Areas," or "Specified Sexual Activities," or displaying instruments, devices, or paraphernalia which are designed for use in connection with "Specified Sexual Activities" shall not be shown or exhibited so as to be visible from other areas open to the general public.

(b) All building openings, entries, and windows for an Adult Business shall be located, covered, or screened in such a manner as to prevent a view into the interior of an Adult Business from any area open to the general public.

(c) All entrances to an Adult Business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.

(d) No loudspeakers or sound equipment shall be used by an Adult Business for the amplification of sound to a level discernable by the public beyond the walls of the building in which the Adult Business is conducted.

(e) No residential structure or any other non-conforming structure shall be converted for use as an Adult Business after enactment of the provisions of this Section.

(f) An on-site security program, including the required interior and exterior lighting plans, shall be prepared and implemented. The security program shall include the following:

1. The presence of an on-site manager during all business hours.

2. All off-street parking areas and building entries serving the Adult Business shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one (1) foot candle of light on the parking surface and/or walkway. In the event the Adult Business shares its parking with other businesses, this

requirement shall only apply within a radius of 100 feet from any entrance into the Adult Business.

3. All interior portions of the Adult Business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of not less than two (2) foot candles of light at the floor.

(g) All exterior areas of Adult Businesses, including buildings, landscaping and parking areas, shall be maintained in a clean and orderly manner.

(h) An Adult Business shall not remain open for business, or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 a.m. and 8:00 a.m. of any particular day. These hours of operation may be further restricted by the Area Board of Zoning Appeals.

(5) Improvement Location Permit - Denial. The Executive Director shall deny the application for an Improvement Location Permit for any of the following reasons:

(a) The application does not meet the standards set forth in this Section.

(b) An application has failed to provide information required on the application for the issuance of the Improvement Location Permit or has falsely answered a question or request for information on the application form.

(c) The premises to be used for the Adult Business has not been approved as being in compliance with health, fire and building codes by the department or agency responsible under law for investigating said compliance.

(d) The required application or permit fees have not been paid.

(e) The proposed location is in violation of, or is not in compliance with, any of the provisions of this Section including, but not limited to, the locational requirements for an Adult Business under this Section.

(f) The granting of the application



## CHAPTER 153: AREA ZONING CODE

would violate a Town or County, State or Federal statute, ordinance, regulation or court order.

(g) The applicant has had an Improvement Location Permit under this Section, revoked within the preceding twelve (12) months.

(h) The proposed use does not conform to the requirements of this Code and any other provisions of the Switzerland County, or Vevay, or Patriot Town Codes, as the case may be.

(i) The applicant has applied for an Improvement Location Permit for a particular location within a period of twelve (12) months from the date of denial of a previous application for an Improvement Location Permit at the same location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial.

### (6) Improvement Location - Revocation.

(a) Any Improvement Location Permit issued pursuant to the provisions of this Section may be revoked in accordance with the procedures set forth below.

(b) The Executive Director shall report all facts and information relating to the alleged violation(s) of this Section or of the conditions of the proposed Improvement Location Permit to the Area Board of Zoning Appeals, who shall set the matter for a public hearing at the first available regularly scheduled meeting of the Board not less than two (2) weeks nor later than thirty (30) days after receipt of the report.

(c) Written notice of hearing on the proposed Improvement Location Permit revocation together with written notification of the specific grounds of complaint against the Permittee shall be personally delivered or sent by certified mail to the address on the Permittee's application for the Improvement Location Permit at least ten (10) days prior to the hearing.

(d) The Improvement Location Permit shall revoke an Improvement Location Permit if it makes one or more of the following findings:

1. The use for which the Improvement Location Permit was granted is being

exercised in violation of any of the provisions of this Section.

2. The use for which the Improvement Location Permit was granted is being exercised contrary to the terms or conditions of such permit.

3. The Permittee gave fraudulent or misleading information in the materials submitted during the application process that tended to enhance the applicant's opportunity for obtaining an Improvement Location Permit.

4. The use for which the Improvement Location Permit was granted is being exercised so as to be detrimental to the public health and safety.

5. The use for which the Improvement Location Permit was granted is being exercised so as to constitute a nuisance.

6. The use for which the Improvement Location Permit was granted has ceased to exist for one (1) year or more.

7. The use for which the Improvement Location Permit was granted is being exercised contrary to or in violation of any Town or County, State or Federal statute, ordinance, regulation or court order.

(e) The Area Board of Zoning Appeals, following the termination of the public hearing, shall not later than its next regular meeting, unless this time limit is extended by agreement of the parties having an interest in the proceedings, act to revoke the Improvement Location Permit or modify the conditions of the Improvement Location Permit or determine not to revoke or modify the Improvement Location Permit.

(7) Applicability to Other Regulations - The provisions of this Section are not intended to provide exclusive regulation of the regulated adult uses. Such uses must comply with any and all applicable regulations imposed in other parts of this Code and any other County or Town codes or ordinances, and State and Federal law.

## CHAPTER 153: AREA ZONING CODE

### Section 153.40: OFF-STREET PARKING AND LOADING

#### (A) Intent.

(1) Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Code in accordance with the provisions of this section, or as otherwise indicated in Sec. 153.28, or elsewhere in this Code.

(2) The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

#### (B) Scope.

(1) No use lawfully established prior to the effective date of the Unified Zoning Ordinance of Switzerland County, Indiana, as amended, adopted by the Board of County Commissioners of Switzerland County, Indiana, and the Town Council of Patriot, Indiana, and the Town of Vevay, Indiana, on the 8th day of September, 1964, shall be required to provide and maintain the parking and loading requirements herein; provided, however, off-street parking and loading spaces required by any ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.

(2) For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses.

(3) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

(4) Whenever the existing use of a

building, structure or premises shall hereinafter be changed or converted to a new use permitted by this Code, parking and loading facilities shall be provided as required for such new use.

(5) Accessory off-street parking or loading facilities in existence on the effective date of the Unified Zoning Ordinance of Switzerland County, Indiana, as amended, adopted by the Board of County Commissioners of Switzerland County, Indiana, and the Town Council of Patriot, Indiana, and the Town Council of Vevay, Indiana, on the 8th day of September, 1964, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Code.

(6) Nothing in this Code shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

(7) Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated in one or more individual areas.

(8) Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

(9) Accessory off-street parking and loading facilities provided to comply with the provisions of this Code shall not subsequently be reduced below the requirements of this Code.

(10) Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or trucks of not more than one and one-half (1-1/2) ton capacity, by patrons, occupants or employees of specified uses; and for residential uses, not more than one such truck space shall be provided for each dwelling unit on the lot. Said parking facilities shall not be used for the storage, display, sale,

## CHAPTER 153: AREA ZONING CODE

repair, dismantling or wrecking of any vehicle, equipment or material; provided that the parking of a school bus or other municipally owned vehicle on a lot as an accessory use may be permitted at any time in any case.

(11) Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

(12) Loading and unloading berths shall not be required for business uses and industrial uses which demonstrably do not receive or transmit goods or wares by truck delivery.

(13) Accessory off-street parking facilities are not required in a block frontage contained in a GB or I-2 district in which the ground floor area of business or industrial structures, including their accessory buildings, existing at the time of passage of the Unified Zoning Ordinance of Switzerland County, Indiana, as amended, adopted by the Board of County Commissioners of Switzerland County, Indiana, and the Town Council of Patriot, Indiana, and the Town Council of Vevay, Indiana, on the 8th day of September, 1994, equaled fifty percent (50%) or more of the entire area of the block frontage.

### (C) General Provisions.

(1) Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.

(2) Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance; provided further that if more than one (1) berth is provided, the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen (14) foot height clearance.

(3) Except on lots occupied by one, two-

family and multi-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with the following table, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

<u>Parking Angle</u> (in degrees)	<u>Aisle Width</u> (in feet)
45°	14'
60°	18'
90°	24'

The angle shall be measured between center line of parking space and center line of aisle.

(4) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(5) In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:

(a) If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one space.

(b) In sports arenas, church and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder.

(6) Accessory off-street parking areas may count toward the open space requirements of this Code.

(7) Accessory off-street parking and loading areas shall be provided to the rear of the required front building setback line, except as specified otherwise by this Code. When permitted within required setback distances, a landscape screen shall be provided along the property line next to a residence use.

(8) Adequate employee and customer off-

## CHAPTER 153: AREA ZONING CODE

street parking area shall be provided, including such areas incidental to display, servicing and repair. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way, or in such a manner as to restrict motorists' visibility.

### (D) Minimum Off-Street Parking Requirements.

TYPE OF USE	MINIMUM PARKING SPACE
-------------	-----------------------

- |  |  |
|--|--|
| (1) Automobile Service Sales Room, Business Services, Clothing Services, Food Services, Personal Services, Retail Service and Retail Stores generally, and Tavern or Night Club..... | One for each 125 square feet of net floor area.  |
| (2) Billiard Room, Dancing Academy, Sporting Activities, Department Store and Automobile, Truck or Trailer Rental and Sales Area.....  | One for each 200 square feet of net floor area.  |
| (3) Private (or Commercial) Club or Lodge.....   | Space to accommodate 50 per-cent of the active membership at one space per each 3 members, or as determined by the Board.<br><br>The determination shall be based upon the particular Lodge or Club use would require to satisfy estimated peak parking load requirements. |
| (4) Automobile and Truck Repair.....   | One for each 200 square feet of net floor area.  |
| (5) Indoor Theatre.....  | One for each 6 seats.  |

## CHAPTER 153: AREA ZONING CODE

TYPE OF USE	MINIMUM PARKING SPACE	TYPE OF USE	MINIMUM PARKING SPACE
(6) Bowling Alley or Roller Rink.....	Three for each lane plus one for each 6 spectator seats.	apartment building).....	2 for each dwelling unit.
(7) Hotel or Motel.....	One for each 3 employees plus one for each sleeping unit.	(13)Community centers, public buildings, utilities and public service uses including libraries, museums and similar places of assembly.....	One parking space for each 800 sq. ft. of gross floor area, or one space for each 2 employees per largest working shift, whichever is greater.
(8) Radio and Television Studios.....	One per employee, plus one for each 6 seats in main auditorium.	(14)Philanthropic and charitable institutions.....	One parking space for each two employees per largest working shift, plus an adequate number of spaces to serve the public.
(9) Newspaper Publishing.....	One per employee on largest shift.	(15)Schools, Public and Private (Education Institution)	
(10)Motor Bus or Passenger Station.....	One for each 3 employees plus one for each ten seats in waiting room. Other retail uses in connection therewith shall provide one space for each 2 employees.	(a) Elementary or junior high.....	At least 3 parking spaces shall be provided for each classroom.
(11)Storage Warehouse or Wholesale Establishment.....	One for each 3 employees or occupants. The maximum number of employees or occupants to be used in determining spaces.	(b) High School.....	At least 6 parking spaces shall be provided for each classroom.
(12)Residential Uses.....	As required in the applicable sections of this Code.	(c) Sports Area.....	At least one space shall be provided for each five seats when the facility is of an independent nature. When such facility is utilized in conjunction with a school, either the parking requirement based on seating capacity of the largest single facility contained herein or the above requirement based on classroom
(a) Single-family dwelling.....	2		
(b) Manufactured home.....	2		
(c) Farm house or farm dwelling..	2		
(d) Two-family dwelling.....	2 for each unit		
(e) Multi-family dwelling (or			

CHAPTER 153: AREA ZONING CODE

TYPE OF USE      MINIMUM PARKING SPACE

	number shall be applicable, whichever results in the greater number of spaces.
(16) Churches, theaters, auditoriums, assembly halls, undertaking establishments, and similar places of congregation.....	One parking space for each five seats in the main sanctuary or room, plus one space for each employee per largest working shift.
(17) Boarding Schools, vocational and trade schools, colleges, and similar educational institutions.....	One parking space for each six students, based on the maximum number of students attending classes on the premises at any one time during a 24-hour period.
(18) Group Housing, including rooming and boarding houses, dormitories, elderly housing, fraternities and sororities.....	One parking space for each two beds, or each two sleeping units, rooming units or dwelling units in the case of elderly housing, plus one space for each employee per largest working shift.
(19) Drive-In establishments.....	Two parking spaces for each 100 sq. ft. of gross floor area, plus one space

TYPE OF USE      MINIMUM PARKING SPACE

	for each employee per largest working shift.
(20) Open-air type business uses, including auto and boat sales, kennels, plant nurseries and commercial amusement establishments.....	One parking space for each employee per largest working shift, plus two spaces for each service stall.
(21) Automobile service station uses.....	One parking space for each employee per largest working shift, plus two spaces for each service stall.
(22) Commercial, manufacturing and industrial establishments not catering to the retail trade....	One parking space for each two employees on the largest shift, plus an adequate number of spaces for visitors and company vehicles operating from the premises.
(23) Amusement establishments, including swimming pools, golf courses, bowling alleys, skating rinks, and similar facilities.....	One parking space for each 500 sq. ft. of gross floor area, or five parking spaces for each hole, alley, or 100 sq. ft. of water area, whichever is greater.

## CHAPTER 153: AREA ZONING CODE

(24) For uses not specified in this subsection or in such instance when the requirement for an adequate number of spaces is unclear or not specified in another part of this Code or for special exceptions or a unit development plan, etc., the number of parking spaces shall be determined by the Executive Director or the Board of Zoning Appeals, whatever the case may be, on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination, if made by the Executive Director, may be appealed to the Board of Zoning Appeals.

(25) In case of conflict between the provisions of this subsection, the higher requirement shall govern.

(26) For purposes of determining off-street parking requirements under this subsection, gross floor area shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities or elevator shafts.

### (E) Off-site Parking Facilities.

(1) Required off-street parking facilities shall be provided hereinafter. The Board of Zoning Appeals is hereby authorized to grant an off-site parking facility as a special exception in accordance with the following conditions (and the requirements of Sec. 153.28.).

(2) A development plan for such off-site parking facility shall be filed with the Board as a required exhibit accompanying the special exception application and shall be made part of the conditions of any approval therefore. Said development plan shall demonstrate compliance with all applicable standards of this Code, shall be amended and reapproved to indicate any change or other modification of uses served, or number of parking spaces provided therefore, and shall indicate:

- (a) Adjacent streets, alleys and lots.
- (b) All individual primary uses to be served, including the location, use, and number of parking spaces for each such use.

(c) A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.

(d) Type of lighting and pavement proposed, and identification signs including location, size and design thereof.

(3) Off-site parking facilities shall be provided with setback distances equivalent to the requirements of the district, and ingress and egress points shall be limited to protect the function of adjoining streets.

(4) Off-site parking facilities shall be encumbered by an instrument duly executed and acknowledged, which subject said accessory off-street parking facilities to the parking use served. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Said instrument shall be filed in the applicable Improvement Location Permit files of the Area Plan Commission's Office, and placed on public record in the office of the Switzerland County Recorder.

(5) Off-site parking facilities shall be developed in accordance with the provisions of Subsection (F) below.

Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

### (F) Development Standards.

(1) All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this section, except in the case of one, two-family and multi-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Code.

(2) Required off-street parking spaces shall be so designed, arranged and regulated, as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.

## CHAPTER 153: AREA ZONING CODE

(3) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.

(4) No repair work, sales or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the district.

(5) All open off-street parking areas shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with concrete or a compacted macadam base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:

(a) A gravel surface may be used for a period not exceeding one year after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.

(b) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.

(6) Driveway entrances or exits shall be no closer than 25 feet to any adjoining residential property line or 10 feet to an adjoining non-residential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of 30 feet; provided, however, two driveways not exceeding 30 feet in width each may constitute a single entrance-exit divider designed driveway; provided, further, that such driveways shall conform to the requirements of the Switzerland County Highway Department or the Town of Vevay Street Department or Town of Patriot, as the case may be.

(7) In any district, each use which is so located that it fronts upon and provides access to an arterial thoroughfare shall provide a frontage lane paralleling and adjoining the improved part of the right-of-way at least 11 feet in width for turn traffic

entering the lot. Such frontage lane shall be at least 100 feet in length, exclusive of the entrance way and taper area; provided, however, if the lot frontage is too small to meet such requirement, the frontage lane shall extend the entire width of the lot.

(8) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare unshaded bulbs be used for such illumination.

(9) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any additional run-off generated by such improved areas shall be disposed of in appropriate drainage facilities.

(10) Such parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces, and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto adjoining property.

(11) No business signs or advertisements shall be permitted in parking areas; provided, however, directional and identification signs shall be permitted in accordance with Sec. 153.41.

(12) Parking areas located in the business and industrial districts shall be provided with a landscape screen not less than 4 feet in height whenever the parking area is located within 100 feet of adjoining residential uses or fronting upon any adjoining residential uses, except as otherwise provided in this Code.

(13) The ground area between the required off-street parking area setback and any lot line shall be landscaped with appropriate material to adequately indicate delineation.

(14) Parking areas may be provided with a one-story shelter building or guard building which shall not exceed 100 square feet of gross floor area and shall conform to all the structural requirements of the district.



## CHAPTER 153: AREA ZONING CODE

### (G) Loading Requirements.

(1) Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with the following table, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery:

<u>Use Description</u>	<u>Floor Area in Square Feet</u>	<u>No. of Loading Spaces Required</u>
Manufacturing, distribution, wholesaling, storage, and similar uses.	5,000- 25,000 25,001- 50,000 60,001-100,000 Each 50,000 above 100,000	1 2 3 1
Office Buildings, hotels and motels, retail sales, hospitals, institutions, and similar uses.	5,000- 60,000 60,000-100,000 Each 100,000 above 100,000	1 2 1

(2) Off-street loading areas shall be developed in accordance with the standards in Subsection (F) above.

### Section 153.41: SIGNS

(A) Purpose and intent. It is the intent of this section to provide clarification regarding regulations pertaining to signs and to assist those wishing to place signs in the Towns and County by comprehensively setting forth provisions governing the installation and construction of signs and advertising devices in one location (insofar as is possible) in this Zoning Code. In addition, it is the purpose and intent of this chapter to:

(1) Recognize the functions and importance of signs for the business sector and the Towns and County as a whole;

(2) Preserve and enhance the character and visual appearance of the city;

(3) Recognize the integral part played by signs in the overall appearance of the Towns and County;

(4) Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business;

(5) Provide standards, guidance and direction for sign users and sign designers as to what constitutes appropriate signage in the Towns and County.

(B) Definitions. For the purposes of this section the following definitions shall apply unless the content clearly indicates or requires a different meaning.

**ADVERTISING SIGN or BILLBOARD.** An off-site sign which directs attention to an object as described in the definition of "**SIGN**" below. However, such advertising sign shall not be associated with the primary use, business activity, or service conducted on the premises.

**APARTMENT / MULTI-FAMILY IDENTIFICATION SIGNS.** Signs identifying a multi-family dwelling complex by name and/or address.

**AWNING.** A rooflike mechanism, which may or may not be retractable in operation, which projects from the wall of a building.

**BANNERS; COMMERCIAL.** Flags and pennants generally made of a flexible material, displayed for business promotion purposes.

**BARBER POLES.** Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.

**CHANGEABLE COPY SIGNS.** Signs designed to be used with removable graphics which will allow changing of copy.

**CHANGE OF COPY.** Changing of the face or letters on a sign. Change of a copy shall not constitute a change of use. Permits shall automatically be granted where not in conflict with this code.

**COMMUNITY ACTIVITIES SIGNS.** Signs associated with a religious, charitable, cultural, civic or educational organization.

**CONSTRUCTION ANNOUNCEMENT SIGNS.** Signs placed on property upon which

## CHAPTER 153: AREA ZONING CODE

construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the sub-contractors, the real estate licensee, and the possible future tenants.

**DIRECTORY SIGNS.** A sign or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the business within a building or business center.

**FREE-STANDING SIGN.** Any sign attached to a self-supporting sign structure standing on the ground, which is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of buildings are not considered free standing.

**FREE STANDING BUSINESS CENTER IDENTIFICATION SIGNS.** Free standing signs which identify a business center, and not the individual businesses located therein.

**FREE STANDING INDIVIDUAL BUSINESS IDENTIFICATION SIGNS.** Free standing signs which identify a building, business, professional center or industry not located within a business center.

**GASOLINE PRICE SIGNS.** On premise signs identifying the brand and/or type and price of gasoline sold.

**GOVERNMENTAL OR OTHER SIGNS REQUIRED BY LAW.** Signs placed in any area of the city by a governmental entity or private individual or business as required by federal, state or local law.

**HEIGHT.** Generally refers to free standing signs. The distance measured from the average surface grade surrounding the base of a sign or the average surface grade of the road bed nearest the base of the sign, whichever is higher, to the top of the highest element of the sign.

**ILLUMINATED SIGNS.** Signs or individual letters in which an artificial source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.

**INCIDENTAL SIGN.** A nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent, or lease.

**INSTITUTIONAL SIGNS.** Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, rest home, or similar institutional facility.

**MANAGER OR OFFICE OF MANAGER SIGNS.** Signs which identify the location of the manager or the office of the manager of property.

**OFF PREMISE SIGNS.** Signs identifying a business activity, property or product at some location other than where the sign is displayed.

**ON BUILDING IDENTIFICATION SIGNS.** Permanent signs mounted on the building which identify the building and/or which identify the business or profession or industry, or combination thereof conducted on the premises.

**PARKING LOT SIGNS.** Signs placed or displayed in parking lots to supply information to people using such lots, including information with respect to liability as well as entry, exit and directional information, handicapped parking requirements, and other information to facilitate the safe movement of vehicles served by the parking area.

**PLACED OR DISPLACED.** Means erected, constructed, posted, painted, printed, tacked, glued, carved or otherwise fastened, affixed or made visible in any manner whatsoever.

**PORTABLE SIGN.** Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a temporary sign designed to be moved from place to place. A sign not permitted by the requirements of this Section, but may be permitted by the Board in accordance with the requirements of Sec. 153.38.

**PROJECTING SIGNS.** A sign characterized by its attachment at an angle with the face of the building as opposed to being mounted flat on the surface of a building.

## CHAPTER 153: AREA ZONING CODE

**REAL ESTATE SIGNS FOR PROPERTY OF LESS THAN ONE ACRE.** Signs offering developed or undeveloped real property of less than one acre of land for sale, lease or rent.

**REAL ESTATE SIGNS FOR PROPERTY OF ONE ACRE OR LARGER.** Signs offering developed or undeveloped property of one acre or more for sale, lease or rent.

**ROOF LINE.** A horizontal plane projected parallel to the primary plane of a building floor and touching the primary roof plane on the building.

**SIGN.** A physical embodiment of a visual communication which is intended to be viewed from outdoor public areas. In addition, it shall include all parts, portions, units and materials composing the same, together with the illumination, frame, background, structure and support anchorage thereof. This definition shall not apply to the official flag, emblem, or insignia of the government or religious group or agency.

**SIGN AREA.** The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

**SIGN FACING.** The surface of the sign on, against, or through which the message of the sign is exhibited.

**SIGN PROGRAM.** A coordinated design plan of one or more signs for an individual business establishment or a business center.

**SIGN STRUCTURE.** The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of two or more sides where the angle formed between any of the sides (or the projection thereof) exceeds 15 degrees, each side shall be considered a separate sign structure.

**SUBDIVISION AND SUBDIVISION MODEL HOME SIGNS.** Signs identifying subdivision developments or model homes in a subdivision or land development project.

**TIME AND TEMPERATURE SIGNS.** Signs displaying the time or the temperature, or both.

**UNDER CANOPY SIGNS.** Signs suspended no lower than eight feet above the public right-of-way or above, or under a canopy or awning of a building, which identifies a building, profession or industry conducted on the premises.

**WINDOW SIGNS.** Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of such signs is not to exceed 50% of the window area.

(C) **General Limitations.** The following general limitations shall apply:

(1) Provisions of this section regulating the location, placement, gross surface area, projection, height limitation, construction, and number of signs shall be subject to a further restriction by the applicable provisions of this code.

(2) Projects or buildings containing more than one store shall have an overall planned sign program.

(3) As a general rule, there shall be no more than three colors used on a sign and all signs advertising one business or use shall utilize the same colors. The background color, black and white are considered colors.

(4) Low profile, ground mounted signs less than eight feet high are encouraged.

(5) The name of the business shall be the dominant message on the sign.

(6) Registered or copyrighted logos or trademarks shall be allowed with a maximum of four colors.

(7) The following limitations shall apply in all business and industrial zones: not more than three signs as defined herein, provided that the total sign area for all allowable signs, for each site or occupancy, shall not exceed two square feet of sign area for each lineal foot of street or occupancy frontage; further, in no case shall the allowable sign area for each site or occupancy exceed 300 square feet. See division (8) and (9), below, for limitations on advertising signs or billboards and portable signs.

CHAPTER 153: AREA ZONING CODE

(8) The various limitations on advertising signs or billboards are set forth in Subsection (D)(4)(a).

(9) The various limitations on portable signs are set forth in Subsection (D)(4)(1).

(D) Sign Specifications.

(1) *Signs allowed without permit in all districts or zones.* The following signs may be placed in all districts or zones of the city without a permit, subject to the restrictions and limitations contained in this section and as contained in division (C) herein.

(a) *Community activity signs:* Community activity signs are allowed in business and industrial districts or zones. Such signs are allowed in residential zones only if located on the site of the activity and a permit is issued. Additionally, off-premises signs of a temporary nature that are displayed out of doors require that a permit be issued by the city, except where conforming existing signs of another type allow a community activity signs to temporarily replace their sign message. Community activity signs are generally associated with religious, charitable, cultural, civic, or educational organizations.

1. Size. Shall not exceed 12 square feet of the sign area.

2. Location. Not less than five feet inside the property line in residential zones, and not less than one foot inside the property line in business and industrial zones.

3. Other restrictions. Shall be temporary signs permitted for a period of 14 days prior to the date of the activity and five days following the activity. Shall be non-illuminated signs and shall identify the organization and shall be at a level consistent with adequate identification and readability without causing excessive complaints from neighboring property owners.

(b) Governmental or other signs required by law.

1. Size. As required by law.

2. Height. As required by law and not to exceed the height of free standing sign allowance.

3. Location. As required by law.

4. Other restrictions. Shall be non-illuminated unless required by law.

(c) *Political signs.* Shall be permitted on each lot for a period of 60 days prior to a primary or general election (including special elections), and ten days following a general or special election. Political signs shall not exceed 16 square feet in aggregate area. Political signs are prohibited on public property or public right-of-way.

(d) *Real estate signs for property of less than one acre.* Signs offering developed or undeveloped property of less than one acre for sale, lease, or rent.

1. Size. Shall not exceed twelve (12) square feet in sign area. In the event that the sign refers to a single family home, then the size of the sign shall not exceed six (6) square feet in area.

2. Height. Shall not exceed six feet in height if free standing.

3. Location. Not less than five feet inside the property lines in residential zones, and not less than one foot inside the property lines in business and industrial zones. (If existing conditions permit.)

4. Other restrictions. Shall not be illuminated. Only one such sign may be displayed on each street frontage of the property to which it refers. A solid sign may be attached to such real estate sign; both signs shall be removed within seven (7) days from the time the premises were sold, rented or leased.

(e) *Owner-occupied sign.* One residential sign not exceeding one square foot in area for each sign face and bearing only property numbers, address numbers, names of occupants of premises, or other identification of premises not denoting commercial activity. The maximum aggregate sign area shall be two square feet.

(f) *Manager or office of manager signs.* Signs which identify the location of the manager or the location of the manager of the property.

1. Location. In all zones; but

## CHAPTER 153: AREA ZONING CODE

not less than five feet inside the property line in residence zones, and not less than one foot inside the property lines in business and industrial zones. Four square feet in area, each side, allowed.

(g) *Window signs.* Window signs with less than 50% coverage. Signs placed or displayed on a window or window frame, covering less than 50% of the window area announcing special sales, change of management, or similar information and designed to be viewed from adjacent streets, sidewalks, public rights-of-way, or parking lots.

1. Height. Not applicable.
2. Location. Not applicable.
3. Other restrictions. Shall be "temporary" signs. Where not temporary, then permanent window signs shall be counted as part of the total allowable sign area and total allowable number of signs.

(h) *Changeable copy signs (moveable).* Signs of this nature are typically 22" x 28" in size with replaceable copy poster. Such signs may be displayed within four feet of the primary access door of a business. Such signs shall be pedestal mounted and shall not interfere with pedestrian traffic or cause a nuisance or hazard.

1. Size. Signs shall be 22" by 28" plus the sign frame.
2. Height. Sign holders or frames must be between 4'6" and 5' in height. The base of the sign shall be of the pedestal style customarily used in retail trade.
3. Location. Limited to business zones.
4. Other restrictions. Shall be free standing and taken inside at the close of the business day. Signs may not be made of iridescent or phosphorescent colors or be illuminated. The frame shall be black, brown, gold, or silver in color. One sign may be allowed per business, which sign shall not count as part of the total signage per division (C)(7).

(i) Flags and insignia of any governmental unit, or civic, educational or religious organization, except when displayed in connection with promotion.

(j) Memorial plaques, historical markers, integral decorative or architectural features of buildings, except trademarks, moving parts or moving lights.

(k) Legal notices, identification, information, warning, trespassing, or directional signs erected or required by governmental units.

(2) *Signs allowed by permit in all zones.* The following signs may be placed in all zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (E):

(a) *Construction announcement signs.* Signs placed on real property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the contractors, the real estate licensee, and the future tenant(s).

1. Size. Shall not exceed six feet on a parcel of land less than one acre. Not to exceed 64 square feet in sign area per facing on a parcel of land of one acre or more.
2. Height. Shall not exceed six feet on a parcel of land less than one acre. Shall not exceed eight feet on a parcel of land of one acre or more.
3. Location. Not less than five feet inside the property line in residential zones, and not less than one foot inside the property line in business and industrial zones.
4. Other restrictions. Shall be non-illuminated signs. Shall be removed within seven days after issuance of certificate of occupancy. Only one such sign may be displayed on each street frontage of the property to which it refers.

(b) *Institutional signs.* Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, nursing home, or similar institutional facility.

1. Size. The aggregate size of all signs pursuant to this section shall not exceed 24 square feet in sign area.
2. Height. Shall not exceed

## CHAPTER 153: AREA ZONING CODE

five feet, if free standing.

3. Location. Not less than five feet inside the property line in residential zones.

4. Other restrictions. Only one such sign may be displayed for each street frontage.

(c) *Real estate signs for property of one acre or more.* Signs offering developed or undeveloped property of one acre or more for sale, lease, or rent.

1. Size. Shall not exceed 32 square feet in sign area. In the event that a sign does not exceed 12 square feet in sign area, a sign permit shall not be required, and the provisions of division (D)(1)(d) shall be applicable.

2. Height. Shall not exceed eight feet, if free standing.

3. Location. Not less than five feet inside the property line in residential zones, and not less than one foot inside the property line in commercial and industrial areas (if existing conditions permit).

4. Other restrictions.  
a. Shall not be illuminated signs.

b. Only one such sign may be displayed per street frontage of the property to which it refers.

c. Shall be removed no later than immediately after sale or development is completed.

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(3) *Signs allowed by permit in all residential zones.* The following signs may be placed in all residential zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (F):

(a) *Apartment/multi-family identification signs.* Identifying an apartment or multi-family building or an apartment or multi-family complex by name and/or address.

1. Size. Shall not exceed 24 square feet in sign area.

2. Height. Shall not be more than five feet in height.

3. Location. Not less than five feet inside the property line.

4. Other restrictions. Only one such sign may be displayed on each street frontage. If illuminated, must be subdued.

(b) *Subdivision signs.* Signs identifying a subdivision or unit development plan.

1. Size. Shall not exceed 15 square feet in sign area.

2. Height. Shall not exceed six feet in height.

3. Other restrictions. May be displayed at street entrance to subdivision. Not more than two such non-illuminated signs may be displayed at each entrance if they are an integrated part of an entrance or boundary wall; otherwise, only one such sign at each entrance.

(c) *Subdivision model home signs.* Signs identifying a model home.

1. Size. Shall not exceed six square feet in sign area.

2. Height. Shall not exceed six feet in height.

3. Other restrictions. May be displayed only on the premises of the model home which it identifies. Only one such sign may be displayed per model home.

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(4) *Signs allowed by permit in business and industrial zones.* The following signs may be placed in business and industrial zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (F).

(a) *Advertising signs or billboards.*

1. It is the intent of this division to establish reasonable and uniform limitations, safeguards, and controls for the operation and use of advertising signs or billboards in highway oriented business locations. Advertising requirements are deemed necessary in the public

## CHAPTER 153: AREA ZONING CODE

interest to protect the use and value of adjoining properties, as well as the best interests of the community. Advertising signs or Billboards may be permitted as a special exception subject to the requirements of this division and Sec. 153.28.

2. For purposes of this subsection, an advertising sign shall be construed in accordance with the definition and subject to the provisions of this section and as a special exception as set forth in Sec. 153.28.

3. One advertising sign shall be permitted on any lot of at least 300 feet of frontage on a street designated as a primary arterial in the "PB", "GB" and "I-2" Districts, and one additional advertising sign shall be permitted for each 300 feet of additional frontage.

4. Minimum setback lines shall be provided in accordance with the requirements of the applicable district, or 50 feet, whichever is greater.

5. No advertising sign shall be permitted within 100 feet of a residential zone district unless the sign is provided with landscape screening.

6. The number of traffic access points shall not exceed one for each such sign frontage.

7. The face of an advertising sign shall not be greater than 18 feet in vertical dimension nor greater than 55 feet in horizontal dimension, except as provided in (9) below and shall not contain more than two advertising signs per facing.

8. The full face of the sign shall be viewed along the line of travel to which it is exposed for a distance of at least 250 feet along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line. However:

a. In the case of a sign parallel (or within 20 degrees of parallel) to a one-way street, the required viewing distance shall be at least 400 feet;

b. In the case of a sign which is from 3 to 20 degrees of parallel to a two-way street, the required viewing distance shall be at least 400 feet;

c. In the case of a sign parallel (or within 3 degrees of parallel) to a two-way street, the required viewing distance shall be at least 250 feet in each direction.

d. In the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street.

9. The vertical dimension of the sign face may be increased to 22 feet provided the required viewing distance in (8) above is increased to 500 feet and the facing contains only one sign, and the sign is perpendicular or within 15 degrees of being perpendicular to the frontage street.

10. The maximum height of advertising signs erected on the ground shall not exceed 40 feet above the street elevation to which the sign is oriented.

(b) *Barber poles.* Rotating or stationary cylindrical poles of the traditional red, white, and blue spiral striped design, identifying the premises as a barber shop.

1. Size. Shall not exceed 2-1/2 feet in length.

2. Height. Not applicable.

3. Location. In all business zones.

4. Other restrictions. Shall be attached by brackets to the barber shop being identified. Top of sign shall not extend above the roof line of the barber shop being identified. Such signs may move or rotate, notwithstanding the general prohibition of moving or rotating signs in division (E). Also, such signs if illuminated, must be subdued.

(c) *Changeable copy signs (permanent).* Exterior signs or sections, that are fixed in place, and designated to be used with removable graphics to allow changing of copy. Such signs shall be allowed for facilities used primarily for the presentation of theatrical, cultural or sports events and shall be computed as part of the total sign area allowed.

## CHAPTER 153: AREA ZONING CODE

1. Size, height, location, and other restrictions. Applicable under the appropriate division, depending upon the type of sign utilized.

(d) *Commercial banners; commercial flags, pennants.* Banners, flags and pennants generally made of flexible material, displayed for business promotion purposes.

1. Size. Banners are not to exceed 30 square feet.

2. Height. Not to extend above the roof of the building.

3. Location. In all business and/or industrial zones.

4. Other restrictions. Shall be temporary signs. Shall be non-illuminated signs. Not more than four permits for signs pursuant to this division shall be issued to any one business entity in any one calendar year. Length of time to be specified in the permit application. See Sec. 153.36(A)(6) and 153.38(C)(16) for additional restrictions and procedure for pennants and other similar attracting or advertising devices.

(e) *Directory signs.* A sign, or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business complex. Directory signs may be a part of a free standing sign or may be placed separately on a building. For conditions regarding free standing signs see division (D)(4)(f).

1. Size. When placed on a building, signs shall not exceed six square feet in sign area for any one business so identified. This paragraph refers only to those signs that are to be placed upon an exterior wall or facade of the building. The total area of occupancy signs shall be limited to 10% of the facade of the building and shall not exceed 40 square feet in area.

2. Height. When mounted on a building, shall not extend above the roof line of the building on which the sign display is placed.

3. Location. In all business and industrial zones.

4. Other restrictions. Directory or occupancy signs may be combined with a free

standing sign. When combined with a free standing sign, the combination shall be counted as part of the allowable sign area. For double-faced signs, that are free standing, the double-faced sign may not exceed 24 inches in thickness. As with free standing signs, they shall be required to be placed in a landscaped area no less than 70 square feet in size. They should be monument base style signs. When it is not possible or feasible to use a monument base style sign, then pole signs may be used as long as they do not exceed eight feet in height. The design, materials, and color of the structure supporting a free standing sign or business directory or combination thereof, shall be required to have a design, similar materials, and colors of the structure or structures being identified. Materials allowed are wood, masonry, stucco over wood or steel frame, and pre-cast concrete.

(f) *Free standing business center identification signs.* Free standing signs which identify a business center. These may be a combination of business center identification sign as well as occupancy signs. These may be double-faced signs. They shall be maintained in a landscaped area surrounding the base of the sign not less than 70 square feet in area. In the event it is not possible or feasible to provide the minimum landscaped area, then a pole sign may be used without a structural base. When a structural base is provided it shall be limited to wood, masonry, stucco over wood or steel frame, and pre-cast concrete. The design, color, and materials shall be similar to the structure or structures being identified.

1. Size and height. Height shall be limited to eight feet. The total sign area may not exceed 120 square feet (including both sides of a sign). Free standing signs may be combined with directory signs.

2. Location. Not less than one foot inside the property line, except in all business and industrial zones; except for the "PB" District, not less than 20 feet inside the property line.

3. Other restrictions. See "Directory Signs - Other Restrictions." Only one such sign may be displayed in each business center, or at each business existing on an individual legal parcel of land. In the event that a business center being identified by one sign consists of three or fewer individual businesses, then each business



## CHAPTER 153: AREA ZONING CODE

may be identified on the free standing sign. Such signs shall be encouraged as a means of reducing the need for additional signage on the face of the buildings.

(g) *Free standing individual business signs.* Free standing signs which identify a building, business, profession or industry not associated with a business center.

1. Size and height. See "Free Standing Signs" above.

2. Location. In all business and industrial zones, not less than one foot inside the property line.

3. Other restrictions. No more than one such sign may be displayed on a legal parcel or lot. However, in the event that such parcel on which the individual business is located has two or more street frontages, each of which has 200 feet or more, an additional sign shall be allowed for each such frontage. See also, "Directory Signs - Other Restrictions."

(h) *Gasoline price signs.* On premise signs identifying the brand and/or type and price of gasoline sold.

1. Size. Governed by state law; however, the Town recommends that these not exceed 12 square feet in sign area unless dictated by law.

2. Height. Eight feet.

3. Location. In all business and industrial zones.

4. Other restrictions. Such signs shall be mounted as specified by law and shall be mounted in such a fashion that they are in a unified sign display.

(i) *Off premise signs.* Signs identifying a business activity, property, or product at some location other than where the sign is displayed.

1. Size. Shall not exceed twelve square feet in sign area for a sign mounted flat on a building, or 25 square feet for a free standing sign.

2. Height. Shall not exceed

eight feet if free standing.

3. Location. In all business and industrial zones.

4. Other restrictions. Such signs may only identify a building, business, profession, or industry not fronting on any road or street, but only having a vehicle access to a road or street by means of an easement. Only one such sign should be displayed for each building, business, profession, or industry. See also "Directory Signs - Other Restrictions."

(j) *On-building identification signs.* Permanent signs mounted flat on a building which identify a building and/or which identify one or more businesses, professions, or industries conducted on the premises. Such signs shall be allowed as long as no more than three signs for identification purposes are provided for any business, profession, or industry. For further definition, see division (D)(4)(c).

1. Size. Shall be computed as part of the allowable 120 square feet of signage.

2. Height. Shall not exceed above the roof line of the same building upon which the sign is placed or displayed.

3. Location. In all business or industrial zones.

4. Other restrictions. Only one on-building identification sign shall be displayed per side of a commercial or industrial building with no more than four such signs per building. In no event shall such signs face onto a residential area. The Executive Director may issue a temporary permit, not to exceed 90 days, for provision of temporary signs until such time as permanent signs can be installed on buildings. Such temporary signs shall be governed by all of the rules and regulations specified in this section.

(k) *Parking lot signs.* Signs placed or displayed in parking lots to supply information to people using such lots, including such information in respect to liability, entry, exit, and directional information, as necessary to facilitate the safe movement of vehicles served by the parking area. Handicap parking provision signs are also covered under this division. Such signs are not intended to

## CHAPTER 153: AREA ZONING CODE

be advertising signs.

1. **Size.** Shall not exceed four square feet in area.

2. **Height.** Shall not exceed eight feet, unless there are extenuating circumstances requiring identification of handicapped stall locations, as a result of changes in topography, or ground level, that do not permit handicapped persons access to visibility of such signs upon entry to parking lot areas.

3. **Location.** In all business and industrial zones, or on public use sites located in residential zones.

4. **Other restrictions.** Not applicable.

(l) *Portable signs.* A temporary sign designed to be moved from place to place - not permanently affixed to a building, structure, or the ground. May be permitted as a temporary use by the Zoning Appeals in accordance with the procedure and requirements herein and as set forth in Sec. 153.38.

1. **Size.** Shall not exceed 32 square feet of sign area.

2. **Height.** Shall not exceed six feet.

3. **Location.** In "LB" Local Business Districts and "GB" General Business Districts, and never closer than three feet to a street right-of-way line, or within vision clearance on corner lots.

4. **Other restrictions.** Notwithstanding any other provisions of this section, a permit for a portable sign shall not be issued unless such sign has been approved by the Executive Director, and is in conformance with the Building Code. Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as "stop, slow, go, caution" or be shaped like a traffic sign. All portable signs shall be anchored with chains, attached to bolts embedded in the ground. (See 153.38(C)(12) for locating portable signs in business districts and See 153.38(C)(13) for locating portable signs in a residence district.)

(m) *Projecting signs.* A sign characterized by its attachment at an angle to the face of the building as opposed to being mounted flat on the surface of a building.

1. **Size.** The area of such signs shall be in accordance with division Sec. 153.41(D)(4)(i). Such signs shall be counted as part of the total sign allowance on a particular site. Such signs shall be discouraged where it is possible to provide adequate signage flat against a building and below the roof line of a building. In no event shall such signs extend above the roof line of a building.

2. **Height.** Shall not exceed the height of the building as measured to the top of roof or mansard.

3. **Location.** In all business and industrial zones.

4. **Other restrictions.** Notwithstanding any other provisions of this section, a permit for a projecting sign shall not be issued unless such sign has been approved by the Building Inspector and in conformance with the Building Code.

(n) *Time and temperature signs.* Signs displaying the time or the temperature, or both.

1. **Size.** Shall not exceed eight feet if free standing.

2. **Location.** In all business and industrial zones.

3. **Other restrictions.** If mounted on a building, the top of such sign shall not extend above the roof line of the building on which it is displayed. The sign area shall be computed as part of the total signage allowance for each business, profession, or industry being identified.

(o) *Under canopy signs.* Signs suspended no lower than eight feet above a walkway, under a canopy of a building, which identify a business, profession, or industry conducted on the premises. Shall be computed as part of the total allowable sign area.

1. **Size.** Shall not exceed four

## CHAPTER 153: AREA ZONING CODE

square feet in sign area per face.

2. *Height.* Such sign shall extend no lower than eight feet above the area over which it is suspended.

3. *Location.* In all business and industrial zones.

4. *Other restrictions.* Such signs shall identify only a building, business, profession, or industry. Only one such sign shall be displayed per entrance.

### (E) Signs prohibited in all zones.

(1) *Bus bench signs.* Signs located on benches or on other similar structures provided for the use of passengers along the route of a bus are prohibited.

(2) *Flashing signs.* Signs containing lights which flash, blink, or which give the appearance of the same are prohibited, except for "time and temperature signs" as allowed by division (D)(4)(0).

(3) *Moving or rotating signs.* Signs designed to move or rotate in whole or in part are prohibited, except for barber poles as allowed in division (D)(4)(b).

(4) *Off premise advertising signs.* Signs used to advertise the availability of goods, property, or services at locations other than the premises on which the sign is located are prohibited, except for "advertising signs or billboards" as allowed by division Sec. 153.41 (D)(4)(a) and "subdivisional directional signs," and "off-premise signs" as allowed by Sec. 153.41 (D)(4)(i).

(5) *Portable signs.* Sandwich board "A" frame signs are prohibited, either on the ground or carried by a person. Other portable signs may be permitted as a Temporary Use by the Board of Zoning Appeals.

(6) *Roof signs.* Signs which project above the roof line of the building are prohibited.

(7) *Signs interfering with traffic safety.* Signs adversely affecting vehicular traffic and pedestrian safety are prohibited.

(8) *Vehicle signs.* Signs placed or displayed on vehicles parked primarily for the

purpose of displaying the sign are prohibited, except for such signs as required by law.

(9) *Obsolete signs.* Signs no longer identifying a business, profession, or industry that they were intended to identify. Such signs shall be removed within 90 days following the dissolution of a business, professional office, or industrial activity.

### (F) General Provisions.

(1) No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.

(2) No sign or sign structure other than official highway signs shall be placed upon, over or in any street or highway right-of-way or any sidewalk.

(3) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

(4) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.

(5) It shall be unlawful to erect and maintain:

(a) Any sign which is not included under the types of signs permitted in this Code.

(b) Any portable or movable sign, except as permitted under the provisions of this Code. (See Sec. 153.38.)

(c) Any sign or sign structure affixed to a roof top or known as a roof-top sign, which superstructure extends above the highest point of the roof.

(d) A business sign and advertising sign on the same lot.

(6) Signs or sign structures located on a marquee or canopy shall be affixed flat to the

## CHAPTER 153: AREA ZONING CODE

surface thereof, and shall not:

(a) Be greater than three (3) feet in vertical measurement above the marquee or canopy.

(b) Extend vertically below or horizontally beyond more than eighteen (18) inches from the marquee or canopy limits.

(7) Signs located on awnings shall be affixed flat to, or painted upon the surface thereof, shall not extend vertically or horizontally beyond the limits of said awning, and shall not be illuminated. Only the name and address of the use shall be indicated.

(8) No sign or sign structure, except a projecting sign structure, attached to the wall of a building shall extend more than eighteen (18) inches horizontally from such wall.

(9) No sign or sign structure attached to the wall of a building shall extend above the roof or parapet lines of such building; provided, however, in the case of unified center, including unit development plans, shopping centers, planned business areas and enclosed industrial parks, in single ownership or under unified control, the Board of Zoning Appeals may grant a special exception in accordance with Sec. 153.28, for one such sign per occupant extending not more than four (4) feet above the roof or parapet line of such building.

(10) Business and advertising signs may be illuminated, unless specified otherwise; provided, however, light reflectors shall not extend more than twelve (12) feet from face of the sign. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of adjoining property.

(11) Not more than one projecting business sign structure shall be allowed for each lot or occupant thereof, and the maximum surface area of such sign shall not exceed 240 square feet per side. Only one side of a projecting sign shall be considered in computing total allowable sign surface area. In no case shall the sign structure extend more than eight (8) feet from or beyond its supporting building. No projecting sign shall be at its lowest point less than eight (8) feet above grade level.

(12) Free-standing signs shall not be higher than forty (40) feet above the street elevation to

which the sign is oriented, and the maximum surface area of such sign shall not exceed 300 square feet per side.

(13) Signs or sign structures shall be set back in accordance with the building setback lines required by the district; provided, however:

(a) In case the supporting building for a projecting sign is located closer than eight (8) feet to the building setback line, the projecting sign may extend in front of said setback line, but in no case shall such sign extend beyond the property line, in accordance with the standards of this Subsection; or

(b) In the case of free-standing signs where graphic illustration is exhibited to the Board of Zoning Appeals, indicating extensive landscaping, compliance with all other standards of this Code and appropriate safeguards for the public safety, such sign or sign structure located no closer than twenty (20) feet to the front property line shall be deemed a sign setback special exception, and in accordance with the requirements of Sec. 153.28, the Board of Zoning Appeals may approve such special exception.

### (G) Accessory Signs and Sign Structures.

Accessory signs and sign structures shall be permitted for all buildings, structures or premises used for purposes permitted by this Code in accordance with the provisions of this Section.

### (H) Maintenance and Removal.

(1) All signs shall be kept in repair and in proper state of preservation.

(2) Signs which are no longer functional or are abandoned shall be removed or relocated in compliance with the regulations of this Code within thirty (30) days following such abandonment. Signs shall be considered no longer functional and abandoned when such sign is materially obstructed from view, when its essential elements are no longer readable, or when a condition of dilapidation is in evidence.

(3) Any legally established non-conforming sign shall be permitted without alteration in size or location, unless movable or unattached, in accordance with Sec. 153.11(F) of this Code. If such sign is damaged or dilapidated to an extent of

## CHAPTER 153: AREA ZONING CODE

more than fifty percent (50%) of its replacement cost at time of damage or repair, as determined by the Executive Director, it shall not be rebuilt; provided, however, that nothing herein shall prevent maintenance, repainting or normal repair of legally established non-conforming signs.

(4) Whenever any movable or unattached sign is erected or maintained in violation of this Code, said sign may be removed by action of the Executive Director after due notice is given to the person in interest.

(I) Permit procedures. All signs identified by this chapter as requiring the issuance of a permit, shall be governed by the criteria for permit applications established by the Plan Commission.

(1) Criteria for all signs requiring a permit. A permit application for a sign otherwise in compliance with this section shall be approved if said sign complies with the following criteria:

(a) The sign should serve primarily to identify the business, the establishment, or the type of activity conducted on the same premises, of the project, service or interest being offered for sale, lease or rent thereon, except as otherwise specifically provided above.

(b) Illumination of signs, where not specifically prohibited by this chapter, should be at a level consistent with adequate identification and readability.

(c) Signs requiring approval of the Board of Zoning Appeals for special exceptions in Sec. 153.28 or temporary uses set forth in Sec. 153.39(C)(12)(13) and (14) must first receive the Board's approval.

(d) Appropriate fees have been paid.

(2) Permit application procedure.

(a) When a sign permit is required. Applicants are required to apply for permits prior to undertaking any construction. See Sec. 153.48(F) for late-filing fee.

(b) Sign program. Only one sign permit shall be required for each sign program. Applicants shall be encouraged to provide a sign program as opposed to obtaining single permits for groups of businesses, professional offices, or

industrial complexes.

(c) Application. Application shall be made on an application form provided by the Executive Director.

(3) Sign permit application and fees. Before a sign permit application is approved, the applicant must submit information to the Executive Director, as specified in the permit procedures required under Sec. 153.41(F)(1) and post required fees.

(4) Duration of permit. All permits are good for the life of the sign except for permits for those signs which are expressly specified as temporary signs pursuant to this section.

(5) Nullity of permit. A sign permit shall become null and void if the sign or sign program for which the permit was issued has not been installed within twelve (12) months of issuance of said permit.

(J) Revocation of Permit. After notice and public hearing, any sign permit granted in accordance with the provisions of this section may be revoked upon a finding by the Board of Zoning Appeals, that the sign, or sign program, for which the permit was granted advertises the availability or sale of goods, property, or services no longer available, or is constructed, installed, or maintained in a manner that is not in accordance with the approved application.

### Section 153.42: PARKING AND STORAGE OF CERTAIN VEHICLES

(A) Automotive vehicles. An automotive vehicle or trailer of any type without current license plates or in an inoperable condition so as to be deemed dead storage or an "abandoned vehicle" shall not be permitted for a period not longer than 30 days in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized. See definition of "Abandoned Vehicle," Sec. 153.47.

(B) Commercial vehicles. The parking of a commercial self-propelled vehicle in residential zone districts shall be prohibited, except as set forth in Sec. 153.37(C)(2), and provided further except that one commercial vehicle of not more than three tons capacity may be parked on any lot on which there

## CHAPTER 153: AREA ZONING CODE

is located a principal building, provided such vehicle is parked in an enclosed garage, accessory building, or rear yard and is used by a resident of the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.

## CHAPTER 153: AREA ZONING CODE

### Section 153.43: ADMINISTRATION

(A) Enforcement Officer. The Executive Director is hereby designated and authorized to enforce the Zoning Code.

(B) Improvement Location Permits. Within the jurisdiction of the Switzerland County Area Plan Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the Comprehensive Plan of Switzerland County, Indiana, the Town of Vevay, Indiana, and the Town of Patriot, Indiana, and the Zoning Code of Switzerland County, Indiana, the Town of Vevay, Indiana, and the Town of Patriot, Indiana, and an Improvement Location Permit for such structure, improvement, or use has been obtained from the Executive Director by the owner(s) of the property or his agent.

(1) Compliance with Comprehensive Plan.

The Executive Director shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the Zoning Code, Subdivision Code, and Thoroughfare Plan of Switzerland County, and Vevay, Indiana, and Patriot, Indiana.

(2) Building Permits.

The Executive Director may issue an Improvement Location Permit, which may include a Building Permit authorization by the Switzerland County Building Commissioner.

(C) Application for Improvement Location Permit. Any person, who shall make application for an Improvement Location Permit, shall, at the time of making such application, furnish a site plan or development plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) days period may be waived. Said site plan shall be properly dimensioned and drawn to scale showing the following items:

(1) Address of property and a legal or site description of the real estate involved including acreage.

(2) Location and size of all buildings and structures, existing and proposed.

(3) Width and length of all entrances and

exits to and from said real estate.

(4) All adjacent and adjoining roads, alleys or highways, and their names.

(5) Lot number and area in square feet.

(6) Actual shape and dimensions of the lot to be built upon.

(7) Front, side and rear yard lines and their distance from the street or Lot Lines.

(8) Number of families or housekeeping units the building is designed to accommodate and such other information in regard to the lot and neighboring lots and their use as may be necessary to determine and provide for the enforcement of the provisions of this Code.

(9) Any other items required by this Code. Applications including site plans or development plans so furnished shall be filed and shall become a permanent record of the Plan Commission.

(D) Basic Duties of Executive Director.

(1) Issue, in the name of the Board of Zoning Appeals, improvement location permits and certificates of occupancy and maintain records thereof.

(2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter, and report the findings and violations to the Plan Commission and Board of Zoning Appeals for the purpose of ordering compliance thereof.

(3) Provide interpretation of the Planning and Zoning codes when necessary and such technical and clerical assistance as the Commission and Board may require.

(4) Provide and maintain a public information service relative to all matters arising out of the Planning and Zoning codes.

(5) Maintain permanent and current records of the Planning and Zoning codes, including but not limited to, all maps, amendments, improvement location permits, building permits, certificates of occupancy, variances, special exceptions and appeals, and applications therefore, and records of hearings thereon.

## CHAPTER 153: AREA ZONING CODE

(6) Review all applications for improvement location permits and subdivisions to ascertain as to whether the proposed use lies in a flood hazard area as defined in this Code. If the proposed use is found to lie in such an area, the Executive Director will enforce the requirements set forth in Sec. 153.26 in the event that any structures involved are not directly covered by the Building Code regulations.

(7) The Executive Director, during his review of improvement location permits and building permits, shall assure that all national flood insurance program regulations pertaining to state and federal permits, subdivision review, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

### (E) Responsibility of the Executive Director.

(1) The official assigned to administer and enforce the provisions of this chapter is designated the Executive Director. He shall be appointed in accordance with the provisions of I.C. 36-7-4-311(b). The authority to perform inspections, review applications, and issue permits may be delegated to such other officials by the Executive Director. In the performance of these functions the Executive Director and such other officials shall be responsible to the Switzerland County Area Plan Commission and the Switzerland Area Board of Zoning Appeals.

(2) If the Executive Director shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violations of the provisions of this chapter.

(3) It is the intent of this chapter that all questions of interpretation of provisions of this chapter be first presented to the Executive Director. Recourse from the decision of the Executive Director (on matters pertaining to zoning) shall be only to the Area Board of Zoning Appeals, and recourse from the decision of the Board shall be to the courts as provided by law.

(F) Relocation of Proposed Building, Structure, or Exit. The Executive Director may require the relocation of any proposed building or structure or exit or entrance shown on the site plan or the location of new exits or entrances not shown on the site plan before issuing an improvement location permit when such action is necessary to carry out the purpose and intent of the zoning code.

(G) Certificate of Compliance for Industrial Uses. An application for an Improvement Location Permit for any use subject to the provisions of Sections 153.21 and 153.22 of this Chapter shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer of the State of Indiana, certifying that the use intended will satisfy the performance standards of the open industrial use or enclosed industrial use, as the case may be, and in the district in which it is to be located. The Executive Director may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Executive Director has not required any additional information or stated any objection in writing, the Executive Director shall issue the Improvement Location Permit.

(H) Site Plans Must Be Filed for Record. Site plans so furnished shall be filed and shall become a permanent public record.

(I) Special Exception. The Executive Director shall issue an Improvement Location Permit for a special exception use only following receipt of notice from the Board that the application therefore has been approved by the Board.

(J) Certificate of Occupancy. No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued stating that the building and use comply with all of the provisions of this Code applicable to the building or premises of the use in the district in which it is to be located.

(K) Completion of Improvements. On completion of the improvement covered by the improvement location permit, the Executive Director shall cause an inspection of the premises, and, if this inspection shall reveal that the improvement has been completed in substantial conformity with the site plan or development plan,



## CHAPTER 153: AREA ZONING CODE

and certificate of compliance when required, submitted in the application pursuant to Subsection (C) of this Section, a Certificate of Occupancy shall then be issued, providing the Building Code requirements have been met.

(L) Temporary Certificate. A temporary Certificate of Occupancy may be issued by the Executive Director after application has been made for completed portions of a development plan which has been approved as a special exception, provided that a Certificate of Occupancy is required upon completion of the total development plan.

(M) Change of Use. No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued, and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this Code.

(N) Coincidental Application. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful change of use, lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed, provided the Executive Director has been notified of such completion by the applicant.

(O) Certificates of Occupancy Filed for Record. A record of all Certificates of Occupancy shall be kept on file in the office of the Executive Director and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

(P) Excavations. No Improvement Location Permit shall be issued for excavation or for the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.

(Q) Health Requirements. An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed Use meets the minimum standards for a sewage disposal system and water supply system as required by the Switzerland County Health Officer. No Certificate of Occupancy shall be issued for a commercial or industrial structure or for any other applicable

building until the plans for such structure shall have been approved by the Department of Fire Prevention and Building Safety of the State of Indiana.

(R) Time Limit. The work or use authorized by an Improvement Location Permit, Certificate of Occupancy or permit for a variance, contingent use or other permit, except for a special exception, must be commenced within six (6) months of the date of issuance of such certificate or permit; otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within twelve (12) months from the issuance of the certificate or permit therefore, except for a special exception and provided that for good cause shown, the Executive Director can extend the completion of time.

(S) Proper Compliance. The Executive Director shall review all development (and subdivision) proposals to assure compliance with the flood plain district requirements of this Chapter. All development applications for uses located in the flood plain district which are not permitted by right (see Sec. 153.26) will require the review and approval by Natural Resources prior to the issuance of an Improvement Location Permit. The Executive Director shall forward all these applications, along with plans and specifications, to Natural Resources for review and comment.

The Executive Director, during his review of Improvement Location Permits, shall assure that all National Flood Insurance Program regulations pertaining to State and Federal permits, (subdivision review), mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

(T) Soil and Drainage Conditions Met.

An Application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed use meets the applicable criteria of the Switzerland County Soil and Water Conservation District for the lot or tract of land concerning types of soils involved and the conditions which are requisite to assure proper drainage. Also, the Executive Director must be satisfied that any Indiana Drainage Code requirements have been met before approving applications for Improvement Location Permits.

## CHAPTER 153: AREA ZONING CODE

(U) Temporary Improvement Location Permit. A Temporary Improvement Location Permit may be issued by the Executive Director after application has been made for a temporary use authorized by this Code. (See Sec. 153.38 and Sec. 153.41.)

(V) Issuance of Permits. Any permits authorized by the County, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Switzerland County Area Plan Commission, shall be issued only if, in addition to satisfying the requirements of the Code of Ordinances of Switzerland County Indiana, and the Town of Vevay, Indiana, and the Town of Patriot, Indiana, the proposed street right-of-way as set forth in the Thoroughfare Plan, will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street, subject to Building Setback Lines as set forth in Sec. 153.29.

(W) Certain Requirements Regarding Real Estate Transfers. All offers and contracts for the sale of real estate shall be accompanied by a written statement, signed by both the buyer and the seller, which informs the buyer that the real estate is subject to zoning restrictions. The statement shall also inform the buyer that copies of the zoning regulations can be viewed and obtained from the Switzerland County Executive Director in the Area Plan Commission Office in the Courthouse.

(X) Erroneously Issued Permits - Restrictive Covenants. The issuance of an improvement location permit and/or a certificate of occupancy in no way validates such a permit or certificate in the event that same is erroneously issued or does not comply with applicable laws and the Code of Ordinances of Switzerland County, Indiana, and the Town of Vevay, Indiana, and the Town of Patriot, Indiana. Furthermore, the issuance of an improvement location permit and/or a certificate of occupancy in no way permits the violation of any restrictive covenants relative to the real estate. See Sec. 153.45 (B).

### Section 153.41: BOARD OF ZONING APPEALS

A board of Zoning Appeals is hereby established with membership and appointment provided in accordance with I.C. 36-7-4-901 and 902 - 907, and all acts now or hereafter amendatory thereto.

(A) Organization. At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a Secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.

(B) Rules. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Code.

(C) Meetings Open to Public. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record, and a copy of which shall be filed with the Executive Director following each Board meeting.

(D) Appeals Jurisdiction. The Board shall hear and determine appeals from and review:

(1) Any order, requirement, decision, or determination made by an administrative official, including the Executive Director, or staff member under this Zoning Code;

(2) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of the zoning code; or

(3) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of an ordinance adopted under this Code requiring the procurement of an improvement location permit or a certificate of occupancy.

(E) Exceptions and Uses. The Board shall approve or deny all:

(1) Special exceptions; and

(2) Variances

from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in this Zoning Code. The Board may impose reasonable conditions as a part of its approval. The Board may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of special exceptions and variances.

## CHAPTER 153: AREA ZONING CODE

(F) Variances From Development Standards of Zoning Code. The Board shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning code. A variance may be approved under this section only upon a determination in writing that:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

(3) The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.

(4) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district;

(5) Such variances are necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question;

(6) That the granting of such variance will not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets.

(G) Variances From Use District or Classification Not Granted. Neither the Switzerland County Area Board of Zoning Appeals nor any other board of zoning appeals continued in existence under the area planning law may grant a variance from a use district or classification under the area planning law.

(H) Variances in FP District. Applications for variances to the provisions of this Chapter concerning an Improvement Location Permit or Building Permit for a use located in the FP district shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any such Permits. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

(I) Appeals to Board - Grounds - Transmission of Record - Disposition.

(1) An appeal filed with the Board must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board by rule.

(2) The Executive Director, or other person from whom the appeal is taken shall, on the request of the Board of Zoning Appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.

(3) Certified copies of the documents, plans, and papers constituting the record may be transmitted for purposes of subsection (2).

(4) Upon appeal, the Board may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal is taken.

(5) The Board shall make a decision on any matter that it is required to hear under the Zoning Code.

1. At the meeting at which that matter is first presented; or

2. At the conclusion of the hearing on that matter, if it is continued.

(6) Within five (5) days after making any decision under the Zoning Code, the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.

(J) Writ of Certiorari. Every decision of the Board shall be subject to review by certiorari.

### Section 153.41: GENERAL PROVISIONS

(A) Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The Switzerland County Area Plan Commission has given consideration to the existing and future probable use of land in the territory affected by this Chapter, and has prepared a comprehensive plan showing the future development of this area, which has served as a guide in the preparation of this Chapter.

(B) Non-Interference With Greater Restrictions Otherwise Imposed. It is not intended by this Chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor any ordinances, rules, regulations or permits previously adopted or issued and which are

## CHAPTER 153: AREA ZONING CODE

not in conflict with any of the provisions of this Chapter, except that, where this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance, rules, regulations or permits, the provisions of this Chapter shall control.

(C) Use. No building or land shall be used and shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

(D) Height. No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located. (See Sec. 153.35.)

(E) Yard, Lot Area and Size of Building. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.

(F) Parking Space: Loading and Unloading Berths. For each building hereafter erected and for certain other uses of land, parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except that parking spaces may not be required for business or industrial uses in accordance with the provisions of Sec. 153.40 (B) (13), but it is the intent of this Code to encourage the establishment of adequate parking spaces wherever normally required by this Chapter.

(G) Building Relocated. No building or structure shall be moved from one lot or premises to another unless such building and lot shall thereupon conform to all the regulations of the zone district to which such building be moved.

(H) Farms Exempt. Except for farm houses or farm dwellings - which include dwellings for the farm owner, operator or farm assistants, classified as a Contingent Use (See Sec. 153.27), and grain

elevators and related uses, produce stands, sales barn for livestock, and restricted commercial farm enterprises (including confined feeding operations) (See Sec. 153.47 for definition), which are all farm related activities set forth as Special Exceptions (See Sec. 153.28); Land Application Operations as defined in Sec. 153.47 which are not permitted (See Sec. 153.45(I), below); land, farm barns, farm outbuildings, or other buildings, structures or erections which are adapted, by reason of nature and area, for use for agricultural purposes as a primary means of livelihood, while so used, shall not be affected by restrictions or regulations of this Code.

(I) Land Application Operations are not permitted. Land Application Operations as defined in Sec. 153.47 are not permitted in any district or zone because of problems associated with applying sludge as defined in Sec. 153.47 on cropland; specifically:

(1) Sludge contains constituents that are either non-essential or potentially detrimental to crops and animals (including man) consuming the crops, and (2) sludge contains compounds not required by plants, and (3) possibilities exist for leaching and excessive movement of nitrate-nitrogen from surface soils into ground water, and (4) potential of disease transmission to animals due to bacteria parasites or viruses present in sludge, and (5) contamination of crops by persistent organics, such as PCB's or chlorinated hydrocarbon pesticides, and (6) contamination of crops with cadmium, and (7) reduced plant yields and soil productivity caused by heavy metals such as lead, copper, zinc, and nickel. Provided that any person, including the owner of the farmland or cropland designated as an application site, who has an ongoing Land Application Operation in Switzerland County on or before the date of passage of this Code, may continue such operation if the requirements of the Indiana Department of Environmental Management are met. The provisions herein are not intended to preclude an operation in Switzerland County in which sludge, waste products, or waste water are generated by industrial, municipal, or semi-public facilities.

(J) Public Utility Installations Exempt. Structures and land use for public utility installations so defined herein, while so used, shall not be affected by restrictions or regulations of this Code; provided, however, terminal facilities and treatment or processing plants for residential

## CHAPTER 153: AREA ZONING CODE

developments are contingent uses, but a sewage treatment facility (primary use) or a major transmission line or a water storage tank is a special exception and is subject to the provisions of this Chapter. See Sec. 153.28 for Transmission Lines.

(K) Mineral Extraction. Each plan commission, legislative body, and board of zoning appeals in an urbanized or urbanizing area (as defined in IC 14-4-9-18) shall comply with the provisions of IC 14-4-9-19 before permitting a land use that would threaten the potential extraction of aggregate in an area underlain by a deposit of qualified mineral resources (as defined in IC 14-4-9-14). See Sec. 153.23, MR Mineral Reserve District.

(L) Invalidity of Portions. Should any section or provision of this Code be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the Code as a whole, or any portion thereof, other than the portion so declared to be invalid.

(M) Amendments. All amendments to or repealers of this Zoning Code shall be made in accordance with the provisions of I.C. 36-7-4, as amended.

### Section 153.46: COMPLIANCE WITH "RULE 5."

Before an Improvement Location Permit or a Certificate of Occupancy shall be issued, the Executive Director shall be satisfied that the "operator" (see Subsection (D)(7) herein) of any proposed use on a site where construction activity disturbs five acres or more shall comply with the administrative provisions of 327 IAC 15-5 ("RULE 5"). RULE 5 concerns storm water run-off associated with construction activity.

The purpose of this RULE 5 is to reduce pollutants, principally sediment as a result of soil erosion, in storm water discharges into surface waters of the State of Indiana from sites where construction activity disturbs five (5) acres or more of the site. However, in contemplation of recent Federal court decisions, persons with sites greater than one (1) acre but less than five (5) acres are invited to comply with this rule as well. (Water Pollution Control Board; 327 IAC 15-5-1).

(A) Applicability of "RULE 5." The requirements under this rule apply to all persons who:

(1) do not obtain an individual NPDES permit under 327 IAC 15-2-6;

(2) meet the general permit rule applicability requirements under 327 IAC 15-2-3; and

(3) are involved in construction activity, which includes clearing, grading, excavation, and other land disturbing activities, except operations that result in the disturbance of less than five (5) acres of total land area and which are not part of a larger common plan of development or sale.

(Water Pollution Control Board; 327 IAC 15-5-2)

(B) General Permit Rule Boundary. Facilities existing within the boundaries of the State of Indiana affected by this rule are regulated under this rule.

(Water Pollution Control Board; 327 IAC 15-5-2)

(C) How To Comply With "RULE 5." In order to comply with 327 IAC 15-5 ("RULE 5") an operator must:

(1) Pay the Notice of Intent (NOI) letter fee of the current amount required made payable to the Indiana Department of Environmental Management. (See Sub-section (L) for content requirement of NOI Letter.)

(2) Prepare a soil erosion control plan that contains the required elements in 327 IAC 15-5-7. (See Sub-section (J), herein.)

(3) Send the plan to the Switzerland County Soil and Water Conservation District (SWCD) office in the County where the construction activity will take place. The SWCD will review the plan and make recommendations when necessary.

(4) Be sure that the personnel responsible for installing and operating the plan know what they are doing. This may require some training for some.

(5) Prepare and submit a complete Notice of Intent letter to the Office of Water Management, Permits Section. All of the requirements in 327 IAC 15-3-2 and 327 IAC 15-5-5 (See Sub-sections (A) and (D), herein) must be included in the NOI letter to be considered complete. Do not send a copy of the soil erosion control plan to IDEM.

Construction can begin immediately after

## CHAPTER 153: AREA ZONING CODE

fulfilling the requirements in 327 IAC 15.

(D) Definitions. For the purpose of this Section, the following definitions are adopted:

(1) "Agricultural land use" means use of land for the production of animal or plant life, including forestry, pasturing or yarding of livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

(2) "Erosion" means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

(3) "Erosion control measure" means a practice, or a combination of practices, to control erosion and resulting sedimentation and/or off-site damages.

(4) "Erosion control plan" means a written description and site plan of pertinent information concerning erosion control measures.

(5) "Land disturbing activity" means any manmade change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading. In the context of this rule, agricultural land disturbing activities, coal mining activities permitted by the Department of Natural Resources (DNR) under I.C. 13-4.1, and active landfills permitted by the Indiana department of environmental management where the permit requires soil erosion control are excluded.

(6) "Nonagricultural land use" means commercial use of land for the manufacturing and wholesale or retail sale of goods or services, residential or institutional use of land intended primarily to shelter people, highway use of land including lanes, alleys, and streets, and other land uses not included in agricultural land use.

(7) "Operator" means the person required to submit the NOI letter under this article, and required to comply with the terms of this rule.

(8) "Site" means the entire area included in the legal description of the land on which land disturbing activity is to be performed.  
(Water Pollution Control Board; 327 IAC 15-5-4)

(E) Additional Notice of Intent Letter Requirements. In addition to the NOI letter requirements under 327 IAC 15-3, the following

information must be submitted by the operator with a NOI letter under this rule:

(1) A brief description of the construction project, including, but not limited to, a statement of the total acreage of the site.

(2) Estimated timetable for land disturbing activities and installation of erosion control measures.

(3) Statement of the number of acres to be involved in land disturbing activities.

(4) A written certification by the operator that:

(a) the erosion control measures included in the erosion control plan comply with the requirements under sections 7 and 9 of this rule and that the plan complies with applicable State, county, or local erosion control requirements;

(b) the erosion control measures will be implemented in accordance with the plan;

(c) verification that an appropriate state, county, or local erosion control authority and the soil and water conservation district office has been sent a copy of the plan for review; and

(d) verification that implementation of the erosion control plan will be conducted by personnel trained in erosion control practices.

(5) Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity under this rule is to commence.

(Water Pollution Control Board; 327 IAC 15-5-5)

(F) Deadline for Submittal of a NOI Letter; Additional Information. All information required under 327 IAC 15-3 and Sub-section (E) of this rule shall be submitted to the commissioner prior to the initiation of land disturbing activities.

(Water Pollution Control Board; 327 IAC 15-5-6)

(G) General Conditions for Construction Activity Erosion Control Measures.

(1) The operator shall develop an erosion control plan in accordance with the requirements under this section.

(2) The following requirements shall be met on all sites during the period when active land disturbing activities occur:

(a) Sediment-laden water which otherwise would flow from the site shall be detained by erosion control practices appropriate to minimize

## CHAPTER 153: AREA ZONING CODE

sedimentation in the receiving stream. No storm shall be discharged from the site in a manner causing erosion in the receiving channel at the point of discharge.

(b) Appropriate measures shall be taken by the operator to minimize or eliminate wastes or unused building materials, including, but not limited to, garbage, debris, cleaning wastes, wastewater, and other substances from being carried from a site by runoff. Proper disposal or management of all wastes and unused building materials, appropriate to the nature of the waste or material, is required.

(c) Sediment being tracked from a site onto public or private roadways shall be minimized. This can be accomplished initially by a temporary gravel construction entrance in addition to a well-planned layout of roads, access drives, and parking areas of sufficient width and length, or other appropriate measures.

(d) Public or private roadways shall be kept cleared of accumulated sediment. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be returned to the point of likely origin or other suitable location.

(e) All on-site storm drain inlets shall be protected against sedimentation with straw bales, filter fabric, or equivalent barriers meeting accepted design criteria, standards, and specification for that purpose.

(f) The following items apply during the time the construction activity is taking place:

1. Storm water drainage from adjacent areas that naturally pass through the site shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel must be protected and/or improved to prevent erosion or sedimentation from occurring.

2. Runoff from a disturbed area shall be controlled by one (1) or more of the following measures:

(aa) Except as prevented by inclement weather conditions or other circumstances beyond the control of the operator, appropriate vegetative practices will be initiated within seven (7) days of the last land disturbing activity at the site regulated by this rule. Appropriate vegetative practices include, but are not limited to, seeding, sodding, mulching, covering, or by other equivalent erosion control measures.

(bb) The erosion control plan shall be implemented on disturbed areas within the construction site. The plan shall include erosion

control measures as appropriate, such as, but not limited to, the following:

(i) Sediment detention basins.

(ii) Sediment control practices, such as filter strips, diversions, straw bales, filter fences, inlet protection measures, slope minimization, phased construction, maximizing tree coverage, temporary and permanent seeding of vegetation, mulching, and sodding.

All measures involving erosion control practices shall be designed and installed under the guidance of a qualified professional experienced in erosion control and following the specifications and criteria under this subsection. All other non-engineered erosion control measures involving vegetation should be installed according to accepted specifications and criteria under this subsection.

(3) During the period of construction activity at a site, all erosion control measures necessary to meet the requirements of this rule shall be maintained by the operator.

(4) All erosion control measures required to comply with this rule shall meet the design criteria, standards, and specifications for erosion control measures established by the department in guidance documents similar to, or as effective as, those outlined in the Indiana Handbook for Erosion Control in Developing Areas from the division of soil conservation, Indiana Department of Natural Resources and the Field Office Technical Guide from the Soil Conservation Service. The erosion control plan shall include, but is not limited to, the following:

(a) A map of the site in adequate detail to show the site and adjacent areas, including the following:

1. Site boundaries and adjacent lands which accurately portray the site location.

2. Lakes, streams, channels, ditches, wetlands, and other water courses on and adjacent to the site.

3. One hundred (100) year floodplains, floodway fringes, and floodways.

4. Location of the predominant soil types, which may be determined by the United States Department of Agriculture, SCS County Soil Survey or an equivalent publication, or as determined by a certified

## CHAPTER 153: AREA ZONING CODE

professional soil scientist.

5. Location and delineation of vegetative cover such as grass, weeds, brush, and trees.

6. Location and approximate dimensions of storm water drainage systems and natural drainage patterns on, and immediately adjacent to, the site.

7. Locations and approximate dimensions of utilities, structures, roads, highways, and paving.

8. Site topography, both existing and planned, at a contour interval appropriate to indicate drainage patterns.

9. Potential areas where point source discharges of storm water may enter ground water, if any.

(b) A plan of final site conditions on the same scale as the existing site map showing the site changes.

(c) A site construction plan shall include, but is not limited to, the following:

(1) Locations and approximate dimensions of all proposed land disturbing activities.

(2) Potential locations of soil stockpiles.

(3) Locations and approximate dimensions of all erosion control measures necessary to meet the requirements of this rule.

(4) Schedule of the anticipated initiation and completion dates of each land disturbing activity, including the installation of erosion control measures needed to meet the requirements of this rule.

(5) Provisions, including a schedule, for maintenance of the erosion control measures during construction.

(6) Where feasible, preserve vegetation that exists on the site prior to the initiation of land disturbing activities.

(Water Pollution Control Board; 327 IAC 15-5-7)

### (H) Project Termination.

(1) The operator shall plan an orderly and timely termination of the land disturbing activities which shall include the following:

(a) **Allowing the installation of utility lines on the site, whenever practicable, prior to final land grading, seeding, and mulching of the site.**

(b) **Implementing erosion**

control measures which are to remain on the site.

(2) The commissioner may, subsequent to termination of a project, inspect the site to evaluate the adequacy of the remaining erosion control measures.

(3) Maintenance of the remaining erosion control measures shall be the responsibility of the occupier of the property after the operator has terminated land disturbing activities.

(Water Pollution Control Board; 327 IAC 15-5-8)

(I) Standard Conditions. The standard conditions for NPDES general permit rules under 327 IAC 15-4 shall apply to this rule.

(Water Pollution Control Board; 327 IAC 15-5-9)

(J) Inspection and Enforcement. The commissioner and/or designated representative may inspect any site involved in land disturbing activities regulated by this rule at reasonable times. The erosion control plan must be readily accessible for review at the time of the inspection.

(1) Any person violating any of the provisions of this "RULE 5" shall be subject to enforcement and penalty under IC 13-7-10-5, IC 13-7-11, IC 13-7-12, 327 IAC 15-1-4 or any combination thereof.

(2) If maintenance of remaining erosion control measures are not properly maintained by the person operating the property, the commissioner may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4.

(Water Pollution Control Board; 327 IAC 15-5-10)

(K) Notification of Completion. The operator shall notify the commissioner, in writing, upon completion of the construction activity.

(Water Pollution Control Board; 327 IAC 15-5-11)

(L) Content Requirements of a Notice-of-Intent Letter. The NOI letter shall include the following:

(1) Name, mailing address, and location of the facility for which notification is submitted.

(2) Standard Industrial Classification (SIC) codes, as defined in 327 IAC 5, up to four (4) digits, that best represent the principal products or activities provided by the facility.

(3) Person's name, address, telephone



## CHAPTER 153: AREA ZONING CODE

number, ownership status, and status as to federal, state, private, public, or other entity.

(4) Latitude and longitude of the approximate center of the facility to the nearest fifteen (15) seconds, or the nearest quarter section (if the section, township, and range is provided) in which the facility is located.

(5) Name and receiving water, or, if the discharge is to a municipal separate storm sewer, name of the municipal operator of the storm sewer and the ultimate receiving water.

(6) Description of how the facility complies with the applicability requirements of the general permit rule.

(7) Any additional NOI letter information required by the applicable general permit rule.

(8) The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).

(From 327 IAC 15-3-2)

(M) Additional Information to be Submitted with NOI Letter. In addition to the NOI letter requirements under 327 IAC 15-3, the following information must be submitted by the operator with a NOI letter under this rule:

(1) Brief description of the construction project, including, but not limited to, a statement of the total acreage of the site.

(2) Estimated timetable for land-disturbing activities and installation of erosion control measures.

(3) Statement of the number of acres to be involved in land-disturbing activities.

(4) Written certification by the operator that:

(a) the erosion control measures included in the erosion control plan comply with the requirements under subsections (G) and (I) of this section and that the plan complies with applicable state, county, or local erosion control requirements;

(b) the erosion control measures will be implemented in accordance with the plan;

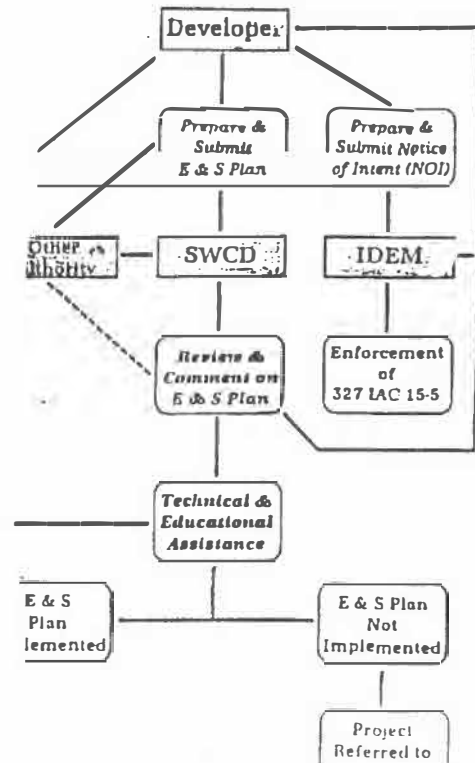
(c) verification that an appropriate state, county, or local erosion control authority and the soil and water conservation district office has been sent a copy of the plan for review; and

(d) verification that implementation of the erosion control plan will be conducted by personnel trained in erosion control practices.

(5) Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity under this rule is to commence.

(From 327 IAC 15-5-5)

(N) Procedural Diagram of "RULE 5."



## CHAPTER 153: AREA ZONING CODE

### Section 153.47: DEFINITIONS

For the purpose of the Zoning Code, certain terms and words used herein shall be interpreted and defined as follows: Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure" and vice-versa; the word "shall" is mandatory and not discretionary.

(1) **ABANDONED VEHICLE.** "Abandoned vehicle" means the following:

(a) A vehicle located on public property illegally.

(b) A vehicle left on public property without being moved for three (3) days.

(c) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.

(d) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.

(e) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.

(f) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within fifteen (15) days of the vehicle's removal.

(g) A vehicle that is at least six (6) model years old, mechanically inoperable, and is left on private property continuously in a location visible from public property for more than thirty (30) days. (See I.C. 9-13-2-1 Abandoned Vehicle.)

(2) **ABUTTING.** Bordering.

(3) **ACCESSORY BUILDING AND USE.** A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the

premises and which is not used for human occupancy; such as public utility installations, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.

(4) **ADULT ARCADE, INCLUDING PEEP SHOWS.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five (5) or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "special sexual activities" or "specified anatomical areas."

(5) **ADULT BOOKSTORE OR ADULT NOVELTY STORE OR ADULT VIDEO STORE.** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities," or "specified anatomical areas"; or (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities," and (3) Exclusion. A commercial establishment shall not be considered to be an Adult Bookstore, Adult Novelty Store or Adult Video Store, and shall not be required to obtain a Special Exception under Section 153.39 where (a) the commercial establishment rents or sells the material set forth above exclusively for off-premises use by the customer, and (b) a substantial portion of its business is not in selling or renting the material set forth above.

(6) **ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment which regularly features: (1) Persons who appear in a state of nudity, or semi-nudity; or (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or "specific anatomical areas."

## CHAPTER 153: AREA ZONING CODE

(7) **ADULT DANCE STUDIO.** Any establishment or business which provides for members of the public a partner for dance where the partner is "Nude" or "semi-nude" or where the partner, or the dance, is distinguished or characterized by the emphasis on matter depicting, or describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

(8) **ADULT HOTEL OR ADULT MOTEL.** A hotel or motel or similar commercial establishment which: (1) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, computer software, slides or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" and which advertises the availability of this sexually oriented type of Material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television, or, (2) offers a sleeping room for rent for a period of time less than ten (10) hours; or (3) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

(9) **ADULT MOTION PICTURE THEATER.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized or distinguished by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(10) **ADULT THEATERS.** A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas;" or "specified sexual activities," acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(11) **AGRICULTURE.** The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of

the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, dairying, sugar making, etc.

(12) **AIRPORT.** Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

(13) **ALLEY.** A permanent public service way providing a secondary means of access to abutting lands, and which is less than 30 feet in width.

(14) **ALLEY LINE.** A lot line bordering on an alley.

(15) **APARTMENT.** A building or portion thereof designed for or occupied by more than two (2) families. Also, a multi-family DWELLING.

(16) **ARTIFICIAL LAKE.** A man-made body of water fed by a watercourse.

(17) **ASSESSED VALUATION.** The monetary value placed on a property and/or building as established by the assessor with authority over the jurisdiction of this ordinance.

(18) **AUCTION USE.** A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an Auction.

(19) **AUTOMOBILE OR TRAILER SALES AREA.** An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

(20) **AUTOMOBILE WRECKING YARD.** Any place where two or more motor vehicles, not in running condition, lacking current license plates and state inspection stickers, including inoperable equipment and parts thereof, are stored in the open; and including the commercial salvaging

## CHAPTER 153: AREA ZONING CODE

of any other goods, articles, or merchandise. (See "Junk Yard.")

(21) **BASEMENT.** A story, wholly or partly underground, which, unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurement.

(22) **BED AND BREAKFAST.** A residential dwelling with a character other than a hotel or motel compatible with the neighborhood providing temporary lodging generally for less than two weeks to guests for a per night charge, in five (5) or fewer guest rooms, providing breakfast daily for guests, and a manager residing on the premises, but not providing the accessory uses normally associated with a hotel.

(23) **BLOCK.** A unit of property bounded by streets, or by streets and/or railroad rights-of-way, waterways, or other barriers.

(24) **BLOCK FRONTAGE.** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.

(25) **BOARD OR BOARD OF ZONING APPEALS.** The Switzerland County Area Board of Zoning Appeals.

(26) **BOARD OF COUNTY COMMISSIONERS.** The Board of County Commissioners of Switzerland County, Indiana.

(27) **BOARDING HOUSE.** An essentially private residence not open to transients which provides a private room and bathroom access and meals cooked on the premises and/or kitchen access to boarders for a comprehensive (meals included) weekly or monthly charge provided that rooms are limited to one boarder per room and the total rooms available to boarders does not exceed four. (Note - If the rooms are available on a nightly charge basis or if there is a separate charge for meals served on the premises, the facility is a motel or hotel or Bed and Breakfast.)

(28) **BUILDING.** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party

walls, without any opening through walls, each portion of such a building shall be considered a separate structure.

(29) **BUILDING, DETACHED.** A building having no structural connection with another building.

(30) **BUILDING, ENCLOSED.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

(31) **BUILDING, FRONT LINE OF.** The line of the face of the building nearest the front lot line.

(32) **BUILDING, HEIGHT (OF).** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

(33) **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be considered a part of the principal building.

(34) **BUILDING COMMISSIONER.** The official designated by the Board of County Commissioners of Switzerland County and authorized to enforce the Building Code. The Building Commissioner may also be the Executive Director.

(35) **BUILDING LINE - BUILDING SETBACK.** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line. For the purpose of this chapter the proposed street and thoroughfare right-of-way lines according to the "Thoroughfare Plan" of current adoption will be considered as the street lines for lots bordering such streets and thoroughfares.

(36) **BUILDING PERMIT.** A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions

## CHAPTER 153: AREA ZONING CODE

of the Building Code.

(37) **BUSINESS OR COMMERCIAL.** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.

(38) **CAMP, PUBLIC.** Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.

(39) **CARPORIT.** An open-sided roofed automobile shelter usually formed by extension of a roof from the side of a building.

(40) **CAR WASH.** A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.

(41) **CEMETERY.** Land used for the burial of the dead and dedicated for Cemetery purposes, including in conjunction with and within the boundary of such cemetery.

(42) **CERTIFICATE OF OCCUPANCY.** A certificate signed by the Executive Director stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the Code of Ordinances of Switzerland County, Indiana.

(43) **CHARITABLE INSTITUTION.** A building or group of buildings devoted to public service and supported by a non-profit organization.

(44) **CLINIC.** A facility for human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises. A clinic shall include laboratory facilities in conjunction with normal clinic services, but shall not include in-patient care.

(45) **CLUB.** Private buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

(46) **COMMERCIALGREENHOUSE.** A building used for the growing of plants, all or part of which are sold at retail or wholesale.

(47) **COMMISSION OR PLAN COMMISSION OR AREA PLAN COMMISSION.** The Switzerland County Area Plan Commission.

(48) **COMPREHENSIVE PLAN.** A composite of all plans of land use, of thoroughfares, of sanitation, of recreation, and other related matters according to the requirements of the 500 Series of I.C. 36-7-4.

(49) **COMMERCIAL RECREATIONAL ENTERPRISE OR FACILITY.** Any area of land, buildings and/or facilities used or intended for recreational purposes and operated for remuneration.

(50) **COMMISSION.** The Switzerland County Area Plan Commission.

(51) **COMMON AREA.** Areas within a development that serve either a portion of or the entire development. (Example common area - signs, lighting, landscaping, maintenance shed, etc.)

(52) **CONDOMINIUM.** One or more structures, each structure having two or more dwelling units or other units for occupancy, wherein provisions have been made for separate ownership of each individual dwelling unit or occupancy unit. A type of ownership.

(53) **CONFINED FEEDING OPERATION.** An operation involving the confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where food is supplied to the animals only by means other than grazing. The term **CONFINED FEEDING OPERATION** means:

1. any confined feeding of three-hundred (300) or more cattle, six-hundred (600) or more swine or sheep, and thirty-thousand (30,000) or more fowl;

2. any **ANIMAL FEEDING OPERATION** electing to come under the provisions of I.C. 13-1-5.7; or

## CHAPTER 153: AREA ZONING CODE

3. any animal feeding operation that is causing a violation of I.C. 13-1-3 or any rules of the Water Pollution Control Board of the State of Indiana.

**A RESTRICTED COMMERCIAL FARM ENTERPRISE.**

(54) **CONFORMING BUILDING OR STRUCTURE.** Any building or structure which: (A) complies with all the regulations of this ordinance or of any amendment hereto governing the zoning district in which such building or structure is located; (B) is designed or intended for a conforming use.

(55) **COOPERATIVE.** A type of ownership characterized by collective ownership of an object by an organization whose members share in the profits or other benefits of said collective ownership.

(56) **COUNCIL OR TOWN COUNCIL.** The Town Council of the Town of Vevay, Indiana, or the Town Council of the Town of Patriot, Indiana.

(57) **COUNTY.** Switzerland County, Indiana.

(58) **DAY CARE CENTER OR CHILD DEVELOPMENT CENTER OR DAY NURSERY.** A building or part thereof including the lot devoted to the care and/or education and training of infants (younger than two years of age) and/or children (two to 15 years) at a location away from home for less than 24 hours per day during weekday working hours, and not including overnight accommodation or overnight sleeping. This definition encompasses facilities generally known as child care center, pre-school, kindergarten, nursery school, and similar programs and facilities for infants and children, but does not include, "Educational Institution." (See definition FAMILY DAY CARE HOME.)

(59) **DECIBEL.** A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

(60) **DENSITY.** The number of dwelling units developed per acre of land.

(61) **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings and other

structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

(62) **DEVELOPMENT PLAN.** Specific plans for the residential, commercial, or industrial development or other development of property setting forth certain information and data required by the Plan Commission. This information and data may include:

- (a) the proposed name of the development;
- (b) the name and address of developers;
- (c) the location by public way, political township, section and range.
- (d) the legal description;
- (e) a map including date, scale and point north, location, size, capacity, and use of all buildings and structures existing or to be placed in the development;
- (f) the nature and intensity of the operations involved in or conducted in connection with the development;
- (g) the site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading, and unloading;
- (h) the name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces;
- (i) the layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;
- (j) a description of the use of adjacent property and an identification of that property;
- (k) the location, size, and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;
- (l) the proposals for sewer, water, gas, electricity, and storm drainage;
- (m) the contours with spot elevations of the finished grade and the directions of storm runoff;
- (n) the layout of proposed lots with their numbers and dimensions; and
- (o) the land use density factors.

(63) **DEVELOPMENTAL DISABILITY.** A disability of a person which: (a) is attributable to mental retardation, cerebral palsy,

## CHAPTER 153: AREA ZONING CODE

epilepsy, or autism; or is attributable to any other condition found to be closely related to mental retardation because this condition results in similar impairment of general intellectual functioning or adaptive behavior, or requires similar treatment and services; or is attributable to dyslexia resulting from a disability described in this clause; ( b ) originates before the person is age eighteen (18); and (c) has continued or is expected to continue indefinitely and constitutes a substantial handicap to the person's ability to function normally in society.

(64) **DEVELOPMENTAL DISABILITIES RESIDENTIAL FACILITY.** A facility: (a) that provides room and board services only, which are paid for exclusively out of private funds; or (b) that provides only those services which are minimally required, based on each recipient's needs, for federal financial participation under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.); for at least four (4), but not more than eight (8), developmentally disabled individuals who are not related to the individual owning or leasing the facility; however, the term does not apply to a boarding house which is approved by the department of mental health under IC 16-14-4.

(65) **DISH.** That part of the earth station shaped like a saucer or dish.

(66) **DISH-TYPE RECEIVING ANTENNA (EARTH STATION OR GROUND STATION).** A signal receiving device, the purpose of which is to receive radio communications, television, data transmission or other signals from a satellite or satellites in earth orbit. Considered a structure, thus subject to all ordinances relating to structures.

(67) **DISPOSAL (or Disposed of).** The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be entitled into the air or discharged into any waters, including ground waters. (See Definition of Land Application Operation.)

(68) **DISPOSAL FACILITY.** A site or plant where solid waste is subject to treatment, storage, recovery, incineration, grinding, composting, collection or covering by earth.

(69) **DISTRICT.** A section of the territory within the jurisdiction of the Switzerland County Area Plan Commission for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings are herein established. Districts may overlap other Districts. Also ZONE or ZONE DISTRICT.

(70) **DRIVE-IN ESTABLISHMENT.** Any place or premises used for sale, dispensing, or serving of food, refreshments, beverages or services in automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

(71) **DRIVEWAY.** That space or area of a lot which is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street.

(72) **DUST-FREE SURFACE.** A surface adequately covered in accordance with the current standards of the applicable Town or Switzerland County and required to be maintained in good condition at all times.

(73) **DWELLING.** A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.

(a) A single-family dwelling is a detached building designed for or occupied by one family, exclusively.

(b) A two-family dwelling is a detached building designed for or occupied by two families, exclusively.

(c) A multi-family dwelling is a building designed for or occupied by three or more families, exclusively.

(74) **DWELLING UNIT.** One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

(75) **EASEMENT.** A right of the owner on one (1) parcel of land, by reason of such ownership, or a right of the public, to use the land

## CHAPTER 153: AREA ZONING CODE

of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property.

(76) **EDUCATIONAL INSTITUTION.** Public or parochial pre-primary, primary, grade, high, preparatory school or academy; junior college; college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

(77) **EFFICIENCY UNIT.** A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or kitchen and dining alcove directly off the principal room.

(78) **EXECUTIVE DIRECTOR.** The official employed by the Switzerland County Area Plan Commission and authorized to enforce the Planning and Zoning Codes of Switzerland County, Indiana, and the Town of Vevay, Indiana, and the Town of Patriot, Indiana.

(79) **FAMILY DAY CARE HOME.** An occupied dwelling in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a family day care home is limited to that care given to 12 or fewer children, including children living in the home and children or close relatives cared for in the home for less than 24 hours per day during weekday working hours. A **SMALL FAMILY DAY CARE HOME** is limited to 6 or fewer children and a **LARGE FAMILY DAY CARE HOME** is limited to 12 or fewer children. (See definition Day Care.)

(80) **FARM.** A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops, pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures.

(81) **FARM HOUSE OR FARM DWELLING.** The principle dwelling or residence of the owner or operator of the farm.

(82) **FARMSTEAD LOT.** A tract of land located in the A-1 Prime Agriculture District or A-2 Agriculture District, comprising a Farm House or Farm Dwelling built prior to the date of passage of the Ordinance comprising this Chapter of the Code, and/or including accessory buildings essential to the operation of the Farm.

(83) **FAMILY.** An individual or two or more persons related by blood, marriage or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five persons, provided further that the limit of five persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption, including foster children and domestic servants.

(84) **FEEDLOT.** (SEE CONFINED FEEDING OPERATION) Any area, enclosed or unenclosed, used for the concentrated feeding of livestock, other than grazing.

(85) **FENCE.** A freestanding device made of metal, masonry, composition or wood, or any combination thereof, resting on or partially buried in the ground, rising above ground level and used for confinement, screening protection or partition purposes.

(86) **FENCE, STOCKADE.** A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

(87) **FINANCIAL INSTITUTION.** Any building wherein the primary occupation is concerned with such Federal or State-regulated businesses as banking, savings and loans, loan companies and investment companies.

(88) **FILLING STATION/SERVICE STATION.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, limited to the following:

(a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;



## CHAPTER 153: AREA ZONING CODE

(b) Tire servicing and repair, but not recapping or regrooving;

(c) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

(d) Radiator cleaning and flushing;

(e) Washing and polishing, and sale of automobile washing and polishing materials;

(f) Greasing and lubrication;

(g) Providing and repairing fuel pumps, oil pumps, and lines;

(h) Minor servicing and repair of carburetors;

(i) Adjusting and repairing brakes;

(j) Emergency wiring repairs;

(k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;

(l) Sales of cold drinks, packaged foods, ice, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;

(m) Rental of hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes or recreational vehicles, as accessory and incidental to principal operation;

(n) Provision of road maps and other informational materials to customers; provision of restroom facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

(89) **FLASH POINT.** The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

(90) **FLOOR AREA, GROSS.** The total area, computed on a horizontal plane, within the outside dimensions of a building. (See Sec. 153.36 for application to off-street parking under subsection (D).)

(90) **FLOOR AREA, NET.** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area shall include basement, elevator shafts and stairwells of each story, floor space used for mechanical equipment with structural headroom of six (6) feet six (6) inches or more, penthouses, attic space (whether or not a floor has actually been laid providing headroom of six (6) feet six (6) inches or more), interior balconies and mezzanines.

(91) **FLOOR AREA, NET.** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of walls separating two or more buildings. The term net floor area shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment; trailers; horticultural items, farm or garden equipment and other similar products; but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty (50) percent of such area is less than six (6) feet six (6) inches.

(92) **FLOOR AREA RATIO.** The floor area of the building or buildings on a lot divided by the area of such lot.

(93) **FOOT-CANDLE.** A unit of illumination. It is equivalent to the illumination at all points which are one foot distant from a uniform source of one (1) candlepower.

(94) **FRANCHISE OR CABLE TELEVISION.** Any television distribution system designed to serve any residents within the jurisdiction of this ordinance authorized by any local, state or federal agency.

(95) **FREE BURNING.** A rate of combustion described by a material which burns actively and easily supports combustion.

(96) **FRONTAGE.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead ended, then all of the property abutting on one side between an

## CHAPTER 153: AREA ZONING CODE

intersecting street and the dead end of the street.

(97) **GARAGE, PRIVATE.** An Accessory Building or portion of the Principal Building used only for the storage of private passenger automobiles, private boats, recreational vehicle, and private auto trailers and/or not more than one (1) truck of a rated capacity not exceeding one and one-half (1-1/2) ton on any lot; when the storage space on the lot does not exceed that normally required for the use of persons occupying the Principal Building; and in which no business, service, or industry connected directly or indirectly with motor vehicles, boats, and trailers is carried on; provided that not more than one-half (1/2) of the parking spaces therein may be rented for the storage of motor vehicles, boats, and trailers of persons not resident on the premises, except that all the parking spaces in a garage of one (1) or two (2) car capacity may be so rented.

(98) **GARAGE, PUBLIC.** Any building, except those defined herein as a "Private Garage," used for storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

(99) **GRADE.** Also, **LOT GROUND LEVEL.** (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street; (b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; and (c) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

(100) **GREENBELT.** That portion of the front yard of the lot which is immediately adjacent and parallel to the right-of-way of a street in the PB District and having a minimum depth of twenty (20) feet.

(101) **GREENHOUSE.** A structure for the propagation of plant materials and for sale of same.

(102) **GROSS AREA.** Entire area of project or platted area.

(103) **GROSS DENSITY.** The total number of dwelling units divided by the gross area in acres.

(104) **GROUND FLOOR.** The first level of a building that provides outside access by a door.

(105) **GROUND FLOOR AREA.** The square foot area of a residential building within its largest outside dimensions computed on a horizontal plan at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways or other devices. A ground floor may have split levels provided there is not more than a five-foot difference in elevations between the different levels of the floor. See "OCCUPIED SPACE" for Manufactured Dwellings.

(106) **GUEST HOUSE.** Living quarters within a detached accessory building located on the same premises with the main residence building for use by temporary guests of the occupants of the main residence building, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

(107) **HEALTH OFFICER.** Any officer of authority, Switzerland County Health Department, and the State Department of Health. Same as "COUNTY HEALTH OFFICER," includes County Sanitarian.

(108) **HEALTH FACILITY.** Any building, structure, institution, or other place, for the reception, accommodation, board, care or treatment extending beyond a continuous twenty-four (24) hour period in any week of more than two (2) unrelated individuals requiring, in apparent need of, or desiring such services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, incompetency, deformity, or any physical, mental or emotional disability, or other impairment, illness or infirmity, not specifically mentioned hereinabove, including institutions or places or institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitariums, convalescent homes, homes for the chronically ill, homes for the indigent. The reception, accommodation, board, care or treatment in a household or family, for compensation, of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousins, shall not be deemed

## CHAPTER 153: AREA ZONING CODE

to constitute the premises in which the person is received, boarded, accommodated, cared for or treated, a health facility. Any state institution or any municipal corporation may specifically request such licensure and upon compliance with all applicable sections of the Indiana Code and upon compliance with all existing rules and regulations, the petitioning facility may then be so licensed under the provisions of I.C. 16-10-2; provided that the term HEALTH FACILITY does not include hotels, motels, or mobile homes when used as such; hospitals, mental hospitals, institutions operated by the federal government; boarding homes for children; schools for the deaf or blind; day schools for the retarded; day nurseries; children's homes; child placement agencies; offices of practitioners of the healing arts; offices of Christian Science practitioners; industrial clinics providing only emergency medical services or first-aid for employees; a residential facility, as defined in I.C. 16-10-2.1-1; and any hospital, sanitorium, nursing home, rest home, or other institution wherein any health care services and private duty nursing services are rendered in accordance with the practice and tenets of the religious denomination known as the Church of Christ, Scientist.

(109) HOME OCCUPATION OR HOME OFFICE USE. An accessory use conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.

(110) HOSPITAL. An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like such as drug treatment center.

(111) HOTEL. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

(112) IMPROVEMENT LOCATION PERMIT. A permit (which may be combined with a BUILDING PERMIT) signed by the Executive Director stating that a proposed improvement or use complies with the provisions of the Zoning Code. A TEMPORARY IMPROVEMENT LOCATION PERMIT is an IMPROVEMENT LOCATION PERMIT authorized by the Switzerland County Area Board of Zoning Appeals with a definite time limit attached thereto.

(113) INDUSTRIAL PARK. A single or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

(114) INSTITUTION. A non-profit organization established for public, charitable, educational or religious purposes such as church, college or university, hospital or school.

(115) INTENSE BURNING. A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

(116) JUNK YARD. Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom; used lumber yards and places or yard for storage of salvaged building wrecking and structural steel materials and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

(117) JURISDICTION OF THE COMMISSION. The unincorporated territory of Switzerland County, Indiana, and the territory within the Town of Vevay, Indiana, and the Town of Patriot, Indiana, the boundaries of which are shown

## CHAPTER 153: AREA ZONING CODE

on the Zone Map, dated 1996; as amended, which includes all of the area over which this Chapter is effective.

(118) **KENNEL.** Any lot on which four (4) or more dogs, or small animals at least four (4) months of age, are kept.

(119) **KINDERGARTEN (PRE-SCHOOL).** A school for children primarily between the ages of three and five, providing preparation for elementary school.

(120) **LAND APPLICATION OPERATION.** An operation in which sludge, waste products or wastewater generated by industrial, municipal or semi-public facilities, or (septage) from septic haulers, are disposed of by application upon or incorporation into the soil.

(121) **LANDSCAPED GREEN AREA.** An area which includes live plantings other than grass. The size of planting at the time of installation shall be not less than a minimum of 18 inches width and height for shrubs, a minimum of 4-5 feet in height for evergreen conifer trees and a minimum of 6-8 feet in height for shade trees.

(122) **LANDSCAPING.** The improvement of a lot with grass and mounding, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flowerbeds, retention ponds, ornamental objects such as fountains, statues and other similar natural or artificial objects designed and arranged to produce an aesthetically pleasing effect.

(122) **LIVESTOCK.** Any animal which has been domestically raised primarily for agricultural purposes, but not including house pets such as dogs, cats, canaries, or any other similar animal or fowl usually considered a house pet.

(124) **LOADING AND UNLOADING BERTHS.** The off-street area required for the receipt or distribution by vehicles of material or merchandise.

(125) **LOT.** A parcel, tract or area of land accessible by means of a street or place, and for residential uses as set forth in this Code, abutting upon a street or place for at least fifty percent (50%) of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plat

which is recorded in the Office of the County Recorder of Switzerland County, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street or a place shall be included.

(126) **LOT, AREA.** The horizontally projected useable area of a lot computed exclusive of any portion of a street, existing or proposed.

(127) **LOT, CORNER.** A lot at the junction of and having frontage on two or more intersecting streets.

(128) **LOT COVERAGE.** The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.

(129) **LOT, DEPTH OF.** The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

(130) **LOT, FRONTAGE.** All the property of such lot fronting on a street and as measured between side lot lines.

(131) **LOT, INTERIOR.** A lot other than a CORNER LOT or THROUGH LOT.

(132) **LOT, REVERSED INTERIOR.** An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the Interior Lot Line by an alley.

(133) **LOT, THROUGH.** A lot having frontage on two parallel, or approximately parallel streets. Also DOUBLE FRONTAGE LOT.

(134) **LOT, WIDTH.** The dimension of a lot, measured between side lot lines on the building line (or in the case of a curved building line, it is measured tangent to the arc).

(135) **LOT FRONTAGE.** The linear distance of a lot measured at the front line where said lot abuts a street, measured between side lot lines.

## CHAPTER 153: AREA ZONING CODE

(136) **LOT LINE.** The property line between two established parcels of land or one parcel and a public right-of-way or place.

(137) **LOT LINE, FRONT.** In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest frontage of a lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

(138) **LOT LINE, REAR.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

(139) **LOT LINE, SIDE.** Any lot boundary line not a front lot line or a rear lot line.

(140) **LOT OF RECORD.** A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Switzerland County, or a parcel of land, the deed to which has been recorded in the Office of the Switzerland County Recorder prior to September 8th, 1964.

(141) **MANUFACTURED DWELLING.** A dwelling unit, built in a factory and bearing a seal of compliance with federal Manufactured Housing Construction and Safety Standards Law or Indiana Public Law 360, Acts of 1971, and constructed prior to October 30, 1992, and, although it is not actually a MOBILE HOME, for the purposes of this Code, it is a MOBILE HOME.

(142) **MANUFACTURED HOME.** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.) or Indiana Public Law 360, Acts of 1971 (I.C. 22-11-1-9), constructed after January 1, 1981, and exceeds nine hundred and fifty (950) square feet of occupied space.

(143) **MARQUEE OR CANOPY.** a roof-like structure of a permanent nature which projects from the wall of a building and may overhang into a required yard.

(144) **MASSAGE PARLOR.** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "Specified Sexual Activities," or where any person providing such treatment, manipulation, or service related thereto, exposes "Specified Anatomical Areas." The definition of "Adult Businesses" shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor by any Indiana State licensed physical therapist, nor by any Indiana State licensed massage practitioners.

(145) **MATERIAL.** "Material" relative to "Adult Businesses," shall mean and include, but not be limited to, accessories, books, correspondence, photographs, prints, drawings, paintings, motion pictures, computer software, and pamphlets, or any combination thereof.

(146) **MAXIMUM LOT COVERAGE.** The entire lot or parcel which can be developed (buildings, principal or accessory; storage areas; parking lots and other accessory uses).

(147) **MOBILE HOME.** A transportable vehicle which is greater than eight (8) feet in body width and longer than thirty-six (36) feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics: (a) Designed for long-term occupancy for one (1) or more persons, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(148) **MOBILE HOME PARK.** A tract of land which has been developed with all necessary

## CHAPTER 153: AREA ZONING CODE

facilities and services in accordance with a development plan meeting all legal requirements and which is intended for the purpose of providing a site for five (5) or more manufactured homes, manufactured dwellings or mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such MOBILE HOME PARK.

(149) **MOBILE HOME LOT.** A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for said occupants.

(150) **MOBILE HOME SLAB OR FOUNDATION.** The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a PERMANENT FOUNDATION.

(151) **MOBILE HOME STAND.** That part of the mobile home park which has been reserved for the placement of one (1) mobile home unit, including the mobile home slab, lawn area, driveway area and parking area for the unit.

(152) **MODERATE BURNING.** A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

(153) **MOTEL.** A building or detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients, and more than 50 percent of the lodging rooms are for rent to transient automobile tourists for a continuous period of less than 30 days.

(154) **MOTOR VEHICLE.** A passenger vehicle, truck, truck-trailers, or semi-trailer propelled or drawn by mechanical power.

(155) **NAMEPLATE.** Non-illuminated sign flush with the front of the building indicating the name or address of a building, or the name of an occupant thereof and the practice of a permitted occupation therein.

(156) **NATURAL RESOURCES.** The Indiana Department of Natural Resources.

(157) **NONCONFORMING USE.** A building or premises which does not conform in its use or otherwise with all of the regulations of the district in which the building or premises is located.

(158) **NONCONFORMING USE, ILLEGAL.** A use of a building, land or premises existing at the time of the passage of the ordinance comprising this Chapter of the Code which does not conform to all of the applicable provisions of this Code nor those of any ordinance superseded by this Code.

(159) **NONCONFORMING USE, LEGAL.** A use of a building, land or premises existing at the time of the passage of the ordinance comprising this Chapter of the Code which does not conform to all of the applicable provisions of this Code but did conform to applicable provisions of any ordinance superseded by this Code.

(160) **NUDITY.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernably turgid state. (I.C. 35-45-4.1)

(161) **NURSING HOME.** Same as HEALTH FACILITY.

(162) **NURSING HOME CONVERSIONS.** A dwelling which is converted for the use of a nursing home and licensed by the State Board of Health. See HEALTH FACILITY.

(163) **OCCUPIED SPACE.** the total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

(164) **OCTAVE BAND.** A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.

(165) **OCTAVE BAND FILTER.** An electrical device which separates the sounds in each octave band and presents them to the sound level meter.

## CHAPTER 153: AREA ZONING CODE

(166) **OFFICE BUILDING.** A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations not involving any equipment other than furniture and document processing and storage facilities.

(167) **OFF-SITE PARKING.** Parking spaces which are located within the platted area and within reasonable proximity to dwelling units and supportive uses (club house, tennis courts, etc.) which they serve.

(168) **ON-SITE PARKING.** Parking spaces which are located outside the garage or carport area and are located on the individual driveway.

(169) **OPACITY.** A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed.

<u>Opacity Percent</u>	<u>Ringelmann</u>
10	0.5
20	1
30	1.5
40	2
60	3
80	4
100	5

See Definition of RINGELMANN NUMBER.

(170) **OPEN SALES LOT.** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. (Such merchandise includes, but is not limited to, passenger cars, trucks, motorcycles, boats, monuments, mobile homes, and recreational vehicles).

(171) **OPEN SPACE.** The total horizontal area of a lot excluding the building area but including parking areas and recreational areas; provided, however, in residential districts, said open space may include the useable roof area within the project which has been improved for outdoor use of occupants, plus one-half of that space, such as balconies, which may be open on its sides but not open above to the sky.

(172) **OUTDOOR RECREATION.** Outdoor recreation includes one or more of the

following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conservation clubs, Girl Scout and Boy Scout lodges or clubhouses, private parks or playgrounds, archery ranges, and other outdoor recreation uses approved by the Board of Zoning Appeals; and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse building. Outdoor recreation may be private recreational developments or outdoor commercial enterprises. (See BUSINESS.)

(173) **OVERLAPPING DISTRICT OR ZONE.** An additional zoning classification which establishes additional restrictions on the use of land and overlaps other districts on the Zone Map.

(174) **PARK MANAGEMENT.** The person who owns or has charge, care or control of a mobile home park.

(175) **PARK, PUBLIC.** A piece of ground kept for ornamental or recreational use, or an area maintained in its natural state as a public property, owned, operated, or endorsed by a governmental unit.

(176) **PARKING AREA.** An area paved with a hard surface in accordance with specifications set forth in this chapter, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

(177) **PARKING SPACE.** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways. For computing purposes, the average area of passageways shall be at least 70 square feet per space. Accordingly, the minimum total average area for a parking space is 250 square feet.

(178) **PARTICULATE MATTER.** Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

(179) **PARTY WALL OR COMMON WALL.** A single unpierced masonry wall that completely separates two separate dwelling units.

## CHAPTER 153: AREA ZONING CODE

(180) **PERFORMANCE STANDARD.** Criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.

(181) **PERMANENT FOUNDATION.** Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. (Sec I.C. 22-11-1-1.5.)

(182) **PERMANENT PERIMETER WALL.** An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of site-constructed homes, designed to support the loads imposed and extending below the established frost line.

(183) **PERSON.** A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person or persons.

(184) **PLACE.** An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

(185) **PLAN COMMISSION OR COMMISSION OR AREA PLAN COMMISSION OR COMMISSION.** The Switzerland County Area Plan Commission.

(186) **PLAN COMMISSION STAFF.** The Executive Director and any other persons the Switzerland County Area Plan Commission has employed to advise them on matters pertaining to Planning and Zoning.

(187) **PLANT NURSERY.** The growing of plants outside of a structure, intended for wholesale or retail sale.

(188) **PLANTING STRIP.** A section of land not less than ten (10) feet in width intended to contain plant materials and for the purpose of creating a visual separation between uses or activities.

(189) **PLAT.** A map or chart indicating the subdivision or re-subdivision of land,

either filed or intended to be filed for record.

(190) **PREMISES.** A lot, tract, or plat including buildings thereon, if any.

(191) **PRIVATE RECREATIONAL DEVELOPMENT OR FACILITY.** Any land area and/or facilities used or intended for recreational purposes not open to the general public and operated with or without remuneration charges.

(192) **PRIVATE SCHOOL.** Private, primary, grade, high or preparatory school or academy.

(193) **PROFESSIONAL OFFICE.** Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

(194) **PROFESSIONAL OFFICE CENTER.** An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods. Such center shall conform to the standards and requirements of this chapter.

(195) **PROFESSIONAL OFFICE IN RESIDENCE.** An office in the dwelling of a member of the following recognized professions: doctor, dentist, lawyer, engineer, and certified public accountant, provided that the professional service is performed by a member or members of the family occupying such dwelling, that not more than one additional person is employed in rendering such service, that not more than 25% of the gross floor area is devoted to such use, and that there shall not be used any nameplate or sign nor any artificial lighting or any display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a dwelling.

(196) **PROPERTY LINES.** Those lines bounding a parcel of land.

(197) **PUBLIC FACILITY IMPROVEMENTS AND INSTALLATIONS.** Those facilities and installations which are intended to be accepted for maintenance by a governmental authority or public utility.



## CHAPTER 153: AREA ZONING CODE

(198) **PUBLIC OR COMMERCIAL SEWAGE OR GARBAGE DISPOSAL PLANT.** A facility either publicly or privately owned and operated providing treatment for sewage and/or garbage disposal.

(199) **PUBLIC UTILITY INSTALLATIONS.** The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare.

(200) **RECEIVER.** A television set, radio, communication device or data input device that utilizes the signals from the earth station.

(201) **RECREATIONAL VEHICLE.** A portable vehicular structure designed as a temporary dwelling for travel, vacation and recreational uses which is either a structure mounted on an automobile or truck and designed to be used for human habitation, including sleeping, or identified on the unit by the manufacturer as a travel trailer or recreational vehicle, and is not more than eight (8) feet in width, and not more than thirty-six feet in length.

(202) **RECREATIONAL VEHICLE PARK.** A tract of land which has been developed with all necessary facilities in accordance with a site development plan meeting all legal requirements and which is for short term occupancy by recreational vehicles only. It shall include, but not be limited to, travel trailers, pick-up coaches, motor homes, camping trailers, and tents.

(203) **RESEARCH LABORATORY STRUCTURE.** A building for the accommodation of scientific research facilities such as electronics, engineering, chemical, medical and similar architectural and landscape architectural design.

(204) **RESTRICTED COMMERCIAL FARM ENTERPRISE.** An operation or use which is inherent to or closely associated with a farm or agriculture, but not including industrial grain elevators, industrial mills, abattoirs, the manufacture

of commercial fertilizer, and similar operations which are of an industrial nature. Also, a restricted commercial enterprise is any similar operation which may: (1) Cause stream pollution by the disposal of wastes discharged into streams thus endangering water supply and health, or (2) Release odors to the atmosphere beyond the boundary of the property, which may be strong and beyond the normal expectancy of a farm operation, or (3) Create any unusual or loud noises audible beyond the normal expectancy of a farm operation, or (4) Emit poisonous and injurious fumes and gases beyond the boundaries of the property, or (5) Cause the emission of smoke or particulate matter or cause any undue vibration or excessive glare or heat beyond the boundaries of the property, or (6) Because of the location of its facilities influence adversely the uses of adjacent properties, either existing or proposed.

(205) **RESULTANT DISPLACEMENT.** The maximum amount of motion in any direction. It shall be determined by means of any three component (simultaneous) measuring systems approved by the Plan Commission.

(206) **RESIDENCE DISTRICT.** The R-1 and R-2 zoning district classifications.

(207) **RETIREMENT HOME OR HOME FOR THE AGED.** Same as HEALTH FACILITY.

(208) **RIDING STABLE.** Any stable for the housing of horses which is operated for remuneration, hire, sale, or stabling; or, any stable with a capacity of more than four horses which is not related to the ordinary operation of a farm, whether or not such stable is operated for remuneration, hire, sale or stabling.

(209) **RIGHT-OF-WAY.** An area of land permanently dedicated to provide light, air and access.

(210) **RINGELMANN NUMBER.** The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC 7718) May 1, 1967, or any adaptation thereof which has been approved. The Chart illustrates graduated shades of gray for use in estimating smoke density. See Definition of OPACITY.

## CHAPTER 153: AREA ZONING CODE

(211) **ROADSIDE SALES STAND.** A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

(212) **ROADWAY WIDTH.** The paved area of a street measured from back of curb to back of curb.

(213) **ROOMING HOUSE.** A building in which is the primary residence of the owner and in which rooms are provided, for compensation, to three (3) or more, but not exceeding twelve (12), adult persons not related by blood, marriage or adoption to the owner; or which is not the owner's residence and which is occupied in its entirety by three or more adult persons not related by blood, marriage or adoption to each other. The term does not include a hotel, motel or multi-family dwelling.

(214) **ROW HOUSE OR TOWN HOUSE.** A series of two or more dwelling units, arranged side by side, separated by common walls between living areas, each unit having one or more levels.

(215) **SANITARY LANDFILL.** A solid waste disposal facility which may include an incinerator, grinder, composting facility or other State Environmental Protection Agency approved facility other than an open dump or facility for storage of contained liquid or semi-solid waste or gas, including, but not limited to environmentally harmful chemicals or radioactive materials of any type. See also definition in I.C. 13-7-22-2(b).

(216) **SEMI-NUDITY.** A state of dress in which clothing covers no more than the genitals, pubic region and/or the female breast, as well as portions of the body covered by supporting straps or devices.

(217) **SERVANTS QUARTERS.** Living quarters within a portion of a main building, or in an accessory building located on the same lot with the main building, used for servants solely employed on the premises with such quarters not being rented or otherwise used as a separate dwelling.

(218) **SERVICE DRIVE, COMMERCIAL.** A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the

rear of the building(s).

(219) **SEXUALLY ORIENTED BUSINESS. ALSO "ADULT BUSINESS."** A business or commercial establishment that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "Specified Sexual Activities" or the exposure of "Specified Anatomical Areas" or activities when one or more of the persons is Semi-Nude or in a State of Nudity, and as set forth as a special exception use in this Code. The definition of Adult Business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Indiana engages in medically approved and recognized sexual therapy. (The Tri-State Country Club, Inc., is a conforming use and is not included in the definition of an Adult Business as it currently exists.)

(220) **SHOPPING CENTER.** An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this Code.

(221) **SIGN.** (See Sec. 153.41 (B) for definition.)

(222) **SLOW BURNING OR INCOMBUSTIBLE.** Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support, combustion during an exposure for five (5) minutes to a temperature of 1200° F.

(223) **SLUDGE.** Any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(224) **SMOKE.** Small gas-borne particles resulting from incomplete combustion,

## CHAPTER 153: AREA ZONING CODE

consisting predominantly but not exclusively of carbon, ash and other combustible material, that form a visible plume in the air.

(225) **SMOKE UNIT.** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation periods.

(226) **SOIL MAP.** A National Cooperative Soil Survey prepared by U.S.D.A. Soil Conservation Service in cooperation with Purdue Experiment Station and the Switzerland County Soil and Water Conservation District, showing soil types and composition of their locations.

(227) **SOLID WASTE.** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

(228) **SORORITY, FRATERNITY, OR STUDENT COOPERATIVE.** A building providing sleeping and living accommodations for a number of usually unrelated persons and usually associated with an educational institution.

(229) **SPECIAL EXCEPTION.** Permission for a conditional use of land which is granted because certain conditions will be met. This Code specifies what these uses may be. See Sec. 153.28 for definition and requirements.

(230) **SPECIAL SCHOOL.** Any school which has as its primary purpose the instruction, care, and rehabilitation of atypical or

exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.

(231) **SPECIFIED ANATOMICAL AREAS.** Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in a discernable turgid state, even if completely and opaquely covered.

(232) **SPECIFIED SEXUAL ACTIVITIES.** "Specified Sexual Activities" shall mean and include any of the following: (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or (3) Masturbation, actual or simulated; or (4) Human genitals in a state of sexual stimulation, arousal or tumescence; or (5) Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 4 of this subsection.

(233) **STADIUM OR COLISEUM.** An amphitheater, large theater or other such facility used for public meetings, sports, exhibitions, etc.

(234) **STORAGE.** The existence of any stock, vehicles, equipment or materials enclosed or unenclosed for a period of more than seventy-two (72) hours and not for retail or wholesale display or sale.

(235) **STORAGE WAREHOUSE.** An enclosed structure used as a place for storage of goods or property.

(236) **STORY.** That portion of a building, included between the surface of any floor and surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

(237) **STORY, HALF.** That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

(238) **STREET.** A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established for public use,

## CHAPTER 153: AREA ZONING CODE

usually affording the principal means of access to abutting property.

(239) **STREET, FRONTAGE.** A street that runs parallel to the frontal street and located within the space between the building(s) and the frontal street.

(240) **STRUCTURE.** Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure which is located on land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. Structure also includes billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs, whether located on a rock, tree, separate structure or part of another structure.

(241) **STRUCTURAL ALTERATION.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

(242) **SUBDIVISION.** The division of land parcels as defined in Chapter 81 of the Code of Ordinances of Switzerland County, Indiana, the Town of Vevey, Indiana, or the Town of Patriot, Indiana.

(243) **SWIMMING POOL, PRIVATE.** A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence and not for monetary gain.

(244) **THOROUGHFARE, ARTERIAL.** A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

(245) **TOURIST HOME.** A single family building owned and occupied by a person renting out not more than three rooms for overnight accommodation for compensation to transient persons who do not stay for more than seven (7) consecutive days.

(246) **TOWN.** The Town of Vevey, Indiana or the Town of Patriot, Indiana.

(247) **TOWNHOUSE.** A two or two and one-half story dwelling, which may include a basement, and which is normally an integral part of an apartment or multi-family use as set forth in this Code.

(248) **TRADE OR BUSINESS SCHOOL.** Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.

(249) **TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT BUSINESS.** "Transfer of Ownership or Control of an Adult Business" shall mean and include any of the following: (1) The sale, lease or sublease of the business; or (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or (3) The establishment of a trust, gift or other similar legal device which transfers ownership or control of the business.

(250) **TURNAROUND.** A space on private property that permits the turning around of any passenger vehicle without the necessity of using any public right-of-way to turn around.

(251) **USE.** The employment or occupation of a building, structure or land for service, benefit or enjoyment by a person.

(252) **USE, NONCONFORMING.** See **NONCONFORMING USE.**

(253) **VARIANCE.** A modification of the specific requirements of this Code granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

(254) **VETERINARY HOSPITAL.** A facility for the practice of veterinary medicine with or without provisions for the boarding of animals.

(255) **VIBRATION.** Oscillatory motion transmitted through the ground.

## CHAPTER 153: AREA ZONING CODE

(256) **VIEWING BOOTH.** Any portion of an "Adult Business" which portion is: (1) Partially enclosed; and (2) Has a floor area of less than 150 square feet; and (3) Is designed for viewing films, motion pictures, video cassettes, computer displays, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas."

(257) **VISION CLEARANCE ON CORNER LOTS.** Also, **INTERSECTION VISIBILITY.** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting 2 points measured 15 feet equidistant from the intersection of the property lines or the property lines extended at the corner of the lot using each of the street right-of-way lines.

(258) **WASTE PRODUCTS.** Materials, which are not considered sludge or wastewater under (327 IAC 6), but are generated as waste in the production process and may be disposed of through application upon or incorporation into the soil.

(259) **WASTEWATER.** Discarded pollutant-bearing water or other liquid waste which is generated by industrial, municipal, or semi-public facilities.

(260) **YARD.** A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.

(261) **YARD, FRONT.** A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the least distance between the front lot line and the building line.

(262) **YARD, REAR.** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty percent

(30%) of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

(263) **YARD, SIDE.** A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four (4) feet, and certain accessory uses in accordance with the provisions of this Chapter. The width of the required side yard is measured horizontally at 90 degrees with the side lot line from the nearest point of the building.

(264) **ZONE MAP.** A map entitled: "Zone Map, Switzerland County, and the Town of Vevay, Indiana, and Patriot, Indiana," dated 1996, and any amendments thereto.